



#plymplanning

Oversight and Governance

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PLANNING COMMITTEE

Thursday 15 August 2019
4.00 pm
Council House, Plymouth

Members:

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Allen, Mrs Bridgeman, Corvid, Derrick, Loveridge, Morris, Nicholson, Mrs Pengelly, R Smith, Ms Watkin and Winter.

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

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

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Tracey Lee

Chief Executive

Planning Committee

AGENDA

PART I – PUBLIC MEETING

1. Apologies

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

2. Declarations of Interest

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

3. Minutes (Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 18 July 2019.

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 Service 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.

- I.1. I Galileo Close (Aldi Food Store), Plymouth, PL7 4JW - (Pages 7 - 40)
I8/01234/FUL

Applicant:	ALDI Stores Limited
Ward:	Plympton St Mary
Recommendation:	Grant Subject to S106 Obligation
Case Officer:	Mr Alistair Wagstaff

1.2. 201 Citadel Road East, Plymouth, PL1 2JF - 19/00923/FUL (Pages 41 - 50)

Applicant: Mr & Mrs Robbins
Ward: St Peter and the Waterfront
Recommendation: Grant Conditionally
Case Officer: Mr Chris Cummings

1.3. 55 Church Way, Plymouth, PL5 1AH - 19/00699/FUL (Pages 51 - 60)

Applicant: Mr & Mrs E Nelson
Ward: Ham
Recommendation: Grant Conditionally
Case Officer: Mr Macauley Potter

7. Planning Enforcement (Pages 61 - 62)

8. Planning Application Decisions Issued (Pages 63 - 78)

The Service Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued since the last meeting, 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 79 - 88)

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>

10. Exempt Business

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

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Planning Committee**Thursday 18 July 2019****PRESENT:**

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Allen (substituting for Councillor Derrick), Mrs Bridgeman, Corvid, Sam Davey, Loveridge, Lowry (substituting for Councillor Morris), Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin and Winter.

Apologies for absence: Councillors Derrick and Morris.

Also in attendance: Katie Saunders (Area Planning Manager), Julie Parkin (Senior Lawyer), Chris Cummings (Planning Officer), Chris King (Planning Officer), Jon Fox (Planning Officer), Claire Daniells (Senior Governance Advisor) and Amelia Boulter (Democratic Advisor).

The meeting started at 4.00 pm and finished at 6.08 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.

26. **Declarations of Interest**

There were no declarations of interest in accordance with the code of conduct.

27. **Minutes**

Agreed the minutes of the meeting held on 27 June 2019 as an accurate record.

28. **Chair's Urgent Business**

The Chair reported that a report seeking approval to amend the Planning Committee Terms of Reference and Code of Good Practice was being taken to the next Audit and Governance Committee meeting.

The Chair also welcomed students from the University of Arizona.

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

There were no questions from members of the public.

30. **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.

31. **8 Birch Pond Road, Plymouth, PL9 7PG - I9/00524/FUL**

Mr Shaun Bow

Decision:

Application GRANTED conditionally subject to the following condition.

(Councillor Davey proposed to include a condition to obscure a glazed side window in the extension, seconded by Councillor Corvid, was put to the vote and declared carried).

(The Committee heard from Kevin McDonald against the application).

32. **2E Pemros Road, Plymouth, PL5 IND - I9/00788/FUL**

Ms Andrea Glanville

Decision:

Application to GRANT conditionally.

(Councillor Winter proposed to include a smoking management plan in consultation with Ward Councillor's, seconded by Councillor Corvid, was put to the vote and declared lost).

(Councillor Winter wanted to record his disappointment that this was not supported by the Planning Committee).

33. **646 Wolseley Road, Plymouth, PL5 ITE - I9/00644/FUL**

Mrs Johanne Honey

Decision:

Application to GRANT conditionally.

(The Committee heard from Councillor Wheeler, Ward Councillor for St Budeaux).

(The Committee heard from Peter Stackhouse, the agent on behalf of the applicant).

34. **Planning Enforcement**

Members noted the Planning Enforcement Report.

35. **Planning Application Decisions Issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued since the last meeting.

36. **Appeal Decisions**

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

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PLANNING COMMITTEE – 18 July 2019

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	<p>8 Birch Pond Road, Plymouth, PL9 7PG – 19/00524/FUL</p> <p>Vote to grant.</p> <p>Chair used casting vote in favor of the application.</p>	Councillors Stevens, Tuohy, Davey, Corvid, Allen and Lowry	Councillors Nicholson, Mrs Pengelly, Mrs Bridgeman, Loveridge, Rebecca Smith and Ms Watkin	Councillor Winter		<p>Councillor Morris (Councillor Lowry substituting)</p> <p>Councillor Derrick (Councillor Allen substituting)</p>
6.2	<p>2E Pemros Road, Plymouth, PL5 IND – 19/00788/FUL</p> <p>Motion to add a management plan - lost.</p> <p>Vote to grant.</p>	<p>Councillors Stevens, Tuohy, Allen, Corvid and Winter.</p> <p>Councillors Tuohy, Mrs Bridgeman, Loveridge, Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry, Davey and Allen.</p>	<p>Councillors Bridgeman, Loveridge, Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry and Davey.</p> <p>Councillors Stevens and Winter</p>	Councillor Corvid		<p>Councillor Morris (Councillor Lowry substituting)</p> <p>Councillor Derrick (Councillor Allen substituting)</p>

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.3	646 Wolseley Road, Plymouth, PL5 1TE – 19/00644/FUL Vote to grant.	Councillors Stevens, Tuohy, Bridgeman, Loveridge, Nicholson, , Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry, Davey, Allen and Corvid.	Councillor Winter			Councillor Morris (Councillor Lowry substituting) Councillor Derrick (Councillor Allen substituting)

PLANNING APPLICATION OFFICERS REPORT



Application Number	18/01234/FUL	Item	01
Date Valid	17.07.2018	Ward	PLYMPTON ST MARY
Site Address	1 Galileo Close Plymouth PL7 4JW		
Proposal	Demolition of existing buildings and erection of discount foodstore (Class A1) with associated access, car parking & landscaping		
Applicant	ALDI Stores Limited		
Application Type	Full Application		
Target Date	16.10.2018	Committee Date	15.08.2019
Extended Target Date	19.08.2019		
Decision Category	Major - More than 15 Public Comments		
Case Officer	Mr Alistair Wagstaff		
Recommendation	Grant Subject to S106 Obligation		



I. Previous Officer Report and Changes is position since previous Report

This application was previously brought before Planning Committee on the 15th of March 2019. The application was deferred due to the following reason:

The reason for deferral was due to incorrect information within the report. For the Committee to make an informed decision they need to be satisfied that the report contents contain the right information. Officers to contact the applicant to suggest further information is provided by the applicant with regard to traffic and retail impact as recommended in the officer report.

This related to figures not correctly showing the cumulative impact of the proposed store and that of the Lidl store on Plymouth Road, provided below is the incorrect version and a now correct one to ensure Members were aware of the issue. These figures have however now been superseded by further information which has been based on an updated household survey undertaken by the applicants. The updated information has been used to inform the officer recommendation set out in the main body of the report.

Incorrect figures (showing scheme individual impact not cumulative impact)

Co-op, Plympton Ridgeway: -3.3%

Iceland, Plympton Ridgeway: -3.4%

Overall impact on the convenience goods sector in Plympton Ridgeway district centre: -3.0%

Chaddlewood local centre: -2.2%

Sainsbury's, Marsh Mills: -5.6%

Morrison's, Plymstock: -1.0%
Aldi, Greenbank Road: -1.0%
Morrison's, Outland Road: -1.3%
Lidl, Plymouth Road, Plympton: -32.6%

Correct Cumulative figures

Co-op, Plympton Ridgeway: -7.2%
Iceland, Plympton Ridgeway: -6.2%
Overall impact on the convenience goods sector in Plympton Ridgeway district centre: -6.1%
Chaddlewood local centre: -2.2%
Sainsbury's, Marsh Mills: -10.4%
Morrison's, Plymstock: -3.3%
Aldi, Greenbank Road: -1.8%
Morrison's, Outland Road: -3.15%

Since the previous committee there have been a number of actions taken place which have impacted the decision recommended to Planning Committee and the Policy Framework within which the application is considered. These matters are set out below and the Officer report has been amended to reflect these changes.

Joint Local Plan

Since the 15th March 2019 Planning Committee the Joint Local Plan (JLP) has been adopted on the 26th of March 2019 and as such it has formally become the Development Plan. Consequently the Core Strategy is no longer part of the Development Plan. The recommendation below is now taken in context of the JLP as the adopted Development Plan.

Plympton St Mary Neighbourhood Plan

Following a successful referendum, the Plympton St Mary Neighbourhood Plan was "made" at Cabinet on 11th June 2019. It now forms part of the Development Plan for Plymouth City Council and should be used in deciding planning applications within the Plympton St Mary Neighbourhood Plan Area.

Further Information Received

Further information has been received in relation to Retail and Highways Matters, this includes a new Highways Technical Note 2 and Retail Policy Update. An updated Proposed Site Plan has also been received, to facilitate changes required to the new roundabout layout between Galileo Close and Strode Road. The changes amend the car park and Totem sign in the North East corner of the site and include a new tree proposed and the inclusion of a timber knee rail. Further changes are made to the North West part of the site which proposes an alternative layout for parking which also includes land outside the redline boundary. These changes reduce the total proposed car parking level by 2 vehicle spaces until the area outside the red line is provided.

Following the receipt of the further information the application was re-advertised for 14 days between 25th June and 9th July 2019.

1. Description of Site

The application site is a rectangular shaped site that is located to the west of Strode Road and to the south of Galileo Close. The mainline rail line forms the southern boundary of the site and to the west is Chaplin's retail store.

The site area measures 0.78 hectares and the topography is broadly level.

The existing use of the site is as ancillary car parking for the Chaplin's store and also has a car garage operating on the site.

The area is characterised by employment and trade counter uses that are generally single storey in height. On the western boundary of the site there are mature and semi mature trees.

The site is not allocated for any development within the development plan.

2. Proposal Description

This application is for full planning permission for a new A1 supermarket which is proposed to be operated by Aldi.

The site layout has been designed so that the car parking is to the front and side of the store with the building itself positioned in the south west corner of the site.

Access into the site will be provide from Galileo Close for both customers and staff as well as delivery vehicles. A pedestrian link will be provided onto Strode Road.

In terms of use the development will provide a Gross External Area of 1,976 sq.m of floor space. This will comprise of 1,315 sq.m of A1 net sales area which is split into 263 sq.m of comparison goods and 1,052 sq.m of convenience goods.

The design of the store is single storey in scale and is a contemporary building, with a mono pitched roof and faced with grey metal cladding panels. The height of the building will be 7.5m to the eaves at the highest point. The shopfront will be formed of a 3.5m glazed curtain wall which wraps around the north-east corner of the building. A cantilevered canopy will project around the front of the building.

Externally 118 car parking spaces will be provided, four of these will be for disabled parking, two of those spaces are however not in the red line of the application site and would require separate planning consent should they be sought to be delivered by the applicant. The car park will be tarmac. Soft landscaping will be used on the perimeter of the site. Four of the existing trees will be removed with new trees planted.

A 1.8m high close boarded fence will form the southern boundary against the railway embankment and the western boundary between rear parts of the western boundary.

The proposal also includes a proposed roundabout to be delivered between Galileo Close and Strode Road.

3. Pre-application Enquiry

18/00279/MAJ - Erection of a foodstore (Class A1) with associated access and landscaping - Advised that a Sequential and Retail Impact Test would be required to be submitted to establish the principle of development, as well as to demonstrate acceptable highway impacts.

4. Relevant Planning History

07/02076/EXUS - Use of site and all buildings thereon for use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), notwithstanding condition (ii) of planning permission 43036/I dated 13 December 1972 - Approved . This application allows for Chaplin's to operate from the adjoining site. The red line boundary of the above application included the curtilage of just the store and car parking to the front of the store and did not include the Aldi application site. The site has nonetheless been used for car parking for the Chaplin's Store.

07/00294/FUL - Erection of five small employment units, on part of car park, for uses within Classes B1, B2 and B8 of the Use Classes Order 2006 - Approved.

00/01271/OUT - Outline application to redevelop, with adjoining industrial site, for Class B1, B2, B8 (business, general industrial, storage/distribution) and Class A1 (shop - non-food) uses - Withdrawn.

01/00545/FUL - Extension to premises (renewal of previous permission 0065/95) - Refused.

5. Consultation Responses

Natural Infrastructure Team

No objection subject to appropriate mitigation and assurance that the proposed off-site tree planting can be delivered and maintained:

Biodiversity:

The provided surveys and EMES provides sufficient mitigation and enhancement, however the measures to mitigate the tree loss are outside the application boundary and confirmation of their delivery will be required.

Landscape:

The current scheme represents an improvement however improvement could be made to improve the overall appearance of the site and to enhance the wildlife benefits of the site. The following information should be conditioned:

- o Soft landscape details
- o Hard Landscape Details
- o Landscape Management Plan

Local Highway Authority

Initial response:

Object to the development and recommend planning permission is refused for two reasons:

Insufficient transport modelling to ascertain impact on surrounding highway network, raise concerns over congestion in peak hours on Glen Road/ Plymouth Road.

Unacceptable impact on the local highway as a result of parking. Substantial concern over loss of parking for Chaplin's Store. Concerns over basing demand over just one survey period and level provided for Chaplin's. 75 spaces will not meet demand of around 80 spaces and more at busy periods. When combined with Aldi could lead to demand for on street parking. Also concerns over impacts should operator change (from Chaplin's) in the future. Concerns also over servicing arrangement to Chaplin's store.

Other points raised concerns over layout of proposed roundabout, support link between stores, details of cycle parking required.

Updated response 1:

Recommend refusal due to insufficient detail including no detailed traffic modelling in order to determine the impacts of the development-related trips upon the local road network and reduction in the quantum of off-street car parking provision serving the adjoining retail unit (currently occupied by Chaplin's).

Based on updated information provided scheme will generate 117 two way trips, the additional trip on Glen Road are a concern, and on the wide road network with no modelling of potential impacts.

Car parking: Chaplin's - based on updated survey average demand for 75 spaces with spaces proposed on front of the store, concerns over demand at busy period particularly when coincides with demand for Aldi. Concern increases should an alternative retailer move in which could increase demand based on floor area, a total of 201 spaces would be required.

Car parking: Aldi - based on trip data and survey of Southway store the maximum demand would be 86 spaces leaving a combined residual of just 21 spaces.

Updated response 2:

Recommend support of this application subject to conditions, a Section 106 Agreement securing off-site highway improvements and a financial contribution of £80k towards the Eastern Corridor Junction Improvement scheme.

A new roundabout is proposed which helps address capacity issues and reduce speeds. Based on updated detailed modelling:

- Junctions of Glen Road/Strode Road and Glen Road/Moorland Road operate in capacity for the 2020 pm peak, however in future years is beyond capacity with background traffic growth (7%).
- Junction of Ridgeway/Glen Road and Plymbridge Road/Glen Road shows increased queuing and congestion at this junction in the future assessment years (both with and without development). Results are considered overly robust assuming 15% traffic passing the site, in reality actual numbers of new trips will be minimal as most would be transferred from other stores and also proportion of linked trips with Chaplin's.

Potential that residential located close to proposed store e.g. (Colebrook) (Plympton St Maurice, Chaddlewood etc.) could actually lead to a reduction in trips being made along the Plymouth Road corridor and through the congested junction of St Mary's Bridge as trips transfer to Aldi from other stores.

It has been agreed that £80K contribution to Eastern Corridor Junction Improvement Scheme will be provided and while no improvement is proposed to St Mary's Bridge other improvements to the west will help improve journey times along network and this junction.

With regard to Chaplin's, a total of 78 spaces (including 4 disabled) can be provided (Secured through a S.106 obligation). Although it falls below the maximum standards, the emergence of alternative low-cost retail outlets within the Plympton area (B&M, Buyology etc.) has resulted in trade being shared across several stores and has resulted in a reduction in the number of spaces required to serve Chaplin's.

Whilst the car parking surveys indicate periods where demand outweighs supply for the majority of the time a sufficient level of car parking exists to serve Chaplin's. (Confirmed following several site visits by the Highway Authority).

In relation to Aldi, a total of 118 off-street car parking spaces are proposed which exceeds the maximum standards. With a reduction of car parking serving Chaplin's, recommend condition to fund consultation and implementation of double yellow lines along both sides of Galileo Close.

Off-Site Highway Works

The current layout of the roundabout shows very little deflection for north-south movement on Strode Road. Grampian Condition required to ensure final design and new central island crossing point to the south.

Part of the car park is Highway Maintainable at Public Expense (HMPE) and requires extinguishment under Section 247 of the Town and Country Planning Act. (Confirmed that there would be no highway objections to such).

There is sufficient space for servicing and exit in a forward gear. The servicing of the Chaplin's store is from an existing vehicular access direct off Galileo Close. This results in the servicing being kept clear of the car parking area at the front of the store.

Recommend minimum of 4 electric vehicle charging points and 12 disabled spaces, 11 cycle spaces are provided and new pedestrian route is provided through car park.

Detailed travel plan which is fully funded is also required

Public Protection Service

No objection.

South West Water

No objections subject to conditions and informatives.

Plymouth Lead Local Flood Authority

Site is located in a Flood Zone 1 (low risk) and in a Critical Drainage Area, details need to be submitted to demonstrate how drainage of the site will be managed.

Designing Out Crime Officer

Devon and Cornwall Police are not opposed to granting planning permission.

Economic Development

The submitted Joint Local Plan should form the basis for considering the application.

Network Rail

No objection in principle, subject to conditions to regulate construction.

Plympton St Mary Neighbourhood Forum

Contrary to the JLP and emerging Plympton St Mary Neighbourhood Plan, will have an impact on the retail areas of Colebrook and Ridgeway, traffic increases, impact on the parking of the Chaplin's store.

Low Carbon Officer

Scheme is acceptable subject to condition.

6. Representations

Three site notices were displayed in addition to the proposal being advertised in the local press.

A re-consultation was undertaken in January 2019 as a result of additional information being received.

As a result of the consultation 129 letters of representation have been received. A total of 88 people support the application and 29 people object to the application, with 11 neutral. This includes representation from the Co-op group and also the Plympton and District Civic Society.

The following material planning considerations have been identified as objections:

1. Highway safety, traffic generation, congestion and other traffic concerns;
2. Compliance of the proposed design with highways guidance;
3. Impacts of the proposal on other retail centres including the Co-op and Post Office at the Ridgeway including cumulative impacts;
4. Impact on other retail centres

5. Lack of need for the proposed development.
6. Inappropriate location for proposed development
7. Infrastructure constraints;
8. Lack of provision for cyclists;
9. Impact on air quality;
10. Issues and concerns over the technical assessment of both retail and highways information.

Support:

1. For employment;
2. The roundabout proposed would ease congestion;
3. Improve customer choice;
4. Increased trading hours;
5. Reduce need to travel and reduce bottle necks;
6. Improve the appearance of the empty site;
7. More jobs.

A further letter of support was received after the initial Planning Committee meeting relating to the retail offer provided.

A further consultation was undertaken following the receipt of the further information and was re-advertised for 14 days between 25 June and 9th July with 4 site notices displayed and press notification.

2 further objections received from members of public who had already commented on the application. An additional response from the Co-op group was also received

Points raised - oppose the application, previous concerns raised have not been addressed, raise concerns raised over:

- Impacts on quality of life
- Transport impacts.
- Concerns over new transport statement and capacity and junction being breached and delays.

Points raised by Co-op - raise concerns over further information and its robustness to consider the schemes impact, concerns over schemes impact, consider it would be over 11%, concerns over location and impact on surrounding network of centres. Concerns over locations of trade being drawn from.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

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

Development Guidelines SPD 2013;
Planning Obligations and Affordable Housing Supplementary Planning Document 2012;
Plympton St Mary Neighbourhood Plan 2019.

8. Analysis

Principle

8.1 This application has been considered in the context of the development plan - the Joint Local Plan, the Framework and other material policy documents as set out in Section 7 including the Plympton St Mary Neighbourhood Plan.

8.2 The principle issues in relation to this application are considered to be establishing the retail use of the site, how the development relates to the character and appearance of the area, and the impacts the development will have on the local highway network, drainage and surface water and low carbon infrastructure. These matters are extensive and are covered in the sections set out below.

8.3 The key policies to consider with this application are identified below:

Joint Local Plan (JLP)

SPT1 (Delivering sustainable development);

SPT2 (Sustainable linked neighbourhoods and sustainable rural communities);

SPT5 (Provision of Retail Development);

SPT6 (Spatial provision of retail and main own centre uses);

SPT14 (European Protected Sites - mitigation of recreational impacts from development);

DEV1 (Protecting health and amenity);

DEV2 (Air, water, soil, noise and land);

DEV16 (Providing Retail and Town Centre Uses in Appropriate Locations);

DEV18 (Protecting Local Shops and Services);

DEV19 (Provision for Local Employment and Skills);

DEV20 (Place shaping and the quality of the built environment);

DEV26 (Protecting and enhancing biodiversity and geological conservation);

DEV29 (Specific provision relating to transport);

DEV32 (Delivering Low Carbon); and

DEV35 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

Plympton St. Mary Neighbourhood Plan

PSM5 (Increasing opportunities for sustainable travel)

PSM6 (Primary shopping areas)

PSM7 (Accessibility of business development)

8.4 The national requirements set out on the National Planning Policy Framework (NPPF) and supporting guidance in the Planning Policy Guidance are also relevant.

Retail Considerations

8.5 There are three main areas of retail planning policy. The first is retail strategy, the second sequential test, and the third retail impact test. This section considers each issue in turn.

Spatial Strategy

8.6 The Council has a long established retail spatial strategy in the City which seeks to support a retail hierarchy of City, District and Local Centres across Plymouth. This is achieved through Policies SPT2 Sustainable linked neighbourhoods and sustainable rural communities, SPT5 Provision of retail development; SPT6 Spatial provision of retail and town centre uses, DEVI6 Providing retail and town centre uses in appropriate locations, of the emerging Plymouth and South West Devon Joint Local Plan.

8.7 These policies seek to maintain the vitality and viability of existing centres within the hierarchy and to maintain the role and function of the centres to ensure they can continue to provide services to the communities in which they serve. Clearly the provision of new floor space outside the centre could change shopping patterns and therefore reduce the footfall of existing centres and undermine both the vitality and viability of a centre. These concerns have also been expressed in the letters of representation.

8.8 The proposed store will be located in an out of centre location within the Plympton ward of the City, also known as Zone 7 within the Plymouth Retail Study 2017, this is relevant as it identifies an established retail catchment and allows for a understanding of retail shopping patterns to be understood within the evidence base. The Council's Joint Local Plan is informed by the Plymouth Retail Study 2017, which identified that there is not a quantitative need for new convenience floor space (food retail) until much later within the plan period, with a need of just 244 sq.m in 2026, increasing to 1,923 sq.m by 2034 across the City as a whole. Therefore there has been no additional floor space allocated for convenience floor space based on a quantitative need. The only provision of new floor space for convenience retailing within the JLP are in Derriford and to the west of the City to meet qualitative need. While retail need is not part of the consideration in determining applications it none the less is important in how the Council has planned the retail strategy for the city.

8.9 The retail hierarchy within Plympton is formed by the Ridgeway District Centre which has a main food/convenience shopping role, and a series of Local Centres at Chaddlewood, Colebrook, and Stone Barton. In addition (although not part of the Hierarchy) there are a series of smaller out of centre convenience stores such as Tesco Express stores at the junction of Plymouth Road, Glen Road, and Ridgeway, and Glen Road and Westfield. As well as larger out of centre supermarkets operated by Sainsbury's at Marsh Mill's and a new Lidl store on Plymouth Road which was granted planning permission in 2015 and subsequently began trading.

8.10 The Ridgeway District Centre is at the top of the retail hierarchy within this part of the City and given the lack of evidence for quantitative or qualitative need and the provision of convenience floor space within Plympton no allocations for new convenience floor space have been allocated within the JLP in this catchment, the focus therefore within this part of the city is upon the strengthening of the existing District and Local Centres as set out in Policy SPT6 of the JLP, and the role they perform in relation to the surrounding communities in relation to Policy SPT2. In considering the application the impacts of the proposal need to be weighed against the retail strategy and importantly how and if it will impact on the health, vitality and viability of the centres and the role they fulfil to the wider communities they serve. Within the local area there has been significant changes in the retail catchment of Plympton since the evidence base for the JLP was compiled, notably the opening of the Lidl Store on Plymouth Road. This application was approved under reference number 15/01777/FUL and provided 2,745 sq. m (gross) of new retail floor space.

8.11 In addition to the local policy considerations at a national level Paragraph 86 of the NPPF identifies that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and

only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.12 Paragraph 89 of the NPPF identifies that when assessing applications for retail and leisure development outside town centre, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sq. m of gross floor space. This should include an assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). The JLP has set a locally applicable floorspace threshold of 500 sq. m, this will be discussed further in a subsequent section of this report.

8.13 Paragraph 90 of the NPPF identifies that: "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact it should be refused". These national requirements are also reflected in the local policies of the Joint Local Plan and while considerations in their own right also help understand and determine what contribution or impact the proposal will have on the Council's Retail Strategy.

8.14 At a local level Policies SPT6 DEV16, DEV17 and DEV18 of the Plymouth and South West Devon Joint Local Plan are the principle policies that consider proposals for new retail floor space. As this proposal is for an out of centre supermarket the key policies are DEV 16 (Providing retail and town centre uses in appropriate locations), as well as Policies SPT5 (Provision for retail development) and SPT6 (Spatial provision of retail and town centre uses).

8.15 The above Policies set the framework for how planning decisions are taken when considering proposals for new retail development. The hierarchy in the Plymouth Policy Area is built around district and local centres. The primary purpose of a district centre is to provide a range of shopping needs to a district of the City, with provision especially for weekly shopping trips. The objective of local planning policy is to enhance consumer choice and strengthen the vitality and viability of district and local centres.

8.16 Policy DEV16 of the JLP sets out the detailed consideration for retail proposals which identifies that proposals will be assessed against their support for the spatial strategy, as set out above. It also requires that proposals for main town centre uses in out of centre locations, such as this, should be supported by a sequential test that demonstrates that there are no sequentially preferable suitable and available sites within or on the edge of an appropriate centre.

8.17 In addition Policy DEV16 (3) requires retail proposals in edge or out of centre locations to be supported by an impact assessment where more than 500 sqm (gross) of retail floor space is provided in the Plymouth Policy Area. Any proposal which would have a significant adverse impact on the investment in and/or the vitality of an existing centre or prejudice the deliverability or investment in a proposed centre will not be permitted.

8.18 It is therefore clear that as this is an out of centre location the application is required by both national and local policy to be supported by a sequential test. As 1976 sq. m of gross floor space is proposed this is beneath the default threshold of paragraph 89 of the NPPF 2019 that requires a Retail Impact Assessment (RIA). However through Policy DEV16 of the JLP a local threshold of 500 sq. m has been set. Therefore the application has been submitted within a RIA and additional retail evidence has also been submitted.

8.19 Before reaching a conclusion on where the proposal accords with the Retail Strategy set out in the JLP, it is first important to consider both the sequential test and impact assessments as these form a key component of how the proposal does or does not fit with the wider strategy.

Sequential Test

8.20 The first planning policy tool for guiding retail developments is the sequential test.

8.21 As already identified paragraph 86 of the NPPF identifies that main town centre uses should be located in town centre locations, then edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.22 Policy DEV16 (2) requires that all proposals in edge and out of centre locations are supported by a sequential test which demonstrates that there are no sequentially preferable sites that are suitable and available. The policy requires that the applicant demonstrates flexibility in assessment of sites.

8.24 Case law is also important to consider when considering availability and suitability. The Mansfield (Aldergate Properties Limited and Mansfield District Council and Regal Sherwood Oaks Limited) set out principles to consider.

8.25 In applying the sequential test the first stage is to set the Primary Catchment Area. This is important as it defines the area in which to search for other sites in, in or an edge of centre location.

8.26 The applicants have identified that the Primary Catchment Area (PCA) for this proposed store will be Plympton and that this is an out of centre location. In the Plymouth Retail Study 2017 this is known as Zone 7. Given the alignment with Zone 7 study officers have accepted this PCA.

8.27 As discussed above within the PCA there are the following Centres within the Council's retail hierarchy as defined by Policy SPT6 and figure 3.7 of the JLP: Ridgeway District Centre, Stone Barton Local Centre, Colebrook Local Centre, and Chaddlewood Local Centre.

8.28 The applicants have identified the retail requirements in terms of net sales area, no specialist counters or ancillary services, car parking, and site area. Flexibility has also been applied in terms of site area, which is 30% smaller than required. Officers have accepted this degree of flexibility and this has shaped the review of relevant sequential sites.

8.29 Section 5.19 to 5.35 of the submitted Planning and Retail Statement has reviewed sites within the PCA. The conclusions were that the majority of the assessed sites were either not available or unavailable within an appropriate timeframe. Some of the sites were existing car parks for the centres and these were considered to have an unacceptable impact on the role and function of the town centres, and the sites had land ownership, access, and surrounding land uses which resulted in the sites being undeliverable.

8.30 The submitted sequential test has been assessed by officers together with the degree of flexibility. Officers have accepted the degree of flexibility and also accepted that there are no sequentially preferable suitable or available sites within or on the edge of a centre within the PCA. It is therefore concluded that both the requirements of paragraph 86 of the NPPF, and Policy DEV16 (2) of the JLP have been met and the development accords with these policies.

Retail Impact

8.31 A key consideration in delivering the spatial strategy for retail development, as set out in the JLP is the need to ensure out of centre development does not harm existing centres. The retail

impact of a new supermarket of this scale therefore clearly needs to be carefully considered and the assessment of impact based upon robust evidence. This point has been raised in letters of representation and there is a concern over how this proposal would impact the surrounding network of centres and the stores within them.

8.32 The provision of a new supermarket of this scale therefore needs to be carefully considered in relation to shopping patterns within this part of Plympton which forms the primary catchment area for the proposal and the impact this will have on both the vitality and viability and investment in nearby 'town centres'.

8.33 The significance of shopping patterns and town centre health is particularly important in this part of Plymouth given the new Lidl store on Plymouth Road which has recently opened and has the potential to have materially changed shopping patterns in the area. The Lidl store opened after the Plymouth Retail Study 2017 was undertaken and the actual impacts of this store on shopping patterns and town centre health are therefore not fully understood based on this evidence base.

8.34 The issue has been significant concern of both the LPA, their advisers Avison Young (AY) and also the Co-op group and others in their letters of representation. This relates to how the opening of the Lidl store may have changed local shopping patterns and as such raised concerns over whether the level of impact shown in the applicant's original retail impact assessment document was reliable enough to make an informed decision on the impact of the proposed Aldi supermarket on the health of nearby centres. When the application was previously taken to Planning Committee officers did not consider that up-to-date evidence was available to properly consider the impact the scheme would have and, at that time, the applicants had declined to provide updated information (including a new household survey).

8.35 Since this time the applicant has now undertaken a new household survey with the input of the Council and their advisor AY, to ensure it provided relevant data to inform the proper detailed assessment of the scheme's impacts in the context of the changes in shopping patterns following the opening of the Lidl store.

8.36 As a result of the applicant's updated impact assessment, these impacts have been reconsidered and the base shopping patterns data now includes the Lidl store on Plymouth Road. The applicant's forecast impacts on the convenience goods turnover of surrounding stores and centres is as follows:

Co-op, Plympton Ridgeway: -3.3%

Iceland, Plympton Ridgeway: -2.9%

Overall impact on the convenience goods sector in Plympton Ridgeway district centre: -2.9%

Chaddlewood local centre: -2.2%

8.37 As set out above, it is important to state that a direct comparison between the previous figures (provided at the beginning of this report) and the updated ones is not meaningful given the two are considering two different baseline figures, given that the Lidl is now a functioning part of the retail offer when the updated householder survey was undertaken. It is important to state that just because the Lidl Store is now part of the baseline figures that officers are still considering the impacts on the in centre offer.

8.38 The updated information submitted has been fully considered by officers and AY who provided advice on retail matters to the Council during the earlier stages of considering this application prior to the previous committee. This has included reviewing all the updated information

submitted by the applicant and further data from the household survey has been requested from the applicant. A further letter of representation has also been received by the Co-op group providing their views on the updated information, and indicating a concern over the information presented by the applicant and whether it presents an accurate reflection of the likely impact of the proposed store.

8.39 In their latest advice to the Council, AY have raised a number of concerns with the data and analysis provided by the applicant. This includes that the decision by the applicant not to use all of shopping patterns data from the new household survey commissioned by the applicant. The applicant's new survey covers Zones 4, 7 and 9 from the 2016 Plymouth Retail Study (at the request of City Council officers and AY, as this reflects the likely catchment of the proposed store and Plympton Ridgeway district centre) but the applicant's analysis only utilises data for Zone 7 (which covers the Plympton area only) and relies on more historic data for outside of this area. AY also observe that the applicant's latest assessment does not provide a forecast pattern of trade draw which the Planning Practice Guidance recommends forms part of any retail impact assessment.

8.40 As a consequence of the above, AY have provided their own assessment of the likely financial convenience good impacts of the scheme utilising the updated survey information provided by the applicants. AY have taken a different approach to the applicant, utilising the data from not just survey zone 7 but also that from zones 4 and 9.

8.41 AY have focused their assessment on considering the trade diversion and impact on district and local centres in the local area in and around Plympton. This is considered a robust approach focusing consideration on the impacts of the proposal on centres and their stores from the local residents. This aids in the understanding of the proposal on the centres and their role which is a key consideration in understanding the impacts on the retail strategy for the area.

8.42 AY have advised that the impact of the proposed Aldi store is likely to be as follow:

Co-op, Plympton Ridgeway: -10.87%

Iceland, Plympton Ridgeway: -6.05%

Overall impact on the convenience goods sector in Plympton Ridgeway district centre: -9.01%

8.43 The revised assessment provided by AY indicates that the likely direct financial impact upon the Ridgeway district centre is likely to be higher than suggested by the applicant. These differences relate to an increased level of impact on the Co-op, Iceland and other convenience goods in the district centre at the Ridgeway.

8.44 For example whilst the applicant envisages £0.23m of convenience goods trade diversion from the Co-op store, AY's independent assessment considers it more realistic to assume that the loss of trade would be £0.73m. AY also raise concern with some assumptions with the applicant's statement, including the suggestion that there will be no material overlap in trade between the Aldi and the Co-op stores.

8.45 The impact forecast by AY is similar to that indicated by the Co-op in their letter of representation which is three times higher than that considered by the applicant. This level of impact needs to be carefully considered. In relation to the current trading of the Co-op, AY have advised that 'We do not consider that the Co-op can be classed as an under-trading store as it would appear to remain popular, particularly amongst basket shoppers and we would also note that the two objections from the Co-op have not raised any future viability concerns.'

8.46 AY have also advised that, based on their assessment, the Iceland store has suffered little impact from the opening of the Lidl store and continues to trade well and there is no suggestion that the future viability of the Iceland store is of concern.

8.47 Turning now to the combined impact of both the proposed Aldi store and the recently opened Lidl on Plymouth Road, AY have calculated (using, in part, data from the 2016 Plymouth Retail) that the convenience good impact on Co-op in Plympton district centre will be circa -14.4% and the combined impact on the Iceland will be -9.0%. Based upon their professional opinion AY consider that this impact is acceptable and have no obvious reasons for concern over future stores closures.

8.48 The applicant's 2019 household survey also included, at the request of City Council officers and AY, data on linked trips associated with main food shopping trips. The applicant's latest information does not provide any analysis of this data and therefore AY have undertaken their own assessment in order to understand what contribution in-centre and out-of-centre foodstore make to the overall health of the Plympton district centre. Having reviewed this data AY advise that:

'There is a mixed picture in terms of the contribution that in-centre and out-of-centre stores make towards linked trips associated with Plympton district centre.

There is the suggestion that the Co-op and Iceland stores make a greater linked trip contribution to the district centre although the available data suggests that this is not materially different to the contribution that out-of-centre stores make to the district centre.'

8.49 As a consequence of their assessment AY consider that the proposed ALDI store is likely to have an adverse impact upon the health of Plympton district centre but the scale of this impact is unlikely to be classified as significantly adverse which is the test in paragraph 90 of the NPPF. They are also satisfied that the proposal would not result in a significant adverse impact on the wider network of centres with the only impact being on Chaddlewood with a 3% impact.

8.50 Having reviewed in detail all the evidence provided, a balanced consideration needs to be made, officers are satisfied that in relation to the wider network of centres that the proposal will not adversely affect these locations. The Ridgeway and central role it fulfils is a more balanced consideration. Leaving aside the technical assessment, since the Lidl has opened the Ridgeway has continued to function and serve the community as a central hub for services, facilities and the retailing needs of the wider community. With the potential opening of the proposed store it is clear that as shown by the evidence that a further amount of trade and as such shoppers will be drawn to the potential new store. This will have an impact on the Ridgeway, officers are however satisfied that the potential impacts of this will not be so significant that it would undermine the role and function of the centre and that the proposed levels of impact envisaged by AY are reasonable. It is also the case the convenience goods only makes up a percentage of the range of goods and services which the centre provides and officer do not consider that there would be any substantial impacts beyond that of the convenience goods and the role it preforms within the centre. It is therefore the case that the level of impact on the whole network of centres is considered acceptable in relation to both the vitality and viability of those centres and also investment within them. The concerns set out in the letters of representation have been fully considered as part of this and officers have been mindful over the future health and investment in the centres in drawing their conclusion. In reaching this view it is acknowledged that the scheme will have a negative impact on the network of centres and stores within them however it is important to note that the test set by paragraph 90 of the NPPF is whether a scheme would have a significant adverse impact. It is the view of officers that the impact of the scheme will not be significantly adverse.

Neighbourhood Plan

8.51 The site is located within the Plympton St Mary Neighbourhood Plan Area and the neighbourhood plan has now been adopted. The Plympton St Mary Neighbourhood Plan recognises the importance of the Ridgeway as an important shopping area. Policy PSM6 Primary Shopping Areas seeks to support A1 and A2 uses within District and Local Centres.

8.52 The Plympton St Mary Neighbourhood Forum Committee have objected to this application, amongst other objections, this includes the impact on both Local and District Centres. While these concerns are noted officers as set out above do not consider the proposal will have a significant adverse impact on the Ridgeway district centre or the other local centres in the catchment area.

Conclusion of Retail Policy considerations

8.53 This area of Plympton has seen considerable and significant changes within the convenience goods market in recent years, notably through the opening of 2,745 sq.m (gross) of new floor space at the Lidl on Plymouth Road. It is important that the impact of this new floor space on the role and function of the retail hierarchy has been fully considered. It is for this reason that officers have required a more up to date assessment to ensure that the scheme's impact and that of the now open Lidl store would have. Based upon an updated assessment and that provided for the Council by AV, both based upon a new household survey, officers consider that the impacts of the scheme are acceptable and is not likely to result in a significant adverse impact on the health, vitality and viability and investment in the Ridgeway District and the network of Local Centres within the retail catchment. Officers are furthermore satisfied that there are not any sequentially preferable sites.

8.54 Consideration therefore needs to return to the Council's retail strategy. Given that the sequential test is considered to have been passed and the proposal is not considered to have a significant adverse impact on the network of centres health, vitality and viability or the investment in the centres. In relation to the Retail Strategy of the JLP, officers are of the view that while the proposal would not necessarily help deliver the Retail Strategy given that the proposal is not strengthening the network of centres, officers do not consider that the proposal would undermine the strategy of the JLP and that the network of centres will still continue to function and serve their communities. In this regard officers are satisfied that the proposal would not restrict, in accordance with SPT2, communities having access to vibrant mixed use centres, i.e. the existing network of centres. It is therefore on balance concluded that the proposal is acceptable in retail terms and does not conflict with the requirements of policies STP2, SPT6, and DEV16 of the JLP and the requirements of the NPPF.

Highways and Parking

8.55 As with any proposal it is important to consider the impacts the proposal will have in relation to the surrounding highway network, sustainable transport and satisfactory parking provision, in line with the requirements set out in policies DEV29 SPT9 and SPT10, of the Joint Local Plan, PSM7: Accessibility of business development of the Neighbourhood plan and the NPPF. Highways impacts have been an area of concern in the letters of representation in relation to the impacts of the proposal on the surrounding highway network. During the application significant areas of concern have been identified in highways terms by the LPA and Local Highway Authority and the applicants have provided further information including parking surveys, trip generation and highway modelling. At the point of going to the previous Planning Committee there remained outstanding concerns. Following this the applicants have provided further detailed modelling and also a revised layout which has been the subject of further consultation.

Trip Generation

8.56 Given initial concerns raised, in order to provide a more robust assessment of the traffic impacts of the proposed Aldi store, a traffic survey was carried out at the Aldi store by the applicants which recently opened at Southway. The results of this survey highlighted a two-way (i.e. traffic travelling to and from the store) pm (1700-1800) peak hour trip rate of 11.292 trips per 100 sq. m. Whilst it is accepted that food retail stores do generate some trips during the am peak hour, the greatest level of impact is during the pm peak and consequently much of the focus is on this time period.

8.57 On the basis of the above-mentioned trip rate, the proposed Aldi store at Plympton would generate 224 two-way movements during the pm peak. The distribution of these trips were assigned to the network on the basis of the Retail Impact Assessment and various assumptions made regarding the percentage of trips that were already on the network (this is often the case with food stores as they generate very few 'new' trips and instead result in a redistribution of existing trips through pass-by/diverted etc.).

8.58 On the basis of the agreed assignment of trips the food store will lead to an additional 117 two-way movements on Glen Road and 70 on Plymouth Road. The impact of the additional trips upon Glen Road are of particular concern as this corridor does suffer from congestion and queuing traffic during the pm peak hour, with vehicles often stacking-back from the St Marys Bridge junction as back as far as Strode Road. This point has been raised in the letters of representation and by the Local Highway Authority.

8.59 At the point the application was previously considered by Planning Committee no detailed traffic modelling had been undertaken to understand the potential traffic impacts that these extra trips will have upon the operation of the local road network (including junctions which are known to be over-capacity such as St Marys Bridge) and whether or not it will lead to increased queuing and congestion. Following the deferral of the application from the Planning Committee the applicant has provided further transport information which considered the impacts of the proposal on the surrounding highway network. This has been reviewed in detail by the Local Highway Authority and aids in understanding how trips will impact the network and its junctions. The evidence submitted for the junctions of Glen Road/Strode Road and Glen Road/Moorland Road for the 2020 pm peak in the opening year reveals that all of the junctions continue to operate within their theoretical capacity with the new trips, however in future years the majority of the junction arms would operate beyond their capacity (7% in total). With regard to the junction of Ridgeway/Glen Road and Plymbridge Road/Glen Road (known as St Marys Bridge), the results of the modelling work shows increased queuing and congestion at this junction on most of the arms in the future assessment years (both with and without this development).

8.60 While these impacts are a potential concern the Local Highway Authority has advised that the modelling is considered overly robust. As it assumes only a 15% reduction for vehicles already on the network and in reality many of the trips to the store will be transferred from trips already on the network e.g. people travelling to the other retail stores and a degree of linked trips with Chaplin's. The Local Highway Authority goes on to advise that based on the Retail Impact Assessment a third of customers to the store will be from the Plympton Neighbourhoods and a number of the trips from these areas will be diverted from other stores. As such in relation to trips from areas such as Colebook, Plympton St Maurice, Chaddlewood etc. it is feasible that the store could reduce trips along the Plymouth Road corridor given a number will visit the Aldi rather than stores such as Sainsbury's. Given this position officers are satisfied that the impacts on the network in future years, while negative, these would not be as severe, which is the test set in para 109 of the NPPF. However given these impacts it is important that a £80,000 S106 contribution is secured towards the Eastern Corridor Scheme as mitigation for the scheme's impacts. This scheme is proposed to improve the junction along this corridor and is due to commence in Summer/Autumn 2019 and as such benefits

would be in place before the capacity issue develops. The contribution would complete the required funding for the scheme.

8.61 As part of the proposed scheme a new roundabout between Galileo Close and Strode Road has been proposed which the Local Highway Authority has noted will help with vehicles exiting Galileo Close. It has however advised that the preliminary design does not do enough to avoid congestion for vehicles going in a north south movement along Strode Road and that this will need to be further investigated and the final scheme delivery secured through a Grampian condition. It has also been advised that a new central reservation should be provided which aligns with the pedestrian route in to the scheme to provide safer crossing facilities. This will also be included as a condition.

Car Parking

8.62 With the proposed food store being located on an existing overflow car park which serves the adjoining Chaplin's retail unit, car parking is a key issue in respect of the determination of this application in relation to the existing use and also the proposed store.

Chaplin's Parking

8.63 At present Chaplin's is served by 204 off-street car parking spaces with around 40 spaces provided in the area immediately in front of the existing building and a further 160+ spaces located within the adjoining overflow parking area. On the basis of the current retail floor area of Chaplin's (4,736 sq. m. of A1), a total of up to 201 off-street car parking spaces would be required to serve it by applying the maximum car parking standards as outlined within the Development Guidelines SPD.

8.64 As part of considering the proposal in transport terms it is important to consider the existing use of the land and the relationship to the adjoining property Chaplin's. The existing land use is for overflow car parking for the adjoining Chaplin's store as well as an additional car servicing/sales use. The adjoining Chaplin's store is an A1 use. This was confirmed through a 2007 application for a Certificate of Lawful Development (application 07/02076/EXUS) with a red line site boundary just around the Chaplin's Store site and not the application site.

8.65 A legal view has been sought on application 07/02076/EXUS and this has confirmed that unless there has been a material change to take the use outside of the classification of A1 land use then the Chaplin's site as described in application 07/02076/EXUS is for an open A1 use.

8.66 This is significant as the Chaplin's store provides 4,736 sq. m of floor space, and there are no restrictions on the range of goods that could be sold. It is also the case that as the red line does not include the application site there is no operational control over it nor is it a formal part of the planning unit. It is therefore the case that the car park which is currently on the application site could be closed or cease operation. This is a material consideration which needs to be considered as part of the application.

8.67 Car parking surveys at Chaplin's have been undertaken by the applicant's traffic consultant both in April 2018 and over two weekends on the lead-up to Christmas (this traditionally being one of the busiest periods of the year for retailers). The average of the results of these surveys indicated that Chaplin's generated demand for around 75 spaces, with the highest number of parked vehicles recorded being 89 which occurred at 11am during the survey undertaken on the 24th April 2018. It was noted that due to the relatively poor layout of the area at the front of the store, most of the car parking occurred on the overflow area.

8.68 In order to address the loss of the use of the overflow car parking area it is proposed to make better use of the existing car parking area in front of Chaplin's by re-marking the bays and

altering the layout. These changes would result in creating a car parking area of 75 spaces which would address the average car parking demand generated by Chaplin's.

8.69 As clearly indicated by the result of the car parking surveys, there will be times when Chaplin's will require more than 75 spaces proposed at the front of the store. During the survey undertaken in April 2018 only once between the hours of 11am and 4pm were there less than 75 spaces recorded; the remainder of the time there were more than 75 cars that were parked on-site.

8.70 Whilst the applicant's traffic consultant has rightly stated that there would be a linking of trips between Chaplin's and Aldi (and therefore customers visiting Chaplin's could park in Aldi's car park and vice-versa) it is likely that peak periods of activity at each of the retail units would coincide (Easter, Christmas etc.) so both car parks would be busy at similar times, thereby reducing car parking availability.

8.71 Of increased concern to the Highway Authority is the possibility of an alternative retailer moving into the Chaplin's site which would generate a greater demand for car parking over and above the 75 spaces identified. This could lead to customers parking on-street along Galileo Close and Strode Road giving rise to highway safety concerns. Chaplin's have confirmed that as a result of a gradual decrease in sales over the past 10 years that they consider the total of 75 car parking spaces sufficient to meet their needs moving forwards. If an alternative AI retailer occupied the store the 75 proposed spaces represent just 37% of the number of spaces required to serve this use based upon existing retail floor area. Officers have considered the potential for other retailers to re occupy the existing store, it has an unusual layout including a separate garden centre and outside sales, internally the building is also subdivided into sections representing the ad-hoc evolution of the store as it has grown and been extended. Given these points it is unlikely that high trip generating uses such as a supermarket or clothes shop would occupy the existing unit and as such the future concern is more limited and were such a use be interested in taking over the site redevelopment would likely to be required and as such parking would be a consideration in any future application. It is also the case that given the certificate of lawfulness there is little in planning terms that can be done regarding this situation. However as stated above as part of the application it has been negotiated that revised and increased car parking will be provided on the Chaplin's site which will be secured by a S106 agreement signed by Chaplin's and Aldi.

Aldi Parking

8.72 Based upon application of the maximum car parking standards a total of 103 spaces would be required to serve Aldi. Therefore the 118 spaces which are proposed as part of the scheme are considered to be sufficient, acknowledging the revised layout would reduce this to 116 until such time as the land outside the redline boundary has been provided. It is also the case that on the basis of trip data derived from traffic surveys carried out at the Aldi store at Southway, a car parking accumulation assessment has been undertaken which suggests that the maximum parking demand at the proposed store would be 86 vehicles and this occurs at midday.

8.73 In relation to both areas of parking taken together it is considered that in principle the parking to be provided would on balance be acceptable, however the Local Highway Authority remains concerned that at busy times there could be an increase in on street parking. It has therefore recommended that the applicant should fund consultation on the use of yellow lines in Galileo Close and if required their implementation. It has also recommended that 11 secure Cycle spaces are provided and 12 disabled spaces on the Aldi proposed site. Given the issues with parking it is also the case that encouraging trips to and from the store by sustainable means of transport is important and as such a Travel Plan will be required to facilitate this. The applicant has also proposed two electric charging points be provided and the local authority has request an additional two. Following negotiation with the applicant it has been agreed that two operational spaces would

be provided with a further four enabled for future activation. A trigger for this will be included in the required travel plan for the store.

8.74 Having carefully considered the proposal and the updated information submitted by the applicants, the letters of representation and advice of the Local Highway Authority, officers consider that the proposals in highways terms are acceptable and will not result in a severe impact on the Highway network. This is subject to detailed conditions, and a S106 requirement for the revised car parking on the Chaplin's Site, and is in line with the requirements set out in policies DEV29, SPT9 and SPT10 of the JLP, PSM7 of the Neighbourhood Plan and the requirements of the NPPF.

Amenity

8.75 The site is located in an area that is characterised by employment and retail uses. There are a number of residential properties located to the north of the site. However given the existing character of the area it is not considered that this development will result in any significant loss of residential amenity.

8.76 A number of letters of representation have raised issues of air quality that could be impacted upon by this development. The site is not located in an Air Quality Management Area. A consultation response has been received from the Council's Public Protection Service and they have not raised concerns over the impacts of the scheme's operation, they have however raised concern over the potential impacts of the construction process and as such have recommended that a Code of Practice for Construction is produced to help manage and mitigate the impacts on the surrounding areas. Having considered the proposal and the relationship to the surrounding residential areas officers are satisfied that the proposal would be acceptable, subject to conditions and would accord with Policies DEV1 and DEV2 of the JLP.

Design

8.77 The area is typically characterised by single storey commercial development and the site is screened from Strode Road by some mature trees. The layout of the proposed store will see it positioned in the south west corner of the site with access provided to the north from Galileo Close. The position of the store will see the building adjoin roughly the position of the adjoining Chaplin's store, this establishes a building line that is compatible with the character and appearance of the area.

8.78 To the front and side of the store will be surface level car parking and signage on the corner of Strode Road and Galileo Close. The application was discussed with the Council's Urban Design Officer who supports the design approach to the proposal given the character and appearance of the area, subject to details of materials being submitted. The Local Highway Authority has however raised concern over the lack of pedestrian routes through the carpark, given this concern the final layout of the parking will be conditioned to allow a route way through.

8.79 The building will be constructed from a contemporary materials with metal cladding and a mono pitched roof. A 3.5m glass curtain wall shopfront to provide an active frontage. The glazing will wrap around the north-west corner of the building which is the most prominent corner.

8.80 The Designing out Crime Officer has reviewed the plans and not identified any areas of concern.

8.81 The proposed development will provide an attractive building which is compatible with the character and appearance of the area. It is however also important to not just consider the building but the wider site layout and landscaping. The layout of the site is in principle supported and represents a logical approach however there are areas of concern which need to be addressed should the scheme be approved.

8.82 Firstly the site's red line does not include part of the site on the entrance on the northwest corner of the site. While a scheme is shown on that part of the site which is considered acceptable, as it is not within the application site or blue line it would require its own planning consent. It is therefore (as set out in the transport section above) important that an acceptable arrangement is delivered, on this basis a condition is recommended to require an acceptable scheme including gaining relevant consents to be implemented prior to the opening of the store. Following the discussion with the applicants they have raised concerns over the requirement for this land (which is currently HMPE) to be stopped up as highway and that this might impact such proposals. It is therefore considered that there could be a temporary arrangement created which would improve this area visually and this will also be included as an option in the condition wording.

8.83 Secondly the Natural Infrastructure Team has raised a number of concerns including the need to improve the landscaping scheme and also raised concerns that part of the tree planting proposed is outside the site boundary again on Highway Maintainable at Public Expense (HMPE). As such the trees shown could only be provided as part of a S278 agreement and also any requirement for maintenance would be the responsibility of the Highway authority. As such an informative will be added to ensure the applicant is aware a S278 agreement is required to provide the trees and landscaping to complete their landscaping strategy and that this will also require a maintenance sum to be provided.

8.84 Subject to these matters being addressed by condition, officers consider that the design of the scheme is acceptable and the development will therefore comply with Policy DEV20 of the JLP.

Ecology

8.85 The application was submitted with an Ecological Mitigation and Enhancement Strategy which has been considered by the Natural Infrastructure Team who consider that it has provided sufficient survey information to ensure no protected species or habitats on the site will be adversely impacted upon by this development.

8.86 New trees and landscaping are proposed to help provide a net gain in bio-diversity. However concern has been raised regarding the selection of species and as such an updated strategy will be required to ensure appropriate species are selected. It is also the case that bird and bat boxes should be provided to further benefit the biodiversity of the surrounding area.

8.87 Subject to planning conditions to secure the final detail the proposals are considered to accord with the requirements of Policies DEV23 and DEV26 in relation to the ecological considerations.

Low Carbon infrastructure

8.88 It is important, as required by policy DEV32 and the NPPF that development is as sustainable as possible. The applicants have submitted an energy statement which seeks to ensure the requirements of policy DEV32 are met including delivering a 20% reduction in carbon emissions beyond building control. The strategy has been reviewed by the Low Carbon Officer and he is satisfied that the proposals met the required levels and as such the requirements of the measures in the energy statement will be conditioned. Further details are however needed of the proposed photovoltaic cells, which will also need to be conditioned to ensure their identified mitigation is delivered. Subject to these requirements, the scheme is considered to accord with the aspiration of Policy DEV32 of the JLP.

Drainage and Surface Water

8.89 The site is located in a critical drainage area as identified in the Plymouth Preliminary Flood Risk Assessment (PFRA) Review, as having an increased risk of local flooding. It is also in an area

identified as having the potential for contaminated land due to former parcel depot use. It is therefore important that appropriate measures are delivered, to ensure a satisfactory approach to managing surface water and drainage are delivered, in accordance with Policy DEV35 of the JLP and the requirements of the NPPF.

8.90 The application has been submitted with a Drainage Strategy and this has been reviewed by the Lead Local Flood Authority. It has recommend a range of matters which require further detail to ensure the development is acceptable and appropriately manages the impacts of the development. Subject to the final details being secured by conditions including details of the final system to be provided, its implementation and maintenance, the principle of the strategy are accepted as appropriate given the proposed development and its location, and accord with the requirements of policy DEV35.

Rail line

8.91 The development site abuts the mainline railway, Network Rail has advised that the development would need to be carefully constructed and laid out, as to not impact on the main line railway. This would ensure that during construction and operation the operation on rail network would be preserved. The building has been positioned away from the embankment not to adversely impact on the railway. It is important that development is undertaken in a way which would not impact on the safe operation of the rail line, and as such conditions would be required to ensure this is the case as advised in the consultation from Network Rail.

Planning Benefits

8.92 The provision of a new store will contribute to additional jobs being provided during construction which will have some benefit in the short term to the local economy.

8.93 In the longer term the store will provide 40 full time equivalent jobs. This would provide some valuable employment opportunities in the local area.

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

This development would be chargeable development for the Community Infrastructure Levy. Based on the 2019 rate of £140.63 per sq.m this equates to £277.8k which would contribute towards local infrastructure on the Regulation 123 List. This includes City Centre Public Realm, mitigation from increased recreational use of the European Marine Site, Central Library, and North Prospect Community Infrastructure.

11. Planning Obligations

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

A financial contribution of £80,000 towards the Eastern Corridor Transport Scheme has been agreed with the applicants to meet the shortfall in this schemes delivery, and is considered fairly and reasonably related to the project given the impact of the scheme on the highway network which requires mitigation.

In addition a planning obligation management fee of £1,334 has also been agreed.

In addition the financial contribution proposed the Council has also agreed the following requirements on the Applicant and Chaplin's:

Chaplin's - obligation to allow the applicant to provide the revised car parking to the front of their store and retain it.

Applicant – Obligation to provide the revised car parking to the front of the Chaplin's Store

This ensures that the proposed parking proposed is delivered and retained in to the future.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that a supermarket in this location would not prejudice any member of the community from using the facilities. Particular consideration has been given to people with mobility difficulties in as far as a good amount of level access is provided and disabled car parking facilities are provided.

13. Conclusions and Reasons for Decision

Following detailed assessment including all relevant material considerations, consultation responses, and letters of representation, the NPPF, NPPG, S38(6) of the Planning and Compulsory Purchase Act 2004, the Joint Local Plan and Plympton Neighbourhood Plan in their role as the Development Plan, officers have concluded that the proposal is able to be supported and as such is recommended for conditional approval subject to the signing of a S106 agreement.

In drawing this conclusion officers consider that the design and layout of the scheme is acceptable subject to conditions, the proposed landscaping represents an acceptable strategy, however further detail will be required through conditions and in part delivery will need to be secured through a S278 agreement. In terms of both low carbon requirement and drainage the schemes proposed strategies are acceptable in principle and will be secured by condition.

The fundamental areas of concern have related to highways and retail matters. These have both been the subject of significant consideration and updated information. In terms of the highways matters while the loss of the car parking for the Chaplin's store are not desirable given the planning status of the land it is considered that the strategy secured provides additional car parking on the Chaplin's site, and links between the two sites presents a logical approach to ensuring a satisfactory solution. In terms of the impact on the highway network, having considered the updated evidence provided and consideration of the Local Highways Authority, subject to the mitigation proposed it is considered that the scheme is acceptable in highway terms subject to conditions and the S106 contribution.

In terms of the retail considerations officers are satisfied that there are not any sequentially preferable locations within the catchment area. In terms of the impact of the proposal on the Ridgeway and the wider network of centres officers are satisfied that the impact of the proposal would not lead to a likely significant impact. Having considered both the sequential and impact tests in relation to the Council's retail strategy as set out in the JLP, it is considered that the proposal,

while not contributing to delivering the strategy, officers are satisfied that the strategy would not be undermined.

Given these detailed considerations including all relevant material considerations, consultation responses and letters of representation, the NPPF, NPPG, S38(6) of the Planning and Compulsory Purchase Act 2004, the Joint Local Plan and Plympton Neighbourhood Plan in their role as the Development Plan, officers have concluded that the proposal is able to be supported and as such is recommended for conditional approval, subject to the signing of a S106 agreement and the conditions set out below.

14. Recommendation

In respect of the application dated 17.07.2018 it is recommended to Grant Subject to S106 Obligation.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Existing and Proposed Sections 161028 P(1)08 Rev B - Received 13/07/18
Proposed Elevations 161028 P(1)06 Rev B - Received 13/07/18
Roof Plan 161028 P(1)05 Rev B - Received 13/07/18
Floor Plan 161028 P(1)04 Rev B - Received 13/07/18
Site Location Plan 161028 P(1)01 Rev B - Received 13/07/18
161028 P(1)03 Rev G - Received 28/06/19
Legals Overlay 161028P(1)11 Rev A - Received 19/07/19

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: EXTERNAL MATERIALS

PRE-COMMENCEMENT

No development shall take place until details of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy DEV20 of the Plymouth Adopted Joint Local Plan and the National Planning Policy Framework 2019.

4 CONDITION: ARBORICULTURAL METHOD STATEMENT

PRE-COMMENCEMENT

No site clearance, preparatory work or development shall take place until an Arboricultural Method Statement in accordance with paragraph 6.1 of BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved Arboricultural Method Statement.

Reason:

To ensure that satisfactory measures are delivered to ensure trees are protected, are carried out in accordance with Policies DEV20, 24, 28, 29 and 30 of the Adopted Joint Local Plan and the National Planning Policy Framework

Justification:

To ensure that satisfactory measures are delivered to ensure trees are protected during construction.

5 CONDITION: CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) Erection and maintenance of security hoarding;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction;
- vii) A scheme for recycling/disposing of waste resulting from construction works;
- viii) Delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policies DEV1 and DEV2 of the Plymouth Adopted Joint Local Plan and the National Planning Policy Framework 2019.

6 PRE-COMMENCEMENT: SURFACE WATER DRAINAGE

PRE COMMENCEMENT

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- a) Surface water from the proposed development should be discharged in a surface water drainage system which should be discharged according to the following hierarchy:
 - o Discharge to a waterbody (if available and with sufficient capacity).
 - o Infiltration
 - o Discharge to a surface water sewer, highway drain or culverted watercourse with attenuation as required.

Evidence, including infiltration tests, should be provided that demonstrates that these options have been assessed and appraised.

- b) A drainage strategy or flood risk assessment should be submitted that demonstrates that the proposed drainage system, including any attenuation, can provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling results should be produced in support of any drainage design, including infiltration test results to support the chosen drainage strategy.

The associated infiltration tests should be completed in accordance with BRE365, located where the proposed soakaway devices are to be situated and below any made ground with their location shown clearly on a plan.

SWW should be consulted if drainage strategy proposes to connect to the existing SWW sewerage system and written confirmation from SWW should be submitted, including agreed surface water discharge rates.

- c) Discharge rates to a sewer or watercourse are to be limited to 1 in 10 year greenfield run off rates with onsite attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection with a 40% allowance for climate change. Greenfield run off rates should be calculated using the loH124 method using a SOIL index of 0.2, a SPR of 0.3 and a SAAR of 1145.

- d) The exceedance flow plan should confirm the point that surface water flows leave the site, and measures to retain flows on site should be provided where this is reasonable practicable and safe to do so. This is in consideration of the increased risk of flooding west of the site.

- e) Details should be submitted of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted.

- f) A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the construction phase.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy DEV37 of the Plymouth and South West Devon Joint Local Plan and National Planning Policy Framework 2017.

Justification:

Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

7 CONDITION: DETAILS OF NEW JUNCTION AND ADJOINING CAR PARK

PRE-COMMENCEMENT

Notwithstanding the approved plans no development shall take place until details of the junction between the proposed access to the car park and Galileo Close and also adjoining car park area to the North West of the junction have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction and carpark layout has been constructed in accordance with the approved details.

Unless a temporary layout has been submitted to and approved by the Local Planning Authority alongside a delivery strategy for the completion of works.

Reason:

To ensure that an appropriate and safe access and layout is provided in the interests of public safety, convenience, amenity and good design in accordance with Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon JLP 2019.

Justification:

To deliver appropriate access arrangement and an acceptable layout for the scheme

8 CONDITION: ACCESS (CONTRACTORS)

PRE-COMMENCEMENT

Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

Justification:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity

9 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

The highway works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the highway works and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The highway works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019:

Justification:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network.

10 CONDITION: MATERIALS

PRE DAMP COURSE LAYER

No development shall take place above slab floor level until details of all materials to be used to surface external areas of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy DEV20 of the Plymouth Adopted Joint Local Plan and the National Planning Policy Framework 2019.

11 CONDITION: SOFT LANDSCAPE WORKS

PRE-DPC

Notwithstanding the approved plans, prior to development above the damp course layer an updated landscape plan and updated Landscape Maintenance and Management Plan shall be submitted to and approved by the Local Planning Authority these shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection and their maintenance and management.

Once approved the development shall be undertaken in full accordance with the approved documents.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies DEV20, 24, 28 and 30 of the Adopted Joint Local Plan and the National Planning Policy Framework.

12 CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)

PRE-OCCUPATION

GRAMPIAN

The use of the building hereby permitted shall not commence until the proposed improvements to the existing highway including the provision of a roundabout at the junction of Galileo Close with Strode Road as shown on the approved plans along with a central island crossing point on Strode Road, have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of high capacity along with both highway and pedestrian safety in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019:

13 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

Notwithstanding the approved plans the use of the building shall not commence until the car parking area shown on the approved plans (which provides for a maximum of 118 spaces and shall include a minimum of 2 electric vehicle charging points (and a further 4 enabled for future delivery), 12 disabled spaces) and improved pedestrian routes has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by customers to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

14 CONDITION: CAR PARKING MANAGEMENT STRATEGY

PRE-OCCUPATION

The use of the building shall not commence until the applicant has submitted to the Local Planning Authority for approval a Car Parking Management Strategy. The said Strategy will provide details of the measures relating to the control/use of all spaces, allowing for the sharing of spaces with the adjoining Chaplins unit. From the date of the occupation of the building, the applicant shall operate the approved Car Parking Management Strategy.

Reason:

To ensure that the use of the car park is properly controlled/managed in order to ensure that spaces are readily available for use by customers visiting the store and thereby preventing such vehicles from parking on-street along Strode Road and Galileo Close in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

15 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The use of the building shall not commence until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 10 bicycles to be securely parked (5 for use by staff and 5 for use by customers). The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

16 CONDITION: USE OF LOADING AREAS

PRE-OCCUPATION

The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

17 CONDITION: TRAVEL PLAN

PRE-OCCUPATION

The use of the building shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and customers to use modes of transport other than the private car to get to and from the store through a variety of sustainable travel initiatives including cycle schemes and subsidised bus travel. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

18 CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

PRE-OCCUPATION

Development shall be undertaken in full accordance with the approved I1904_R01_Ecological Mitigation and Enhancement Strategy.

Prior to the development hereby permitted being brought into use, bird and bat boxes shall be erected in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The submitted details shall provide for:

- i) a minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species;
- ii) a minimum of 4 artificial nests of external boxes or integrated bricks suitable for swifts and/or starlings

Development shall be constructed in accordance with the approved detail.

Reason:

To ensure that satisfactory measures are delivered to ensure wildlife habitats and biodiversity are protected, are carried out in accordance with Policies DEV20, 24, 28 and 30 of the Adopted Joint Local Plan and the National Planning Policy Framework

19 CONDITION: SERVICE YARD MANAGEMENT PLAN

PRE-OCCUPATION

A site specific Service Yard Management Plan (SYMP) shall be submitted to and agreed in writing by the Local Planning Authority for the unit prior to the commencement of use hereby permitted.

The plan must detail maximum numbers of deliveries per day, all measures necessary to limit and control noise generating activities from the servicing of the units and deliveries including measures to:

- 1. Prevent delivery vehicles from waiting or parking anywhere outside the curtilage of the service area.
- 2. Prevent vehicles from having engines idling or their refrigeration units running whilst stationary.
- 3. A curfew must be introduced on the use of any tannoy system. Any such tannoy is not to be used from 23.00-07.00hrs.
- 4. A process of identifying and replacing defective roll cages is to be put in place and monitored.

The movement of roll cages outside in the service yard shall be prohibited between 23.00hrs and 06.00hrs Monday - Sunday unless otherwise agreed previously in writing with the Local Planning Authority.

The SYMP shall set out in detail instructions to drivers and staff from the vehicle journey to the service yard, the unloading process, and the exit procedure from the site. This must include measures such as ensuring fridges are switched off on arrival, ensuring vehicle radios switched off in the service yard and keeping engine revs to a minimum.

The SYMP must detail how the noise control measures will be closely monitored by each operator.

All measures necessary to limit and control noise generating activities from the servicing of the unit and deliveries identified within the SYMP shall be implemented on site prior to the operation of the unit and shall thereafter be so retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that nearby residents do not experience unacceptable levels of noise disturbance and to comply with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

20 LAND QUALITY REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified; it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

An investigation and risk assessment shall be undertaken subject to the approval in writing of the Local Planning Authority, and where remediation is necessary a remediation scheme shall be prepared subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEV1 and DEV2 of the Adopted Joint Local Plan

21 CONDITION: RETAIL RESTRICTION 1

Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) (amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the premises shall only be used for the sale of convenience goods with an ancillary amount of not more than 263 sq.m GIA of comparison goods.

Reason:

The impact of the store has been considered based upon information provided in relation to the operator offer, consideration has not been given to higher level of comparison good sales and as such the sale of comparison goods is restricted in accordance to Policy DEV16 of the emerging Plymouth and South West Devon Joint Local Plan and paragraph 86-90 of the National Planning Policy Framework 2019.

22 CONDITION: RETAIL RESTRICTION 2

Notwithstanding the permitted use falling within Class A1 of the Town and Country Planning (Use Classes) (amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the discount food retail unit hereby permitted shall not be used for the retail sale of any of the following goods and services:

- o Tobacco and smoking products
- o Lottery tickets
- o Fresh meat and fresh fish (excluding pre-packed meat and fish)
- o Delicatessen
- o Pharmacy (dispensary)
- o Dry cleaning

- o Photo-shop
- o Post office services
- o Cash machine
- o In store bakery (other than the use of reheating of part baked rolls/bread and similar products)
- o In store café

Reason:

To ensure the impact on the Plympton Ridgeway Local Centre and in particular the anchor store is acceptable in accordance with Policies PLY6, SPT5, SPT6, DEV16 of the Plymouth and South West Devon Joint Local Plan and paragraph 86-90 of the National Planning Policy Framework 2019.

23 CONDITION: HOURS OF DELIVERY AND REFUSE COLLECTION

No deliveries shall be taken at or dispatched from the site outside the hours of 05:00 until 24:00.

Reason:

To safeguard the amenities of the occupiers of nearby residential properties and to comply with policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

24 CONDITION: OPENING HOURS

The development hereby permitted shall only be open to customers between the following hours: 0800-2200 Mondays-Saturdays.

1000-1800 on Sundays (with trading limited to a 6 hour period).

0800-2000 on public holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies DEV 1 and 2 of the Plymouth Joint Local Plan and the National Planning Policy Framework

25 CONDITION: LIGHTING

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting shall be designed in accordance with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK or any document that replaces it. Development shall be carried out in accordance with the approved details and the lighting shall thereafter be retained.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site and which protects the commuting and foraging area of protected species, in accordance with policy DEV 1, 2 and 28 of the Joint Local Plan and the National Planning Policy Framework 2019.

26 CONDITION: SOFT LANDSCAPE WORKS IMPLIMENTATION

All planting, seeding or turfing comprised in the approved Landscape Plan secured by condition 11 shall be carried in accordance with the approved Landscape Maintenance and Management Plan and carried out in the first planting and seeding seasons following the occupation of the buildings or the

completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

The site shall thereafter be managed and retained in accordance with the approved detail and Landscape Maintenance and Management Plan

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies DEV20, 24, 28 and 30 of the Adopted Joint Local Plan and the National Planning Policy Framework

INFORMATIVES

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

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

4 INFORMATIVE: STOPPING UP OF HIGHWAY

The applicant's attention is drawn to the fact that an existing area of Highway Maintainable at Public Expense (HMPE) will have to be extinguished under Section 247 of the T&CPA 1990.

5 INFORMATIVE: LANDSCAPING HMPE

Any approved planting within Highway Maintainable at Public Expense (HMPE) Land will need to be secured through a Section 278 Agreement including a maintenance sum.

PLANNING APPLICATION OFFICERS REPORT



Application Number	I9/00923/FUL	Item	02
Date Valid	17.06.2019	Ward	ST PETER AND THE WATERFRONT
Site Address	201 Citadel Road East Plymouth PL1 2JF		
Proposal	Change of use from dwellinghouse (Class C3) to 6-bed HMO (Class C4)		
Applicant	Mr & Mrs Robbins		
Application Type	Full Application		
Target Date	12.08.2019	Committee Date	15.08.2019
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Chris Cummings		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Penberthy.

1. Description of Site

201 Citadel Road East is an end terrace property previously in operation as a guesthouse, but recently converted to a single dwelling (Class C3). The site is at the end of Citadel Road East with the western side fronting Hoe Approach. The rear of the site has a courtyard with access onto a rear lane shared with Hoe Gate House and dwellings in Hoe Gardens. The site is located within the Barbican Conservation Area.

2. Proposal Description

Change of use from dwellinghouse (Class C3) to 6-bed HMO (Class C4)

3. Pre-application Enquiry

None

4. Relevant Planning History

82/00027/FUL - Change of use of dwelling house to guest house - Granted conditionally

89/02940/FUL - Single-storey rear extension in rear yard - Granted conditionally

02/01174/FUL - Formation of owner's accommodation rooms in roof space (including rear dormer window), rear conservatory and raised decking and single-storey rear extension to basement-level laundry - Refused

02/01715/FUL - Formation of owner's accommodation in roofspace (including rooflights), rear ground-floor conservatory, and single-storey rear extension to basement-level laundry - Granted conditionally

19/00088/FUL - Change of use from guesthouse (Class C1) to dwelling (Class C3) - Granted conditionally

211 Citadel Road East

19/00667/MOR - Pre-application for change of use to HMO (C4 use) - Pending Consideration

213 Citadel Road East

95/00949/FUL - Change of use and conversion to from two maisonettes - Granted conditionally

5. Consultation Responses

Local Highway Authority - No objection as site is within Controlled Parking Zone in operation 24 hours per day, 7 days per week and could be considered 'car free' development. Recommended condition for 6 secure cycle parking spaces and that the property will be excluded from obtaining tickets for the CPZ.

Community Connections - No objection and advised to use PCC HMO standards. Property will be subject to a separate HMO license.

Historic Environment Officer - No objection to proposal (verbal response)

Hoe Neighbourhood Forum - no comments received

Public Protection Service - No comments received

6. Representations

Four letters of representation have been received objecting to the proposal due to:

- Increase in noise levels from HMO
- Impact on parking due to oversubscribed Controlled Parking Zone.
- High level of HMOs in the surrounding area
- Pressure on public services
- Manipulation of the system by applicants due to recent granting of C3 (single dwelling) use.
- Out of keeping with Conservation Area
- Unauthorised HMOs in the area

With regards to the 'manipulation of the system', the Local Planning Authority has no control over what proposals are submitted to them by applicants. This application will be fully assessed against national and local policy and guidance and will have had the same considerations should the existing use still be that of a guesthouse (Class C1).

In relation to unauthorised HMOs in the area, the representation states that these have been reported separately. The alleged unauthorised use is being investigated by the Council and formal compliance action will be taken as necessary.

The other considerations raised will be dealt with in the assessment section of this report.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

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

- Barbican Conservation Area Appraisal and Management Plan
- Development Guidelines Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

Principle of Development

2. The site is within an area covered by an Article 4 Direction, introduced in September 2012, which requires planning permission for a change of use from a single family dwelling (Class C3) to a small house in multiple occupation (HMO) of three to six occupants.

3. Policy DEVI I of the Joint Local Plan sets out that HMOs will only be supported if the proportion of dwelling units within a 100 metre radius of the application site does not exceed 10%. The Council's records show that the surrounding area has an existing level of 4.08% that would increase to 4.76% including the application site. This is below the 10% threshold and therefore acceptable.

4. Policy DEVI I also states that new HMO's should not create the sandwiching of a C3 dwelling between two HMOs. The Council's records show that no sandwiching will be created by this proposal.

5. Officers therefore consider that the application complies with Policy DEV11 of the Joint Local Plan.

6. The Development Guidelines SPD states in Paragraph 2.5.23 that houses of less than 115sqm gross floor space are not suitable for conversion to HMOs. Whilst this was originally created for large HMOs, it should still be taken into account for smaller (Class C4) HMOs. The total floor space of the application building is approximately 270sqm, well in excess of this level and complies with the Development Guidelines SPD.

Occupant Amenity

7. The property is a large 4 storey building and is considered to provide a good level of total floor space for occupants. The property is an existing dwelling and as such the Nationally Described Space Standards (NDSS) do not directly apply, however they can be used, alongside the Plymouth City Council HMO License Standards to provide guidelines to ensure adequate amenity for occupants. The NDSS would require a 6-bed dwelling to have 129sqm of floorspace, with the floor area of the site being in excess of this with 270sqm floorspace.

8. There are 6 bedrooms proposed, with the smallest being 13.75sqm and the largest 16.7sqm. There are two shared lounges and a shared kitchen and the provision exceeds the minimum levels set out in both the NDSS and the HMO License Standards.

9. It is noted that there are a smaller rooms that were previously used as guest bedrooms in the former C1 use, however these are proposed to be used for storage, rather than bedrooms. The application is for a 6-bed HMO and any use of these rooms as an additional bedroom would create a Sui Generis use of the site and separate consent would be required to assess the amenity level for occupants and neighbouring properties. An informative is recommended to be placed on any approval notice to advise the applicant of this restriction and need for separate planning consent.

10. The property will also be subject to an HMO License from the Council which will need to comply with the HMO Standards and ensure it is of an adequate condition. An informative is recommended to be placed on the decision notice to advise the applicant of this requirement.

11. Externally the site has 47sqm of external amenity space. Paragraph 2.8.27 of the Development Guidelines SPD recommends a minimum level of 50sqm for a terraced dwelling, with no specific provision for any use as an HMO. The SPD also states in Paragraph 2.8.26 that in older, more densely developed areas of the city 'it is not unreasonable to assume outdoor amenity space provision might be lower'. In this instance the site is within an older area of the city, the level of provision is similar to that of neighbouring properties and it is located almost adjacent to Plymouth Hoe, offering plentiful public amenity space. As such, the external amenity space provision is considered acceptable.

12. The proposal therefore accords with Policies DEV1 and DEV10 of the Joint Local Plan in regards to occupant amenity.

13. The proposal is for a 6-bedroom HMO (Class C4) and any increase in occupant numbers would take the property out of Class C4 and become a sui generis use. The proposal has been assessed as a 6-bed HMO, rather than a larger HMO and as such it is considered appropriate to place a condition

Neighbour Amenity

14. HMOs have the potential to create increase in noise and other pollutants and affecting the character of the surrounding area. In this instance there are a low level of HMOs in the surrounding area, as previously detailed, and therefore the impact on the amenity of the surrounding area is considered to be limited in line with Policy DEV11. The site will also be subject to an HMO License and the property will need to be maintained to a certain standard and contact details for the owner

will be held by the Council as part of that license meaning any issues arising can be dealt with appropriately by the relevant department.

15. There is an intensification of use from the use as an HMO and it is considered appropriate to ensure that adequate bin storage is provided and bins are retained in this area at all times except for collection day. The applicant submitted revised plans showing a bin storage area and a condition is recommended on any approval to ensure this area is made available prior to first occupant and retained thereafter.

16. The proposal is therefore not considered to generate significant amenity impacts in accordance with Policies DEV1 and DEV2 of the Joint Local Plan.

Historic Impacts

17. The site is located within the Barbican Conservation area. There are no external alterations proposed to the building and the use will still be that of a dwelling, albeit that of an HMO rather than a single family dwelling. The Council's Historic Environment Officer was consulted on the proposal and raised no objections.

18. The application is therefore considered to comply with Policy DEV21 of the Joint Local Plan and will not generate significant harm to the Conservation Area and its setting.

Highway Considerations

19. An HMO would normally be expected to provide no.1 off-street parking space for every no.2 bedrooms, however there is no off-street parking available and there is no capacity to create any within the application site. The Local Highway Authority were consulted on the proposal and raised no objection, advising that the site is located within an area covered by a Controlled Parking Zone (CPZ) in operation 24 hours per day, 7 days per week. This CPZ restriction meets the criteria set out in Paragraph 8.5.2 of the Development Guidelines SPD and the proposal could be considered car free development and is therefore acceptable in terms of vehicular parking demands.

20. As outlined in Paragraph 8.5.3 of the SPD the change of use would mean the property will be excluded from obtaining any parking permits for the already oversubscribed CPZ.

21. The Local Highway Authority recommended a condition requiring secure cycle storage for no.6 bicycles at the property. The minimum standard set out in Table 8.2 of the SPD is for no.1 space per no.2 bedrooms, however in this instance due to the absence of any car parking provision at the site it is considered appropriate to require a higher level of cycle storage provision. The applicant has revised the submitted plans to include secure cycle storage and a condition is recommended to ensure this is provided prior to first occupation and retained thereafter.

22. The proposal is therefore not considered to generate significant highway impacts and accords with Policy DEV29 of the Joint Local Plan.

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

No charge under current schedule

11. Planning Obligations

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

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

The proposal is within the HMO threshold levels and will provide a good standard of amenity for occupants. Through the use of conditions there are not considered to be any significant neighbour amenity or highway impacts generated.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 17.06.2019 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Block Plan 29052019 - Received 07/06/19
Site Location Plan 29052019 - Received 07/06/19
Proposed Floor Plans 10072019 - Received 09/07/19
Existing Floor Plans 14062019 - Received 14/06/19

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The approved house in multiple occupation shall not be occupied until the secure cycle storage area shown on the approved plans has been made available for secure storage, including separate locking facilities for each cycle, for no.6 bicycles. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

4 CONDITION: BIN STORAGE

PRE-OCCUPATION

The approved house in multiple occupation shall not be occupied until the bin storage area shown on the approved plans has been made available for use. The bin storage area shown the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority. Bins shall be stored in this area at all times except for collection day.

Reason:

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

5 CONDITION: NUMBER OF BEDROOMS

The change of use hereby approved is restricted to a maximum of no.6 bedrooms. Any additional bedrooms requires full planning permission from the Local Planning Authority as it would fall under a separate use class.

Reason: The proposal has been assessed as a small House in Multiple Occupant (Class C4) and the potential impacts of a large House in Multiple Occupation (Sui Generis) have not been fully considered in relation to occupant and neighbour amenity impacts as set out in Policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

INFORMATIVES

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

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

2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: NUMBER OF BEDROOMS

This application grants permission for use of the property as a 6-bedroom HMO, falling within Use Class C4. Any increase in the number of occupants within the property would become a large HMO of 7 or more occupants under use Sui Generis and require separate planning approval to ensure the intensification of use was acceptable.

4 INFORMATIVE: HMO LICENSE

The property is likely to require a separate HMO License from the Council. Details of the license and how to apply can be found online at <https://www.plymouth.gov.uk/housing/privaterentedaccommodation/housesmultipleoccupationhmo/applyhousemultipleoccupationlicence>

5 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

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PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00699/FUL	Item	04
Date Valid	08.05.2019	Ward	HAM
Site Address	55 Church Way Plymouth PL5 1AH		
Proposal	Lower ground and ground floor rear extension, two storey side extension, front porch, loft conversion with rear dormer, double garage (single storey) and front and rear garden alterations.		
Applicant	Mr & Mrs E Nelson		
Application Type	Full Application		
Target Date	03.07.2019	Committee Date	15.08.2019
Extended Target Date	19.08.2019		
Decision Category	Councillor Referral		
Case Officer	Mr Macauley Potter		
Recommendation	Grant Conditionally		



This application has been referred to the Planning Committee by Councillor Derrick.

1. Description of Site

55 Churchway is a two-storey semi-detached dwellinghouse located in the Ham Ward of Plymouth. Churchway is characterised as a curved road which loops onto Bridwell Road. Properties along Churchway are regularly spaced and of a largely similar design and finish. Churchway is situated on a steep hillside which slopes down from north to south.

2. Proposal Description

Original description

Lower ground and ground floor rear extension, two storey side extension, front porch, loft conversion comprising of hip-to gable and rear dormer, double garage with first floor store and front and rear garden alterations.

Revised description

Lower ground and ground floor rear extension, two storey side extension, front porch, loft conversion with rear dormer, double garage (single storey) and front and rear garden alterations.

Original dimensions

-lower ground floor extension, depth = 5 metres, width = 6.2 metres and height = 2.6 metres.

-Ground floor extension, depth = 3 metres, width = 6.2 metres, total height = 4.5 metres and eaves height = 3.5 metres.

-Side extension, length = 6.5 metres, width = 1.5 metres, total height = 8 metres and eaves height = 4.8 metres.

-Front porch, depth = 2.1 metres, width = 3 metres, total height = 3.2 metres and eaves height = 2.3 metres.

-Dormer, depth = 3.4 metres, width = 6.7 metres and height = 2.6 metres.

-Double garage, depth = 5.4 metres, width = 6.1 metres and height = 4.8 metres.

Revised dimensions

-lower ground floor extension, depth = 5 metres, width = 6.2 metres and height = 2.6 metres.

-Ground floor extension, depth = 3 metres, width = 6.2 metres, total height = 4.5 metres and eaves height = 3.5 metres.

-Side extension, length = 6.5 metres, width = 1.5 metres, total height = 8 metres and eaves height = 4.8 metres.

-Front porch, depth = 1.6 metres, width = 3 metres, total height = 3.2 metres and eaves height = 2.3 metres.

-Dormer, depth = 3.4 metres, width = 4.3 metres and height = 2.6 metres.

-Double garage, depth = 5.4 metres, width = 6.1 metres, total height = 3.3 metres and eaves height 2.1 metres.

3. Pre-application Enquiry

One pre application enquiry associated with this application. There were no plans submitted at this stage therefore the Case Officer advised that the scheme was acceptable in principle subject to advised changes on some aspects of the original scheme.

4. Relevant Planning History

No planning history at this address

5. Consultation Responses

Nuclear Inspectorate - The proposed development does not present a significant external hazard to the safety of the nuclear site therefore, ONR does not advise against this development.

South West Water – standard consultation response on asset protection (see informative)

6. Representations

12 Letters of objection were received under the original consultation, the material planning considerations raised were:

- not in-keeping with other properties
- overdevelopment
- concern that development is for apartments/flats/let to multiple tenants (HMO)
- impact on properties either side of site/overbearing
- loss of light
- loss of privacy
- no existing precedent
- privacy concern relating to Juliet balcony
- colour and shape of roofing materials should relate to the original dwelling
- could be a self-contained basement
- garage not in-keeping/could be converted to dwelling
- impact of kitchen balcony on privacy
- disruption during construction phase, noise, dust, vehicle obstruction, parking etc.

The non-planning considerations raised were:

- loss of view
- impact on property value
- adverse impact to fire safety
- foundation work could impact surrounding buildings
- strain on drainage network

The application was re-advertised for 14 days (note this will run until the 6th August 2019), 13 further letters of objection were received reiterating the above listed concerns.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 – 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

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

- Development Guidelines Supplementary Planning Document First Review (2013)

8. Analysis

1. This application turns upon the adopted Joint Local Plan and its policies DEV1 (Protecting health and amenity), DEV10 (Delivering high quality housing) and DEV20 (Place shaping and the quality of the built environment), the Framework and other material policy documents as set out in Section 7.

2. Design

This householder application seeks permission for a number of alterations. The key considerations are: design, impact on street scene, impact on neighbour amenity. For the interests of clarity the analysis will be divided up into the different elements of the proposal.

3. Lower ground and ground floor rear extension

The officer has assessed this part of the scheme against paragraph 2.2.51 of the Development Guidelines SPD (for rear extensions) and consider it compliant with this paragraph. The rear extensions as a collective will be visible from Bridwell Lane North however in officers' view it will not detract from the street scene and property due to the sub-ordinate size of the extensions and the materials used (painted render and concrete tiles to match existing). The width and height of the ground floor extension exceeds permitted development levels by 0.8 and 0.5 metres respectively. The depth of the ground floor extension complies with permitted development.

4. The rear extension is proposed to accommodate a kitchen which can be accessed internally and via garden stairs which lead to a ground floor level balcony. The lower ground floor level is proposed to accommodate an ancillary bedroom, kitchen/dining room area and wet room accessible via an internal lift as well as via the garden. Several letters of representation raised concerns that the basement could be severed and operate as a separate dwelling. This would require a separate application of which the applicant has not applied for. The plans were revised to demonstrate ancillary use of this area and will be secured by a pre-occupation condition. The officer considers (subject to the compliance of this condition) that the scheme would therefore be in accordance with paragraph 4 of DEV 10:

“Residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.”

5. Furthermore the annexe would, in turn be in accordance with paragraph 2.2.85-2.2.87 of the Development Guidelines SPD:

“Residential extensions such as ‘annexes’ can provide accommodation which enables families to care for elderly or disabled or other dependent relatives.

6. Problems can arise, however, where this type of development constitutes a self-contained unit either severed from the main house or which could, with little or no adaptation, potentially be severed from the main dwelling to form a separate unit. This can result in the creation of sub-standard accommodation with inadequate privacy, access provision, parking and amenity space. When considering whether an extension is capable of being occupied independently of the main house, the Council will have regard to its general arrangement, in particular the extent to which facilities such as bathrooms, kitchens and toilets are shared. In order to be acceptable, these types of extensions should be designed to form an integral part of the main dwelling with access to the accommodation via the main dwelling and not by means of an independent access.”

7. It is the officer's view that this part of the scheme is acceptable overall (subject to condition).

8. *Side extension*

The officer has assessed this part of the scheme against paragraphs 2.2.42-2.2.48 of the Development Guidelines SPD (for side extensions) and consider it, on balance to be compliant with these paragraphs. Under the original scheme the side extension was incorporated into hip-to-gable finish (which the latter by itself can be completed under permitted development). The officer considered that the combined alterations would be overbearing on the adjacent neighbour at no. 53 and would upset the balance of symmetry of the property itself. The officer negotiated for the hip-to-gable to be removed from the scheme (along with the cladding) with the hip roof being extended by 1.5 metres. The side extension is set back from the principal elevation by 1 metre and it is considered that this side extension will not lead to the unwanted effect of 'terracing'. The side extension width is sub-ordinate and there are no properties immediately adjacent to the east where terracing would then become an issue (note that no. 53 is angled further away in the property line). It is the officer's view that this part of the scheme is on balance acceptable.

9. *Front porch*

The officer has assessed this part of the scheme against paragraphs 2.2.40-2.2.41 of the Development Guidelines SPD (for front extensions) and considered the revised front porch design to be on balance acceptable. There is an existing precedent for large front porches along Churchway, the officer did note that the original depth exceeded those of other properties and therefore the depth was reduced from 2.1 metres to 1.6 metres. Due to the topography of the land the front porch would be set down from the main road therefore being less impactful on the street and the dwelling itself.

10. *Loft conversion and rear dormer*

The officer has assessed this part of the scheme against paragraphs 2.2.52-2.2.61 of the Development Guidelines SPD and consider it to be compliant with these paragraphs. It is important to note that both a loft conversion and rear dormer can be completed under permitted development. Notwithstanding this due to the removal of the hip-to-gable end the revised roof dormer and internal loft space was reduced in size (with the width of the dormer being reduced from 6.7 to 4.3 metres). The dormer features a Juliet balcony which itself falls under permitted development. The cladding materials for the dormer were removed and replaced with render to match the existing dwelling. It is case officers view that this part of the scheme is sub-ordinate to the main dwelling and therefore considered acceptable (notwithstanding permitted development).

11. *Double garage*

The officer has assessed this part of the scheme against paragraphs 2.2.68-2.2.69 of the Development Guidelines SPD (for garages) and consider the revised scheme to be acceptable. The original proposal was for a two storey double garage (accommodating a store room on the first floor level). On assessment of the scheme, the officer considered it to be contrary to paragraph 2.2.69 and was reduced to a single storey (with the total height being reduced from 4.8 to 3.3 metres). It is the officer's view that the pitched roof would raise the design quality of Bridwell Lane North and overall is now considered to be acceptable from a design perspective.

12. *Front Garden*

The officer considers the alterations here to be minor and therefore acceptable. The alterations comprise of the construction of a boundary wall to 1 metre in height (maximum permitted development level), a dividing boundary wall with a height of 2 metres which also falls under permitted development (not fronting the highway), a disabled access ramp and associated steps. These alterations are considered to be in-keeping with the main dwelling and would not detract from the street scene.

13. Rear garden

The officer considers the alterations here to be minor and therefore acceptable. The alterations comprise of the construction of a dividing boundary wall, and ramps leading down to the proposed double garage. Due to the topography of the land, the officer noted that the proposed fence line was 2.9 metres in a number of locations. A revision was received reducing the maximum fence height down to 2 metres (maximum permitted development levels) flowing with the topography of the land.

14. Amenity

The officer noted loss of light as a cause for concern in the letters of representation. The 45 degree sunlight rule as set out in paragraphs 2.2.35 to 2.2.39 of the Development Guidelines SPD has been considered in the design of the ground floor rear extension which angles away from the boundary line between no. 55 and 57 and is therefore considered compliant with this rule. The lower ground floor extension is sited lower than the nearest habitable room window in no. 57 and would therefore have no impact to sunlight here. Due to the orientation of the dwelling which is north facing the proposed revised side extension will not lead to a demonstrable loss of light for no. 53 particularly in the evenings where the sun will be blocked by existing dwellings along Churchway. It is the officer's view that the scheme will not lead to an overall adverse impact to sunlight levels for surrounding residents.

15. The officer noted loss of privacy as a cause for concern in the letters of representation. As mentioned in paragraph 6 the Juliet balcony falls under permitted development and coupled with the ground floor level balcony complies with both the 21 and 28 metre separation distance rule between habitable room windows as set out in paragraph 2.2.23 of the Development Guidelines SPD. Furthermore the ground floor level balcony is obscured by 1.8 metre privacy screens which would prevent overlooking in the habitable room windows of both no. 53 and no. 57, therefore it is the officer's view that these balconies are compliant with the guidelines on neighbour amenity. There are no proposed side windows on the north east facing elevation first floor level, therefore there are no overlooking concerns here. Overall the officer considers there to be no adverse impact to neighbour amenity in terms of overlooking resulting from these alterations.

9. Human Rights

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

10. Local Finance Considerations

N/A

11. Planning Obligations

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

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on

the grounds of gender, race and disability. The Design and Access Statement submitted with the application states:

“The front area will be partially paved with steps and a wheelchair friendly ramp and some planting. The rear garden will be similar with hard and soft landscaping and a wheelchair friendly ramp to the lower ground floor.”

13. Conclusions and Reasons for Decision

As outlined above the case officer has identified 3 areas of key consideration which are: design, impact on street scene and impact on neighbour amenity and following public consultation revisions have been sought to address the concerns raised to make the application policy compliant from a design and amenity perspective.

Therefore and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 case officers have concluded that on balance, and as detailed in the analysis section of the report, that the proposed alterations accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 08.05.2019 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Existing Drawing for Planning Presentation - Sheet 1 of 3 18078-SD13 - Received 05/08/19

Proposed Drawing for Planning Presentation - Sheet 2 of 3 18078-SD14 - Received 05/08/19

Proposed Drawing for Planning Presentation - Sheet 3 of 3 18078-SD15 - Received 05/08/19

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: RESIDENTIAL ANNEXE

PRE-OCCUPATION

The lower ground floor annexe hereby permitted shall not be occupied until evidence has been submitted to the Local Planning Authority that the internal lift has been installed, following which, the

annexe shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 55 Church Way, PL51AH.

Reason:

Due to the close relationship between the proposed annexe and the existing dwelling and shared access and amenity areas, the accommodation is considered unsuitable for independent occupation in accordance with Policies DEVI, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

4 CONDITION: DRIVEWAY

PRE-OCCUPATION

The driveway area shown on the approved plans shall be constructed, drained and surfaced before the garage is brought into first use in accordance with the approved plans and thereafter that space shall not be used for any purpose other than providing clear access to the garage for the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies DEVI, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 12 of the National Planning Policy Framework 2019.

5 CONDITION: MATCHING MATERIALS

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Walls - painted render

Roof - concrete tiles

Reason:

To ensure that the materials used are in keeping with the appearance of the existing building and the character of the area in accordance with Policies DEVI and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 12 of the National Planning Policy Framework 2019.

6 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwelling[s] hereby approved.

Reason:

In order to protect the design of the property and the character of the surrounding properties from any further development that could prejudice amenity in accordance with Policies DEVI and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 12 of the National Planning Policy Framework 2019.

INFORMATIVES

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

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

2 INFORMATIVE: CONDITIONAL APPROVAL WITH NEGOTIATION

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: CODE OF PRACTICE

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

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

4 INFORMATIVE: PROPERTY RIGHTS

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

Plymouth City Council
 Planning Compliance Summary – to end of July 2019

Cases outstanding	395
Cases received this month	47
Cases closed this month	31
(No breach identified)	(12)
(Informal/formal action taken)	(19)
Planning Contravention Notices Issued	1
Planning Contravention Notices <u>Live</u>	1
Planning Enforcement Notices Issued	0
Enforcement Notices <u>Live</u>	2
Temporary Stop Notices (TSN) issued	0
Temporary Stop Notices (TSN) Live	0
Untidy Land Notices Issued	1
Untidy Land Notices Live	22
Prosecutions Initiated	6
Prosecutions Live	0

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Planning Applications Determined Since Last Committee

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
05/07/2019	Granted Subject to S106	18/02019/S73	Mr Morris	Variation of conditions 2 (Plans) of 16/00028/FUL (as amended by 17/00586/S73M) for changes to groundfloor loading bay and service yard layout, alterations to parking/dropoff points, changes to entrances, redistribution of use classes and change from ancillary gym to commercial floor space.	Derrys Department Store 88 Royal Parade Plymouth PL1 1HA	Mr Simon Osborne
05/07/2019	Refused	19/00230/AMD	Plymouth Argyle Football Club	Non-material Amendment: Area of stone cladding and first floor decking for application 18/01335/FUL	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Chris King
05/07/2019	Granted Conditionally	19/00663/TCO	Mr Eric Wood	Holly - reduce in height to top of fence due to decay in main stem and allow to regenerate.	12A Collingwood Villas Collingwood Road Plymouth PL1 5NZ	Mrs Jane Turner
05/07/2019	Refused	19/00677/TPO	Mrs Rachael Green	Sycamore - Fell and replant a replacement further away from property	6 Lodge Gardens Plymouth PL6 5DP	Mrs Jane Turner
05/07/2019	Granted Conditionally	19/00704/TCO	Mrs Nicola Bridge	Plane tree: trim back the overhanging branches by 3m and reduce equally all round by 3m to balance	4 Falcon Road Plymouth PL1 4GR	Ms Joanne Gilvear
05/07/2019	Refused	19/00748/FUL	Mr And Mrs Saundry	Loft conversion and rear dormer (resubmission of 18/01965/FUL to replace window with Juliet balcony on east elevation)	80 Thornyville Villas Plymouth PL9 7LD	Mr Mike Stone
05/07/2019	Granted Conditionally	19/00754/TPO	Mr Paul Thomas	Oak (T1) - Fell (or reduce to safe height and allow to regenerate) due to decay in base and die back in crown.	41 Great Woodford Drive Plymouth PL7 4RP	Mrs Jane Turner

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
05/07/2019	Granted Conditionally	19/00852/FUL	Mr Neal Stoneman	Single storey side extension	44 Jennycliff Lane Plymouth PL9 9SN	Mr Chris Cummings
05/07/2019	Granted Conditionally	19/00853/LBC	Mr Neal Stoneman	Single storey side extension and alterations to existing windows	44 Jennycliff Lane Plymouth PL9 9SN	Mr Chris Cummings
05/07/2019	Granted Conditionally	19/00940/ADV	Mr Dave Walker	2x Fascias, 1x overhead door marker, 1x Dacia Corner sign, 1x Double sided fascia, 1x poster display unit and 1x test drive mast	Vospers Renault Marsh Mills Park Plymouth PL6 8LX	Mr Dan Thorning
05/07/2019	Granted Conditionally	19/00942/ADV	Mr Dave Walker	Dacia Totem Advert	Vospers Renault Marsh Mills Park Plymouth PL6 8LX	Mr Dan Thorning
08/07/2019	Agreed	17/00351/CDM	Mr S Jones	Condition Discharge: Conditions 3, 4, 5 & 6 of application 16/01929/FUL	80 - 82 Ebrington Street Plymouth PL4 9AQ	Mr Mike Stone
08/07/2019	Granted Conditionally	19/00798/FUL	Great End Properties Limited	Division of single retail unit (A1) into two standalone units (both A1) including replacement shop front.	25 The Broadway Plymouth PL9 7AT	Mr Mike Stone
08/07/2019	Granted Conditionally	19/00871/FUL	Mr & Mrs Pereira	Loft conversion with rear dormer	5 Kingswood Park Avenue Plymouth PL3 4NQ	Mr Dan Thorning
09/07/2019	Granted Subject to S106	18/01288/FUL	Clarion Housing	Demolition of 228 apartments and construction of 204 dwellings (102 houses and 102 apartments, including 16 apartments for over 55s), provision of 116 sq m of commercial/community floorspace, new 'Green Street', open space, remodelling of highway network and other associated works	Land At Poole Park Road, Savage Road, Roberts Road & Roope Close	Mr Simon Osborne

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
09/07/2019	Agreed	19/00551/CDM	Mr Richard Wate	Condition Discharge: Conditions 4 & 5 of application 18/01837/FUL	The Hyperbaric Medical Centre 8 Research Way Plymouth PL6 8BU	Miss Amy Thompson
09/07/2019	Granted Conditionally	19/00765/TPO	Mr Paul Jarman	Oak in front garden : reduce branches overhanging 34 Reservoir Road by a maximum of 1 to 2 metres to natural growth points. Reduce branches near power lines by 1 metre to natural growth points.	36 Reservoir Road Plymstock Plymouth PL9 8NA	Mrs Jane Turner
09/07/2019	Granted Conditionally	19/00778/FUL	Richard Cassidy	Single storey rear extension	488 Crownhill Road Plymouth PL5 2QT	Mr Peter Lambert
09/07/2019	Granted Conditionally	19/00799/S73	Mr Ian Balmforth	Variation of condition 1 (approved plans) of application 17/02144/FUL to reduce the area of the roof but increase height of canopy.	Princess Yachts International Ltd 2 Newport Street Plymouth PL1 3QG	Mr Mike Stone
09/07/2019	Granted Conditionally	19/00820/FUL	Mr Ian Povey	Change of use to Buddhist Centre with ancillary residential element	48 - 50 Mutley Plain Plymouth PL4 6LE	Mr Chris Cummings
09/07/2019	Granted Conditionally	19/00824/TPO	Mrs Marsh	3 x Oak (2 close together and one separate) - reduce southern side of crowns over roof by maximum of 2 metres to natural growth points to clear chimney and part of roof.	73A Glenholt Road The Treer House Plymouth PL6 7JD	Mrs Jane Turner
09/07/2019	Granted Conditionally	19/00828/FUL	Mrs Nicky Gotham	Conversion of garage to residential annexe (resubmission of 19/00369/FUL) (retrospective)	14 Owen Drive Plymouth PL7 4RN	Mr Sam Lewis
09/07/2019	Granted Conditionally	19/00833/TCO	Ms Marion Tiller	Contorted Willow rear garden - crown reduce by approximately 2 metres (to previous pruning points). Permission for a cyclical pruning regime, until agreed otherwise by the Local Authority, when growth exceeds 1.5 metres in length or to undertake every 2 years, whichever is sooner.	149 Molesworth Road Stoke Plymouth PL3 4AJ	Ms Joanne Gilvear

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
09/07/2019	Granted Conditionally	19/00867/FUL	Mr & Ms Webb & Jefferey	Single storey front extension	1 Holtwood Road Plymouth PL6 7HT	Mr Dan Thorning
09/07/2019	Granted Conditionally	19/00873/FUL	Praxis Real Estate Management Ltd	Change of use from bank (Class A2) to a tanning salon (Sui Generis)	7 The Broadway Plymouth PL9 7AA	Mr Chris Cummings
09/07/2019	Granted Conditionally	19/00877/FUL	Mr & Mrs Carbis	Single storey extension	23 Sherford Crescent Elburton Plymouth PL9 8DU	Mr Dan Thorning
09/07/2019	Granted Conditionally	19/00904/FUL	Mr And Mrs Cowling	Single storey side extension	21 St Bridget Avenue Plymouth PL6 5BD	Mr Dan Thorning
09/07/2019	Agreed	19/00914/CDM	Mr Duncan Martin	Condition Discharge: Condition 3 of application 19/00289/FUL	Unit 2 & 3, 17 Bell Close Plymouth PL7 4JH	Mr Chris King
09/07/2019	Agreed	19/00959/CDM	Plymouth City Council	Condition Discharge: Conditions 5, 6, 8 & 11 of application 17/02457/FUL	Central Park Mayflower Drive Plymouth PL2 3DG	Mr Chris King
09/07/2019	Agreed	19/00991/CDM	Mr Simon Wagemakers	Condition Discharge: Conditions 9, 10, 11 & 13 of application 17/01339/FUL	Land At Seaton Neighbourhood South Of William Prance Road Plymouth	Mr Alistair Wagstaff
09/07/2019	Refused	19/01063/AMD	Mrs Heather Eastmond	Non-material Amendment: Changes to size and position of windows on west elevation for application 18/00083/FUL	45 Tapson Drive Plymouth PL9 9UA	Mr Chris Cummings

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
10/07/2019	Granted Conditionally	19/00534/TPO	Mr Craig Robinson	Works to TPO trees (in accordance with amendments agreed on site 19/6/19 with Aspect Tree Consultancy and Pillar Land Securities and revised schedule submitted on 20/6/19): REF:911 - Turkey Oak - various branch reduction and crown raising works - in accordance with revised Aspect Tree Consultancy schedule dated 20/06/19. Work to be supervised by LPA as agreed (condition below). REF: 900 - Holm Oak - raise crown as specified in revised Aspect Tree Consultancy schedule dated 20/6/19. REF: 908 and 910 - Yews - raise western crown over road to give 4m clearance above road level. REF:924 - Yew - raise crown over road to give 4m clearance above road level. Tree protected by planning condition: TG2 Sycamore - reduce eastern side of crown to give 2m clearance from side of new house. No height reduction necessary. Leyland Cypress x 2 in neighbours garden - crown lift secondary branches over site to give 4m clearance above ground level (Applicant agreed to notify owner of trees before works commence see informative below)	Former Mannamead Centre 15 Egguckland Road Plymouth PL3 5HF	Mrs Jane Turner
10/07/2019	Granted Conditionally	19/00781/REM	Mr Neil Burtenshaw	Reserved Matters application following Outline Consent 18/00316/OUT: layout and landscaping	10 Darklake View Plymouth PL6 7TL	Mr Simon Osborne
10/07/2019	Granted Conditionally	19/00785/FUL	Miss Maria Corchuelo	Shop front refurbishment including replacement roller shutter doors	157 - 159 Armada Way Plymouth PL1 1HZ	Mrs Alumeci Tuima
10/07/2019	Granted Conditionally	19/00786/ADV	Miss Maria Corchuelo	1no. internally illuminated hanging sign, 1no. externally illuminated fascia and vinyl applied internally around ATMs	157 - 159 Armada Way Plymouth PL1 1HZ	Mrs Alumeci Tuima

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
10/07/2019	Granted Conditionally	19/00819/TPO	Mr John Doidge	Hedge - reduce height to 3m along its full length.Plum tree in rear garden of No 4b - reduce height to 3m .	4A Coach House Mews Plymouth PL9 8FS	Mrs Jane Turner
10/07/2019	Agreed	19/00960/CDM	Plymouth City Council	Condition Discharge: Condition 6 of application 18/01031/FUL	Lawn Bowling Club Pavilion Mayflower Drive Central Park Plymouth PL2 3DG	Mr Chris King
10/07/2019	Granted Conditionally	19/00965/TCO	Mr John Stenning	3 Ash trees (located on adjacent land): Fell due to presence of Ash die back.	31 Riverside Walk Plymouth PL5 4AQ	Mrs Jane Turner
11/07/2019	Granted Conditionally	18/00918/FUL	Mrs Laura Jane Roberts	Change of use from bowling green & pavilion (Class D2) to an early years centre/kindergarten (Class D1) inc parent & child groups	Victoria Park Bowling Green & Pavilion Victoria Park Victoria Avenue Plymouth	Miss Amy Thompson
11/07/2019	Agreed	19/00441/CDM	Mr Keith Revell	Condition Discharge: Conditions 2, 3, 4, 5, 6, 7 & 9 and 13 of application 05/00862/FUL	5 To 12 Arundel Crescent Plymouth	Mr Simon Osborne
11/07/2019	Agreed	19/00698/CDM	Mr Adrian Cottenham	Condition Discharge: Conditions 3 & 4 of application 18/02080/FUL	Land Parcel Adjacent To 110 Kenmare Drive Plymouth PL7 2YJ	Mr Chris King
11/07/2019	Granted Conditionally	19/00747/FUL	Mr And Mrs Gaffney	Partial ground floor extension, first floor side extension and decking to rear	90 Dunraven Drive Plymouth PL6 6AT	Mr Peter Lambert
11/07/2019	Agreed	19/01059/CDM	Mr Peter Richards	Condition Discharge: Condition 9 of application 18/01390/FUL	Plympton Academy Moorland Road Plymouth PL7 2RS	Mr Chris King

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
12/07/2019	Agreed	18/00998/CDM	Drake Circus Leisure Ltd	Condition Discharge: Condition 9 (Landscape Design Proposals) of application 17/01409/S73M	Bretonside Bus Station Bretonside Plymouth PL4 0BG	Mr John Douglass
12/07/2019	Granted Conditionally	19/00531/FUL	Mr Ian Rideout	New shopfront	7 Whimble Street Plymouth PL1 2DH	Mr Mike Stone
12/07/2019	Granted Conditionally	19/00555/S73	Mr Keith Revell	Variation of 'Plans' condition of 05/00862/FUL - Minor material amendment including addition of dormer windows on rear elevation, and replace projecting balconies with Juliet balconies.	Land Between Nos 4 And 13 Arundel Crescent Plymouth PL1 5DY	Mr Simon Osborne
12/07/2019	Granted Conditionally	19/00659/FUL	John Rickard	Front porch extension	93 Hooe Road Plymouth PL9 9QP	Mrs Alumecei Tuima
12/07/2019	Refused	19/00732/FUL	Mrs Rosemary Anne Hayes	Demolition of the existing single storey dwelling and the erection of 5no. dwellings	95 Plymbridge Road Plymouth PL6 7LD	Mr Jon Fox
12/07/2019	Granted Conditionally	19/00791/LBC	Mr Bishop	Internal fit out works associated with the change of use to offices	Brewhouse 8 Royal William Yard Plymouth PL1 3QQ	Mr Chris Cummings
12/07/2019	Agreed	19/00814/CDM	Mr Joseph Rahamim	Condition Discharge: Condition 7 of application 18/02142/FUL	4 Elliot Terrace Plymouth PL1 2PL	Miss Amy Thompson
12/07/2019	Granted Conditionally	19/00869/S73	Mr Marc Nash	Variation of Condition 1 (Approved Plans) of application 18/01693/FUL	Devonport Dockyard, South Yard, (Areas 1 West) Devonport Plymouth	Mrs Rebecca Boyde

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
12/07/2019	Agreed	19/00870/CDM	Mr Simon Wagemakers	Condition Discharge: Conditions 3, 4, 5, 6, 7 & 8 of application 17/01339/FUL	Land At Seaton Neighbourhood South Of William Prance Road Plymouth	Mr Alistair Wagstaff
12/07/2019	Granted Conditionally	19/00939/FUL	Mr Dave Walker	Erection of 2no. lighting masts	Vospers Renault Marsh Mills Park Plymouth PL6 8LX	Mr Dan Thorning
15/07/2019	Granted Conditionally	19/00779/FUL	Mr & Mrs Walker	Single storey rear extension and raised decking.	4 Grange Road Plymouth PL7 2HY	Mr Macauley Potter
15/07/2019	Granted Conditionally	19/00803/S73	Mrs Lisa Cusack	Variation of Condition 1 (Approved Plans) of application 18/01466/FUL: Minor material amendment including repositioning of dwelling and repositioning of windows.	Plot 7, Esthwaite Lane Land At Looseleigh Lane Plymouth	Mr Simon Osborne
16/07/2019	Granted Conditionally	19/00662/TCO	Mrs Janet Coope	Hornbeam (T1) - reduce height by 4-5m and shape as agreed, to natural growth points. Remove shoots from base of trunk.	3 The Square Plymouth PL1 3JX	Ms Joanne Gilvear
16/07/2019	Granted Conditionally	19/00755/ADV	Mrs Jane Mitchell	2no. Illuminated flex face graphics, 1 no. illuminated totem sign, 1 no. double sided pole sign and window Graphics - as per visual	Carpentright, 27 Cattewater Road Plymouth PL4 0SE	Mrs Alumecci Tuima
16/07/2019	Granted Conditionally	19/00851/TCO	Mrs Sally Morrison	Birch T1 & T2 - reduce canopy by approx 10 feet to natural growth points , to agreed height.Birch T3 - Fell - diseased/dying.	6 Penlee Way Plymouth PL3 4AW	Ms Joanne Gilvear
16/07/2019	Granted Conditionally	19/00883/TCO	Mr Mark Bignell	1 x Sycamore: Removal requested. Embedded in a boundary wall, with a Plymouth City Council Car Park approximately 50 foot below.	Mount Wise Garrison, Hamoaze House Mount Wise Garrison Cumberland Road Plymouth PL1 4JQ	Ms Joanne Gilvear

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
16/07/2019	Granted Conditionally	19/00921/TCO	Mr David Blee	Willow, Christmas tree and Pittisporum (dead) - reduce to 2 feet high. Unknown Tree - reduce branches overhanging garden of 272 Stuart Road.	274 Stuart Road Plymouth PL1 5PQ	Ms Joanne Gilvear
16/07/2019	Granted Conditionally	19/00969/FUL	Mr Andy Haigh	Single storey side extension	1 Woodlands Plymouth PL9 8RX	Mr Sam Lewis
17/07/2019	Granted Conditionally	19/00703/FUL	Mr And Mrs Mitchell	Front hardstanding	12 South Hill Hooe Plymouth PL9 9PR	Mrs Alumeci Tuima
17/07/2019	Granted Conditionally	19/00895/FUL	Mr Paul Body	Front and rear dormer windows to roof-space, cladding to first floor together with alterations, refurbishment and enhancement of existing residential accommodation.	Gulland House Winston Avenue Plymouth PL4 6AZ	Mr Mike Stone
17/07/2019	Granted Conditionally	19/00912/FUL	Mrs Karen Welton	Single storey side extension to form a garage	37 Jenkins Close Plymouth PL9 9TT	Mrs Alumeci Tuima
18/07/2019	Agreed	18/02028/CDM	Linden Sherford LLP	Condition discharge: Conditions 8 (Retaining Walls), 9 (Boundary Wall Details), 10 (Mews Street and Parking Courtyards), 18 (Building Construction Details), 19 (Bin Storage Details), 20 (Cycle Spaces - Residential Units) and 22 (Secured by Design) for application 15/00518/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Elburton Plymouth PL9 8DD	Mr Tom French
18/07/2019	Granted Conditionally	19/00578/FUL	Mr Ken Farnham	Proposed new dementia wing to existing care home plus renovations and upgraded landscaping	11 Brest Road Plymouth PL6 5XN	Miss Amy Thompson
18/07/2019	Granted Conditionally	19/01003/TCO	Mr Mark Hunnis	Beech - fell due to serious defects in crown that have led to a recent limb failure	37 Whiteford Road Plymouth PL3 5LU	Mrs Jane Turner

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
19/07/2019	Granted Conditionally	19/00455/FUL	Mr Jonathan Caunt	Two-storey side extension and part two-storey, part single storey rear extension	3 Woollcombe Avenue Plymouth PL7 1LA	Mr Peter Lambert
19/07/2019	Granted Conditionally	19/00538/FUL	Mr Essy Kamaie	Demolition of existing garage/carwash and construction of building containing 10 apartments, undercroft parking, associated bike and bin storage with additional off-site parking located at Whitefield House, Whitefield Terrace	1 Woodland Terrace Greenbank Road Plymouth PL4 8NL	Mr Simon Osborne
19/07/2019	Granted Conditionally	19/00644/FUL	Mrs Johanne Honey	Change of use of retail unit (Class A2) to restaurant/cafe (Class A3)	646 Wolseley Road Plymouth PL5 1TE	Mr Jon Fox
19/07/2019	Granted Conditionally	19/00788/FUL	Ms Andrea Glanville	Change of use to tattoo studio (Sui Generis) (retrospective)	2E Pemros Road Plymouth PL5 1ND	Mr Chris King
22/07/2019	Agreed	18/01753/CDM	Harlyn Sands Retirements & Death Benefit Scheme	Condition Discharge: Conditions 6, 7, 8, 9, 10 & 11 of application 16/01269/OUT	Beacon Castle Sport & Social Club, Channel Park Avenue Efford Plymouth	Mr Jon Fox
22/07/2019	Refused	18/01934/AMD	Mr Richard Spence	Non-material Amendment: Edge protection, court yard windows, window openings, ventilation panal height, spandrel panels and substation location for application 18/02019/S73	Derrys Department Store 88 Royal Parade Plymouth PL1 1HA	Mr Simon Osborne
22/07/2019	Granted Conditionally	19/00649/ADV	Mrs Johanne Honey	External signage proposals for cafe.	646 Wolseley Road Plymouth PL5 1TE	Mr Macauley Potter
23/07/2019	Granted Conditionally	19/00524/FUL	Mr Shaun Bow	Single storey rear extension and first floor rear balcony (part retrospective)	8 Birch Pond Road Plymouth PL9 7PG	Mr Chris Cummings

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
24/07/2019	Granted Conditionally	19/00776/FUL	Mr John Dunk	Erection of summerhouse	78 Durnford Street Plymouth PL1 3QW	Mrs Karen Gallacher
24/07/2019	Granted Conditionally	19/00777/LBC	Mr John Dunk	Erection of summerhouse	78 Durnford Street Plymouth PL1 3QW	Mrs Karen Gallacher
24/07/2019	Granted Conditionally	19/00789/FUL	Mr Noel Hendricks	Replacement of all uPVC windows with the same fenestration and layout	2A - 6A Anstis Street Plymouth PL1 5JS	Mr Mike Stone
24/07/2019	Granted Conditionally	19/00838/FUL	Mr Paul Hicks	Installation of 2no. electric vehicle charging stations.	Coypool Retail Park Coypool Road Plymouth PL7 4TB	Mr Macauley Potter
24/07/2019	Granted Conditionally	19/00910/FUL	Ms Sarah Jennett	Rear ground floor balcony (Part retrospective)	30 Burrow Hill Plymouth PL9 9LE	Mr Mike Stone
25/07/2019	Granted Conditionally	19/00636/FUL	Mr Phil Ide	New dwelling	Land To The Rear Of 1 Cardigan Road Plymouth PL6 5PL	Mr Chris King
25/07/2019	Granted Conditionally	19/00845/OUT	Mr Mark Hinchliffe	Outline planning permission for the erection of a single 4-bed dwelling with associated parking and garden area	3 Morley Cottages Boringdon Hill Plymouth PL7 4DH	Mr Chris King
25/07/2019	Granted Conditionally	19/00846/FUL	Mr & Mrs Uren	Single storey rear and side extension.	180 Beverston Way Plymouth PL6 7EH	Mr Macauley Potter
25/07/2019	Granted Conditionally	19/00868/FUL	Mr & Mrs Jones	First floor side extension above existing garage.	33 Wolrige Avenue Plymouth PL7 2RT	Mr Macauley Potter

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
25/07/2019	Granted Conditionally	19/00902/FUL	Mr & Mrs Bullen	Two-storey rear extension	6 Torridge Close Plymouth PL7 2DH	Miss Josephine Maddick
26/07/2019	Granted Conditionally	19/00892/FUL	Mr Chris Knapman	Erection of dwelling	Down Horn Farm Horn Lane Plymouth PL9 9BR	Mr Chris Cummings
26/07/2019	Granted Conditionally	19/00893/LBC	Mr Chris Knapman	Erection of dwelling	Down Horn Farm Horn Lane Plymouth PL9 9BR	Mr Chris Cummings
29/07/2019	Refused	19/00859/FUL	Mr & Mrs K Martin	New-build replacement dwelling and refurbishment of existing dwelling to form new garage and workshop and associated external works.	Small Acres Arcadia Plymouth PL9 8EF	Mr Mike Stone
30/07/2019	Granted Conditionally	19/00751/FUL	Miss Julie O'Brien	Conversion from offices (Class A2) into a 6-bed HMO (Sui Generis) (resubmission of application 18/01890/FUL)	114 Albert Road Plymouth PL2 1AF	Mr Alan Hartridge
31/07/2019	Granted Conditionally	19/00492/FUL	Mr Lee Rapson	New boundary wall with vehicle drive and demolition of existing garage	5 Amados Rise Plymouth PL7 1TU	Mr Peter Lambert
31/07/2019	Granted Conditionally	19/00774/TPO	Mr Peter Heasman	Holm Oak (T1) - Crown raise over footpath to 2.5m and over road to 5.5m to give clearance along with selectively reduce several overextended branches throughout the crown by up to 2m.Holm Oak (T2) - Crown raise to 2.5m over footpath.	Springdale Cottage Osborne Road Plymouth PL3 4BS	Ms Joanne Gilvear
31/07/2019	Granted Conditionally	19/00826/TPO	Mrs Mullins	Holm Oak (T1) - Crown lift by 1.5m and reduce side of tree over garden to natural growth points by a maximum of 3m	Lady Hamilton House Nelson Gardens Plymouth PL1 5RH	Ms Joanne Gilvear

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
31/07/2019	Granted Conditionally	19/00834/TCO	Mrs Johnson	Cherry (T1) - Fell due to signs of decay	14 Penlee Way Plymouth PL3 4AW	Ms Joanne Gilvear
31/07/2019	Granted Conditionally	19/00860/TPO	Mr Douglas Munford	Mature Sycamore (acer pseudoplatanus) - reduce height by 5m and crown by one third focussing on branches over residential garden.	Saltram House Merafield Road Plymouth PL7 1UH	Mrs Jane Turner
31/07/2019	Granted Conditionally	19/00886/TPO	Mr Nathan Carr	G1: 2x Horse Chesnuts & 3x London Plane - re-pollard to previous pollard points.T0661: Beech - Crown reduce upper canopy by approx 3-4m.	Cumberland Centre Damerel Close Plymouth PL1 4JZ	Ms Joanne Gilvear
31/07/2019	Granted Conditionally	19/00887/TPO	Mr Nathan Carr	Sycamore (ref:685) - fell and replace. Black Poplar (ref:681) - fell (no replacement required due to number of adjacent trees present)Holm Oak (ref:83) - reduce crown by 2m and raise crown to 4m above ground level over road. Balsm Poplar (ref:199) - remove major deadwood and dying stem.	Mount Gould Hospital Mount Gould Road Plymouth PL4 7QD	Mrs Jane Turner
31/07/2019	Granted Conditionally	19/00890/TPO	Mr Paul Curticapean	Copper Beech - remove one low limb over court yard, trim back low branches over roof to just before the line of the roof. and reduce rest of canopy by 1-2m.	28 Woodland Terrace Lane Plymouth PL4 8QL	Ms Joanne Gilvear
31/07/2019	Refused	19/00907/FUL	Mr Philip Downs	Front balconies	10 Boringdon Road Turnchapel Plymouth PL9 9TB	Mr Mike Stone
01/08/2019	Granted Conditionally	19/00449/FUL	Mr May	Two-storey side extension	23 Boston Close Plymouth PL9 7NR	Mr Mike Stone
01/08/2019	Granted Conditionally	19/00881/FUL	Mr & Mrs Parr	(Part retrospective) Single storey rear with associated steps and partial side extension.	40 Cundy Close Plymouth PL7 4QH	Mr Macauley Potter

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
02/08/2019	Agreed	17/02473/CDM		Condition Discharge: Conditions 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 & 22 of application 14/00152/OUT	Land Off Aberdeen Avenue Plymouth	Mrs Katie Saunders
02/08/2019	Granted Conditionally	18/00082/REM	Mr Simon Wagemakers	Reserved matters application for the approval of the access, appearance, landscaping, layout and scale for Phase 9 of Seaton Neighbourhood, for 126 dwellings and associated highways and drainage infrastructure, landscaping, recreation and play areas (following outline approval 12/02027/OUT)	Land At Seaton Neighbourhood (Phase 9) Plymouth	Mr Tim Midwood
02/08/2019	Agreed	19/00332/CDM	Marie Lamerton	Condition Discharge: Condition 4 (Accommodation Management) of application 17/02444/FUL	95 Durnford Street Plymouth PL1 3QW	Mr Chris Cummings
02/08/2019	Granted Conditionally	19/00744/FUL	Housing & Care 21	Change of use to a self-contained flat (Use Class C2)	The Rise 35 George Lane Plymouth PL7 1LJ	Mr Jon Fox
02/08/2019	Granted Conditionally	19/00842/LBC	Mr Phil Rump	Erection of 1-bed apartment with car parking below	11 Mount Street Devonport Plymouth PL1 4FH	Mr Jon Fox
02/08/2019	Agreed	19/00901/CDM	Mr Paul Britton	Conditon Discharge: Condition 5 of application 18/01999/FUL	Former China Clay Dryer Works, North Of Coypool Road	Mr Simon Osborne
02/08/2019	Granted Conditionally	19/00905/FUL	Mr Phil Rump	1-bed apartment with car parking below	11 Mount Street Devonport Plymouth PL1 4FH	Mr Jon Fox
02/08/2019	Refused	19/00925/FUL	Mr A Lizzell	Single storey rear extension	96A Billacombe Road Plymouth PL9 7EZ	Mrs Alumeci Tuima

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
02/08/2019	Agreed	19/01000/CDM	Dominic Robinson	Condition Discharge: Conditions 3, 5, 6 and 7 of application 17/02444/FUL	95 Durnford Street Plymouth PL1 3QW	Mr Chris Cummings
05/08/2019	Granted Conditionally	19/00602/FUL	Mr Steve Dorman	Erection of detached dwelling and provision of parking platform	Land Adjacent To 8 Yeats Close Plymouth PL5 3SD	Mr Jon Fox
05/08/2019	Agreed	19/00630/CDM	Mr Ashley Cox	Condition Discharge: Conditions 3, 4 & 5 of application 18/00443/FUL	82 Milehouse Road Plymouth PL3 4DA	Miss Amy Thompson
05/08/2019	Granted Conditionally	19/00723/FUL	Miss Sarah Strong	Hardstanding and associated access	93 Segrave Road Plymouth PL2 3EP	Mrs Alumeci Tuima
05/08/2019	Granted Conditionally	19/00766/FUL	Kate Hingston	Two-storey side and front extension and single storey rear extension	8 Wheatridge Plymouth PL7 4QZ	Mr Macauley Potter

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Appeal Decisions between 05/07/2019 and 05/08/2019

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01292/16	2019/0007	Appeal Dismissed	APP/N1160/W/19/3224097
Ward				
St Peters & the Waterfront				
Address				
Land Adj. 6 Derrys Cross Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY9, PLY10 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01293/16	2019/0008	Appeal Dismissed	APP/N1160/W/19/3224098
Ward				
St Peters & the Waterfront				
Address				
11-13 Cornwall Street City Centre Plymouth PL1 1NL				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02 and CS29, City Centre and University Area Action Plan Strategic Objective SO02 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01294/16	2019/0009	Appeal Dismissed	APP/N1160/W/19/3224101
Ward				
St Peters & the Waterfront				
Address				
30-32 Cornwall Street City Centre Plymouth PL1 1LP				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY9, PLY10 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01295/16	2019/0010	Appeal Dismissed	APP/N1160/W/19/3224102
Ward				
St Peters & the Waterfront				
Address				
Mayflower Street Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02, SO03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY9, PLY10, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01296/16	2019/0011	Appeal Dismissed	APP/N1160/W/19/3224105
Ward				
St Peters & the Waterfront				
Address				
Armada Way Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS06, CS28 and CS29, City Centre and University Area Action Plan Strategic Objective SO02, SO03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01297/16	2019/0012	Appeal Dismissed	APP/N1160/W/19/3224109
Ward				
St Peters & the Waterfront				
Address				
19 New George Street Plymouth PL1 1QZ				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Strategic Objective SO02 and Policies CC03, CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY8, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01298/16	2019/0013	Appeal Dismissed	APP/N1160/W/19/3224111
Ward				
St Peters & the Waterfront				
Address				
10 New George Street Plymouth PL1 1RL				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01299/16	2019/0014	Appeal Dismissed	APP/N1160/W/19/3224116
Ward				
St Peters & the Waterfront				
Address				
St Andrews Cross Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01300/16	2019/0015	Appeal Dismissed	APP/N1160/W/19/3224118
Ward				
St Peters & the Waterfront				
Address				
5 St Andrews Cross Plymouth PL1 1DN				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed. The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
22/07/2019	18/01301/16	2019/0016	Appeal Dismissed	APP/N1160/W/19/3224119
Ward				
St Peters & the Waterfront				
Address				
Old Town Street Plymouth				
Application Description				
Installation of an electronic communications apparatus comprising a telephone kiosk				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Prior approval was required and refused for a telephone kiosk assessed against the requirements of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO). The proposal was found to be contrary to Local Development Framework Policies CS02, CS28 and CS29, City Centre and University Area Action Plan Strategic Objectives 02 and 03 and Policy CC03 and Plymouth and South West Devon Joint Local Plan Policies PLY6, PLY20 and DEV20 due to the siting and design of the kiosk. The Inspector reviewed the application and took into account a recent High Court judgement Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd 2019 EWHC 176 (Admin) it was concluded that the proposed kiosk is not solely for the use as a telephone kiosk and does not fall within the scope of Part 16 of the GPDO and the appeal was dismissed The Inspector agreed with the Councils appeal statement, following the High Court decision, that the kiosk included other features that were not solely for telecommunication purposes and also noted that the rear face of the kiosks were specifically designed for advertisements. An application for costs were submitted by the Council, but no costs were awarded by the Inspector. The Inspector concluded that the appellant engaged with the Council and that the High Court judgement was clearly distinguishable from this application and that it was not unreasonable for the appellant to appeal the Councils decision.</p>				