



#plymplanning

Oversight and Governance

Chief Executive's Department
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PLANNING COMMITTEE

Thursday 10 October 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 - 4)

The Committee will be asked to confirm the minutes of the meeting held on 12 September 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 Assistant Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

6.1. Land Adj. To 5 Darklake Close Plymouth PL6 7TJ - I9/00775/FUL

(Pages 5 - 16)

| | |
|-----------------|--|
| Applicant: | Mr Tony Carson |
| Ward: | Moorview |
| Recommendation: | Conditional approval subject to an agreed S106 planning obligation with delegated |

authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.

- 6.2. 17 Fairfield Hotel, Pentillie Road Plymouth PL4 6QL - **(Pages 17 - 26)**
19/01209/S73

Applicant: Mrs Vasiliou
Ward: Compton
Recommendation: Grant Conditionally

- 7. Planning Enforcement (Pages 27 - 28)**

- 8. Planning Application Decisions Issued (Pages 29 - 38)**

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 39 - 42)**

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

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

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Planning Committee

Thursday 12 September 2019

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Allen, Corvid, Derrick, Loveridge, Lowry (substitute for Councillor Morris), Mrs Pengelly, Riley (substitute for Councillor Nicholson), Rebecca Smith, Ms Watkin and Winter.

Apologies for absence: Councillors Mrs Bridgeman, Morris and Nicholson.

Also in attendance: Alistair Wagstaff (Strategic Development Co-ordinator), Mark Lawrence (Lawyer), Katherine Graham (Planning Officer), Scott Smy (Transport Development Co-ordinator), Amelia Boulter and Jamie Sheldon (Democratic Advisors).

The meeting started at 4.00 pm and finished at 4.33 pm.

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

49. **Declarations of Interest**

The following declarations of interest were made in accordance with the code of conduct.

| Name | Minute Number and Item | Reason | Interest |
|------------------|------------------------|----------------------------|----------|
| Councillor Lowry | 54 - 6.1 | Cabinet Member for Finance | Private |

50. **Minutes**

Agreed the minutes of the meeting held on 15 August 2019.

51. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

53. **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.

54. **Meville Building, Royal William Yard, Plymouth, PLI 3RP - 19/00675/S73**

Mr Adam Willetts

Decision:

Application GRANTED conditionally subject to S106 and to first refer to the Secretary of State in accordance with Circular and Direction 02/2009. Delegated authority to Service Director to refuse if agreed decision timescales are not met.

(The Committee heard from Catherine Busutill, the agent on behalf of the applicant).

The Committee site visit was held on 11 September 2019 in respect of this item).

55. **Planning Enforcement**

Members noted the Planning Enforcement Report.

56. **Planning Application Decisions Issued**

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

57. **Appeal Decisions**

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

VOTING SCHEDULE 12 SEPTEMBER 2019 (Pages 3 - 4)

PLANNING COMMITTEE – 12 September 2019**SCHEDULE OF VOTING**

| Minute number and Application | | Voting for | Voting against | Abstained | Absent due to interest declared | Absent |
|--------------------------------------|---|---|-----------------------|------------------|--|---------------|
| 6.1 | Melville Building, Royal William Yard, Plymouth, PL1 3RP – 19/00675/S73 | Councillors Stevens, Tuohy, Loveridge, Riley, Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry, Derrick, Allen, Corvid and Winter. | | | | |

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PLANNING APPLICATION OFFICERS REPORT



| | | | |
|-----------------------------|---|-----------------------|-------------------|
| Application Number | 19/00775/FUL | Item | 01 |
| Date Valid | 24.05.2019 | Ward | MOORVIEW |
| Site Address | Land Adj. To 5 Darklake Close Plymouth PL6 7TJ | | |
| Proposal | Erection of 2x industrial buildings (Class B2/B8) | | |
| Applicant | Mr Tony Carson | | |
| Application Type | Full Application | | |
| Target Date | 23.08.2019 | Committee Date | 10.10.2019 |
| Extended Target Date | 12.10.2019 | | |
| Decision Category | Councillor Application | | |
| Case Officer | Mr Simon Osborne | | |
| Recommendation | Conditional approval subject to an agreed S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes. | | |



1. Description of Site

The site is situated on the southern side of Darklake Close, which is a spur road running off the northern side of Darklake View in the Estover Industrial Estate.

The 0.5 hectares site slopes down from south to north and is currently vegetated by trees and scrubs. It lies between existing industrial units and includes the existing turning area. The eastern boundary of the site includes a hedgerow of trees and scrubs which is covered by a group Tree Preservation Order (TPO).

2. Proposal Description

The proposal is for the erection of 2 industrial buildings (Class B2/B8). Due to the sloping topography each building would be located on a separate platform with separate accesses. The lower most northerly platform would contain a terrace of 8 units with an overall footprint of 565 sqm (1 unit 56.5 sqms and 7 units 72.5 sqm). The units would have a mezzanine increasing the total usable area to 972 sqm. The building would be clad in grey composite metal cladding with blue brick on the ground floor. Each individual unit would contain a roller shutter on the southern elevation powder coated in various colours. Each unit would have 2 car parking spaces at the front with a further 20 spaces opposite the building.

The higher southern platform would contain a larger single unit building with a footprint of 445sqm. The building would again be clad in composite metal and blue brick. It would contain 6 roller shutters in total, 2 on the south, east and west elevations to allow flexibility for future subdivision. The building would be served by 16 parking spaces and a large storage/area at the rear.

The building would have an option of a mezzanine floors increasing the usable floor area to 615sqm

3. Pre-application Enquiry

A pre application enquiry was made for development comprising of 16no small to medium sized industrial units resulting in the potential for 2,100sqm of floor space. (ref: 18/00405/MAJ). Officers considered that the principle of the proposal was likely to be supported.

4. Relevant Planning History

None

5. Consultation Responses

Highways - No objections subject to conditions

Lead local Flood Authority -No objections subject to a condition

Natural Infrastructure Team- No objections subject to conditions

Economic Development - Supports the proposal.

Public Protection - No objections subject to conditions.

6. Representations

Two letters of objection have been received regarding this application. The issues raised are:

1. Removal of the turning head will cause chaos and issues on the road.
2. Inadequate parking provision which will result in many more vehicles parked along Darklake Close.

7. Relevant Policy Framework

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

decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF) 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.

8. Analysis

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

2. The main Joint Local Plan policies to consider are SPT1 (Delivering Sustainable Development), SPT2 (Sustainable Neighbourhoods), SPT4 (Provision for Employment Floorspace), SPT12 (Strategic Approach to Natural Environment), PLY2 (Unlocking Growth Potential), DEV2 (Air, Water, Soil, Noise and Land), DEV14 (Maintaining a Flexible Mix of Employment Sites), DEV20 (Place Shaping), DEV26 (Protecting and Enhancing Biodiversity), DEV27 (Green and Play Spaces), DEV28 (Trees), DEV29 (Transport), and PLY45 (Plym Valley Strategic Greenspace).

3. The main issues to consider are the impact on the character and appearance of the area, highway considerations, ecology, and the impact on trees.

The principle of the use and employment issues

4. The site is located within an established industrial estate and therefore the proposal for an employment use (B2/B8) is supported in principle.

Design

5. The designs would be typical of well-designed industrial units which officers consider to be appropriate for this location. The proposed materials are considered to respect the materials on existing buildings and will be controlled by condition. The height and scale are also considered to be appropriate.

Transport

6. The site is located on the edge of the city and is therefore not a particularly sustainable location, however it is located within an existing industrial estate and therefore the Local Highway Authority (LHA) has not raised any objections in principal to the proposal.

7. Each proposed platform would have a separate access point with the lower level access directly off and taking in part of the existing turning head. Although the site will not be adopted by the Local Highway Authority (the industrial estate is under the management and maintained by PCC) the application indicates that it would be constructed to Local Highway Authority standards. Details of construction and the accesses will be secured through a planning condition.

8. The application is accompanied by a Transport Statement which considers associated traffic generation and impacts of the proposed development, and refers to the nationally recognised and accepted TRICS data base to establish traffic impacts. The development is likely to generate a total of 33 two-way movements (or about one vehicle every two minutes) in the AM peak hour and 22 two-way trips (about one vehicle every three minutes) in the PM peak hour. This is a relatively low level of additional traffic movements compared to the daily peak hour flows on the network. However parts of the local road network can be congested at peak periods and therefore a financial contribution to mitigate these impacts has been requested. The LHA considers that with such a contribution the impact of the proposal on the network will be acceptable.

9. The application originally proposed a total of 56 parking spaces to serve the units, however due to concerns regarding the impact on the protected trees 3 have now been removed. Each unit also includes cycle parking/storage areas. The LHA considers that this level of parking provision exceeds the parking standards found within the SPD and is acceptable to serve the proposed units.

10. With reference to the objections raised, to avoid any detriment resulting in the loss of the dedicated turning head, a condition has been included to secure the long term public use of the new northernmost entrance for the turning of vehicles coming and going in Darklake Close.

Residential and neighbouring amenity

11. The site is located a considerable distance away and is screened from residential dwellings by the adjacent woodland and therefore the proposal does not raise any direct amenity issues.

Trees, Ecology, and landscape

12. The site is adjacent, but not in, a site allocated in the JLP as PLY45 Plym Valley Strategic Greenspace and is identified as a Biodiversity Network Feature

13. An Ecological Mitigation and Enhancement Strategy (EMES) has been provided which demonstrates net biodiversity gain as required by policy DEV26. The EMES does not include a Construction Environmental Management Plan or a Landscape Management Ecology Plan which will both be secured by condition. A sensitive lighting scheme will also be secured by condition to avoid light spill on boundary features.

14. The site forms part of the backdrop to a Landscape Character area: Plymbridge Wooded Valley. The proposal seeks to retain important tree groups including the boundary hedge and proposes planting of 4 additional Rowans. Given that the site is located on an industrial site officers do not consider that the proposal would have unreasonable wider landscape impacts. A landscaping details condition is recommended.

15. The eastern boundary of the site is covered by TPO no 270 and is relatively close to an area of Ancient Semi-Natural Woodland (Hatshill/Holtwood). A tree survey has been submitted which confirms that important tree/hedge groups are to be retained. In accordance with officer advice the proposal has been amended to protect the hedgerow by removing 3 parking spaces adjacent to the boundary. This area will also be constructed using a no dig method the details of which will be secured by condition. A condition to prohibit any parking outside of the marked parking spaces has also been added to avoid any impact on trees.

16. The Forestry Commission's Standing Advice has been consulted which indicates that development should generally be at least 15 metres away from veteran trees and ancient woodland. The proposal is not within this distance and therefore the impact is considered acceptable.

Drainage

17. The site is located in flood zone 1 and is considered to be a low risk from fluvial or tidal flooding. Surface water flood risk mapping indicates the site is at a low risk of flooding from a 1 in 100 year return period event.

18. A Drainage Statement has been submitted for the proposed development that proposes to discharge surface water to the existing surface water sewer in Darklake Close. However a discharge rate has not been confirmed. A condition has therefore been added to ensure the drainage scheme provides 1% AEP plus 40% allowance for climate change as required by policy.

Public Protection Issues

19. Due to the location, scale and scope of the proposed development, the Public Protection Service (PPS) have no major concerns in terms of land quality, however in case unexpected soil conditions such as made or polluted ground are encountered during construction an unexpected contamination condition is recommended.

20. PPS recognise that the site is within an industrial estate and not in close proximity to residential dwellings. However they have recommended a condition regarding hours of construction to protect the amenity of other industrial premises. The hours stipulated would be within the standard working day and therefore officers do not consider this is necessary.

21. An Hours of Use condition has also been recommended however for the reasons given above this is not considered justified.

22. An informative regarding the councils code of construction has been added.

Sustainability

23. Policy DEV32 requires all developments to achieve 20% carbon savings. An energy statement has been submitted which proposes Photo Voltaic Panels to be located on the roofs to achieve this requirement. Further details of these and their implementation will be secured by condition.

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. With the proposed new

10. Local Finance Considerations

None

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 2019 are met.

The Local Highway Authority has requested a financial contribution to mitigate the impacts of the development on the Highway Network. Negotiations with the applicant are currently on-going and an update will be provided in an addendum report.

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 employment provided by the proposal is welcomed. Subject to conditions and a potential s106 contribution, the proposal is not considered to have an unreasonable impact on the highway network, the character of the area, ecology or the protected trees. 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 subject to an agreed S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not agreed within agreed timeframes.

14. Recommendation

In respect of the application dated 24.05.2019 it is recommended to Conditional approval subject to an agreed S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

Site Location Plan 2134-MAL-00-A-100-01 Rev P00 received 14/05/19
Elevations & Sections 2134-MAL-00-XX-XX-A-109 Rev P1 received 14/05/19
Elevations & Sections 2134-MAL-00-XX-XX-A-110 Rev P1 received 14/05/19
Elevations & Sections 2134-MAL-00-XX-XX-A-111 Rev P1 received 14/05/19
Plans 2134-MAL-00-XX-XX-A-112 Rev P1 received 14/05/19
Site Development Roof Plan 2134-MAL-00-XX-XX-A-113 Rev P2 received 13/08/19
Aerial View 29082019 - received 29/08/19
Tree Protection Plan and AIA 05225-TPP-07.08.19 - received 21/08/19
Tree Constraints Plan 05225-TCP-07.08.19 Rev A received 21/08/19
Site Development Plan Landscape 2134-MAL-00-XX-XX-A-107 Rev P3 received 23/09/19
Site Development Plan 2134-MAL-00-XX-XX-A-108 Rev P3 received 23/09/19
Site Development Plan Vehicle Tracking 2134-MAL-00-XX-XX-A-114 Rev P1 received 29/08/19

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: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

PRE-COMMENCEMENT

Prior to the commencement of development hereby approved a detailed Construction Environment Management Plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect general amenity, and the environment from any harmful polluting effects during construction works and avoid conflict with policies DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2019 and NPPF 2019.

Pre-commencement justification: To ensure adequate management is in place before any construction begins.

4 BIODIVERSITY - SENSITIVE LIGHTING SCHEME

PRE SLAB LEVEL

No development shall commence above slab level until a sensitive lighting scheme has been submitted and approved in writing by the LPA. The scheme shall ensure that the boundary features around the site remain dark and unlit at night. Any external lighting required should be directed away from the boundaries with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux. In areas where lighting must be installed timers should be used to reduce the hours lit.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

Reason

To minimise disturbance to bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and accordance with policy DEV26 of the Joint Local Plan.

5 CONDITION: CONSTRUCTION DETAILS - TREE PROTECTION

PRE-COMMENCEMENT

Notwithstanding the submitted details no development shall take place until full details of the construction of the eastern end of the northern platform within the root protection zone of the protected trees have been submitted to and approved in writing by the Local Planning Authority. The construction should be a no-dig method. The details shall include a no dig method statement, full construction details and details of materials.

The development shall be carried out in accordance with the approved details.

Reason:

To ensure the impact on the protected trees on the eastern boundary is acceptable in accordance with Policy DEV28 of the Plymouth and South West Local Plan 2019 and the NPPF 2019.

Pre commencement justification:

To ensure the proposal and its construction does not have an unreasonable impact on the root systems of the protected trees.

6 CONDITION: LANDSCAPE DESIGN PROPOSALS

PR SLAB LEVEL

Notwithstanding the submitted details no development shall take place above slab level until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; ; hard surfacing materials; ; 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], landscaping management and maintenance schedule.

The development shall be carried shall be delivered in accordance with the approved details prior to the occupation of any of the units hereby approved.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies DEV20 and DEV28 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019.

7 CONDITION: 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)

A surface water 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. Details are required for all proposed drainage features prior to planning approval.

b)

Details should be provided that confirm that the water environment is protected from pollution from the highway and parking areas. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual to minimise pollution during use.

c)

In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.

d)

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 DEV35 of the Plymouth and South West Devon Joint Local Plan and National Planning Policy Framework 2012.

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.

8 CONDITION: EXTERNAL MATERIALS

PRE- SLAB LEVEL

No development shall take place above Slab Level until details of the materials to be used in the construction of the external surfaces 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 and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

9 CONDITION: PROVISION OF SIGHT LINES

PRE SLAB LEVEL

No development shall take place above slab level until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2019 and the NPPF.

10 CONDITION: SUSTAINABILITY

PRE SLAB LEVEL

No development shall take place above Slab level until an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority detailing how the proposed PV panels will achieve regulated carbon emission levels of 20% less than that required to comply with building regulations.

Reason:

To ensure that carbon emissions are reduced in accordance with policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF.

11 CONDITION: BIODIVERSITY

PRE-OCCUPATION

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy ref TE0248/EMES/A.

Prior to occupation of the unit hereby approved a Landscape Ecology Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be managed in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policy DEV26 of the Plymouth and South West Joint Local Plan and Government advice contained in the NPPF.

12 CONDITION: SERVICE ROADS

PRE OCCUPATION

No building shall be occupied until that part of the service road which provides access to it and shall not be steeper than 1 in 10 at any point has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

13 CONDITION: CYCLE PROVISION

PRE OCCUPATION

The building shall not be occupied 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 bicycles to be securely parked. 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 adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

14 CONDITION: CAR PARKING PROVISION

PRE OCCUPATION

The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than the parking of vehicles.

No vehicles shall be parked other than in parking spaces shown on the approved Site Layout Plan.

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 and to protect the root system of protected or protected trees in accordance with Policies DEV28 and DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

15 CONDITION: UNEXPECTED CONTAMINATION

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DEV2 of Plymouth and South West Joint Local Plan 2019 and the National Planning Policy Framework 2019.

16 CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars 05225 - TPP 07.08.19 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policy DEV28 of the South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

17 CONDITION: BARRIERS AND GATES

The new junction entrance and access road that serves the 8 units on the northernmost platform hereby approved shall not be closed off with gates or barriers or otherwise obstructed, but shall be kept open and available at all times for the turning of vehicles using Darklake Close.

Reason:

In order to provide a practical turning area for vehicles and mitigate the loss of the dedicated turning head in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF 2019.

INFORMATIVES

1 INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

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: CODE OF CONSTRUCTION

The developer is advised that the development should be carried out in accordance with the Council's Code of Practice for Construction and Demolition Sites which is available from: <http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

4 INFORMATIVE: WALES AND WEST UTILITIES

The developer's attention is drawn to the comments and/or requirements of Wales and West Utilities, a copy of which can be found on the Council's planning website.

5 INFORMATIVE: SUPPORTING DOCUMENTS

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

Ecological Mitigation and Enhancement Statement TE0248/EMES/A

Energy Statement

Secure by Design Statement

Transport Statement April 2019

Tree Survey received August 2019

Vehicle Tracking Correspondance

and accompanying Design and Access Statement.

PLANNING APPLICATION OFFICERS REPORT



| | | | |
|-----------------------------|--|-----------------------|-------------------|
| Application Number | 19/01209/S73 | Item | 02 |
| Date Valid | 01.08.2019 | Ward | COMPTON |
| Site Address | 17 Fairfield Hotel, Pentillie Road Plymouth PL4 6QL | | |
| Proposal | Removal of condition 3 of application 00/00004/FUL (retrospective) | | |
| Applicant | Mrs Vasiliou | | |
| Application Type | Removal or variation of a condition | | |
| Target Date | 26.09.2019 | Committee Date | 10.10.2019 |
| Extended Target Date | 17.10.2019 | | |
| Decision Category | Councillor Referral | | |
| Case Officer | Mr Dan Thorning | | |
| Recommendation | Grant Conditionally | | |



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

1. Description of Site

The Fairfield Hotel, 17 Pentillie Road is a large end terrace property situated on the corner of Seaton Avenue and within the Compton ward of Plymouth. The property has 12 bedrooms, 1 site manager's bedroom, 2 kitchens and 1 living room, and its current use is a large House in Multiple Occupation (HMO) (Use Class Sui Generis).

Prior to the existing use, the site was used as a licensed function suite with residential accommodation on the upper floors. The function suite had a maximum capacity of 100 guests at any one time.

2. Proposal Description

This retrospective Section 73 application seeks to remove Condition 3 of the extant planning permission reference 00/00004/FUL (Change of use from residential unit with function suite to form student accommodation), to enable occupation by persons not limited to students in full time education. Condition 3 of said application states:

3. The occupation of the accommodation hereby permitted, shall be limited to students in full time education.

Reason: The accommodation is considered suitable for students in accordance with Policy ACR7 (Student Accommodation Policy) of the City of Plymouth Local Plan First Alteration (1996) but its occupation by any other persons would need to be subject of a further application for consideration on its merits.

The retrospective application was submitted in response to a planning compliance case (reference 19/00195/ENF) that was generated following a public complaint. The compliance case found that the site was occupied by persons other than students contrary to Condition 3 of the aforementioned planning permission.

3. Pre-application Enquiry

There were no pre-application enquiries.

4. Relevant Planning History

19/00195/ENF – Alleged unauthorised use as a homeless hostel - Pending Consideration

00/00004/FUL – Change of use from residential unit with function suite to form student accommodation – Grant Conditionally

95/00075/FUL - Change of use from residential unit and function suite to mental health day facility, meeting rooms, offices, therapy counselling and training rooms and associated catering facility - Prior approval granted GPD

94/01331/EXUSE - Function suite on ground floor with gents & ladies washrooms on first floor - Prior approval refused GPD

5. Consultation Responses

Local Highways Authority - the Local Highways Authority initially objected to the application due to inadequate car parking provision. However, the objection has been withdrawn providing a condition restricting occupation to temporary accommodation is placed on any consent.

Community Connections – no objections. The site has sufficient facilities for a 13 bed HMO.

Devon and Cornwall Police – no comments from a designing out crime perspective.

Housing Delivery – no objections. The application will meet an existing housing need.

Public Protection Service – no comment.

6. Representations

A total of 25 letters of representations have been received from 23 different people objecting to the development for the following reasons:

- * There has been an increase in noise disturbances, including at night, and alleged anti-social behaviour since the existing tenant group occupied the property
- * The property has insufficient outdoor amenity space
- * There are too many HMOs in the area
- * There are several homeless hostels in the area that negatively impact the community and do not contribute to the creation of a sustainable neighbourhood
- * There are vulnerable groups including school children, students and elderly persons in proximity to the site
- * Retrospective application undermines the planning system
- * The building should be occupied by students or elderly persons

Many of the objections raised revolve around the character and behaviour of the occupiers. These representations are not considered material planning considerations, which include impacts on amenity and transport considerations.

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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

Therefore a 5% buffer is 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 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are

based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

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:

* Plymouth City Council Development Guidelines Supplementary Planning Document First Review (2013) (SPD)

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV9 (Meeting local housing need in the Plan Area), DEV10 (Delivering high quality housing) and DEV29 (Specific provisions relating to transport) of the JLP in addition to Chapter 8 of the Development Guidelines SPD. The primary planning considerations for this application are impacts on residential amenity and car parking provision.
 2. The extant consent (reference 00/00004/FUL) authorises use of the site as a large HMO falling under Use Class Sui Generis. The section 73 application proposes to remove condition 3 of the extant consent to enable a change of occupier. The proposed use is considered to fall under Use Class Sui Generis and not C2 Residential Institution, which requires an element of residential care. Officers therefore consider that there is no proposed change of use.
 3. For the reasons outlined above, policy DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area) of the JLP, which refers to HMO levels in the surrounding area and is relevant for proposals for new HMOs, is not a consideration in this Section 73 application.
 4. The property has been occupied by Bournemouth Churches Housing Association (BCHA) since May 2019. BCHA has been commissioned by Plymouth City Council through the 'Alliance' contract to procure and provide temporary accommodation to house homeless persons. It is understood that BCHA leases the property from the applicant/freeholder and it works in partnership with the Council to meet the needs of the city.
 5. Officers recognise that homelessness is an important social issue. Locally, there has been an increase in the number of single homeless persons including those with complex needs and mental health needs and/or substance dependence. There are 184 people in Plymouth accommodated within the single homeless system with between 15 and 30 people rough sleeping at any one time.
- Amenity
6. The application proposes no alterations to the building, thus there are no overlooking, overbearing or loss of privacy impacts to be considered. The majority of the letters of representation refer to an increase of noise disturbances and alleged anti-social behaviour since the property was occupied by BCHA.
 7. Devon and Cornwall Police did not wish to comment on the application from a designing out crime perspective. However, it did provide data on crimes and anti-social behaviour incidents. Since the property was occupied by BCHA in May 2019, there have been 2 crimes committed including possession of Class B drugs and setting off fire extinguishers. In addition, there have been 2 incidents of anti-social behaviour relating to street drinking and noise. Neither incident was investigated by the Police.

8. The extant planning permission requires an obligation to provide a resident warden and management schedule, including complaints procedure, for the property. At present, there is a resident warden on site from 9:00 hours to 17:00 hours and a 24/7 phone contact for out of hours calls. The applicant has submitted a Management Plan that proposes to provide a resident warden that is on site 24 hours a day and 7 days a week, to manage the facility and any issues that may arise. The Management Plan states:

- (a) The facility is to be managed by the staff of a registered housing provider with over 50 years' experience of operating similar facilities.
- (b) There is a 24 hour a day, 7 day a week staffing presence to provide support to the occupiers and to deal with issues on site.
- (c) There is a robust and tested regime to govern the occupation of the rooms for occupants so as to ensure they occupy in an appropriate and proper way.
- (d) Local residents have been made aware of the arrangements that are in place for the occupancy of the premises and have been given a number to telephone in the unlikely event they have any issues.
- (e) The applicant is prepared to have this management plan incorporated as an agreed condition on any planning consent that is granted to authorise the use of the premises.

9. In addition, the applicant has supplied a copy of BCHA's License Agreement and a Residents Induction Pack, which sets out a four stage warning procedure that culminates with serving a Notice to Quit. The License Agreement states that a license may be terminated with not less than 7 days written notice in the event of residents causing nuisance or committing violent, threatening or abusive behaviour that interferes with the occupiers of neighbouring properties.

10. Officers understand that BCHA endeavours to find alternative accommodation for licensees that are evicted from its managed properties. This could be at George House, the Salvation Army or one of its other properties providing temporary accommodation. The very last option for licensees is to be placed in B&B accommodation or become street homeless.

11. A condition is recommended requiring the applicant to manage the property in accordance to the Management Plan. Officers consider that the Management Plan will limit the housing management concerns raised by local residents and councillors to accord to policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the JLP.

12. The applicant has also proposed to organise quarterly community forum meetings to be attended by the site warden/managing agent, ward councillors, a community police officer, 2 local representatives (including 1 representative to be nominated by ward councillors) and a resident of the application property. Officers recommend securing a condition requiring the community forum to meet in accordance to the approved details unless any variations are agreed in writing by the Local Planning Authority.

13. Officers consider that the use of the property will remain the same (i.e. large HMO) and that the nature of the occupiers will be similar in that the property will continue to be occupied by a group of unrelated individuals. On balance, officers consider that the proposal will not have a significant detrimental impact on neighbouring amenity providing all conditions are strictly adhered to, with particular attention drawn to the Management Plan and inclusion of local residents in a quarterly community forum.

Car Parking Provision

14. The Local Highways Authority was consulted on the application. The restriction of the use to students placed on application 00/00004/FUL was due to the intensification in the use of the property, which was, and remains, unable to provide off-street car parking to meet the needs of the occupiers. Student occupation tends to give rise to a lower demand for car parking than other occupiers, thus the restriction was intended to prevent overspill car parking in the surrounding local streets, which would otherwise cause damage to local amenity and would disadvantage neighbours.

15. The Council's current car parking standards, which are set out in Chapter 8 of the Development Guidelines SPD, indicate that a maximum of 1 car parking space per 2 occupiers should be provided for HMOs and purpose-built student accommodation. However, the application site has 13 bedrooms (including the manager's bedroom) and no off-street car parking spaces.

16. Paragraph 8.5.2 of the Development Guidelines SPD also states that a proposal with a Controlled Parking Zone (CPZ) which operates at least 6 days a week and more than 6 hours a day could be acceptable without the provision of off-street parking. However, that would not apply in this instance as the CPZ in the surrounding streets operate shorter term parking restrictions, for no more than 2 or 3 hours a day. Therefore, in accordance with the guidance set out in the Development Guidelines SPD, a car parking contribution would usually be required to support the proposed change in occupancy.

17. Furthermore, paragraph 8.5.3 of the Development Guidelines SPD states that 'occupants of new developments within an existing CPZ will not be issued with permits.' Due to the short duration of the CPZ in the surrounding local streets, the parking restrictions would be of insufficient duration to prevent overspill car parking by residents that do not have, or are excluded from the entitlement of parking permits.

18. For these reasons, the Local Highways Authority initially objected to the application. However, the property is currently let as short-term temporary accommodation for homeless persons through BCHA. Officers consider that this client group is unlikely to generate a significant demand for car-parking spaces.

19. As such, officers, including the Local Highways Authority, consider that a condition restricting occupation to temporary accommodation managed by a Registered Provider of Social Housing, will address the concerns regarding inadequate car parking provision. The proposal is therefore considered to accord to policy DEV29 (Specific provisions relating to transport) of the JLP.

Retrospective Application

20. Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy was introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

21. It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out,

and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out. Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.

22. In summary, with appropriate mitigation in the form of conditions, the proposal is considered to accord with the national and local planning policies set out above and it will contribute to meeting an important local housing need. The application is therefore considered acceptable.

9. Human Rights

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

10. Local Finance Considerations

There no local finance considerations.

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 2019 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.

Homelessness is recognised as an important social issue both nationally and locally and it is imperative that accommodation to tackle the issue is delivered in Plymouth. The Local Planning Authority recognises the value of this application in addressing equality and diversity objectives in the city.

13. Conclusions and Reasons for Decision

Officers consider that the proposed occupiers will not have a significant detrimental impact on neighbouring amenity providing the conditions, specifically those relating to the Management Plan and a quarterly community forum, are strictly adhered to. This includes providing a resident warden who is on site 24 hours a day and 7 days a week, to manage the facility and any issues that may arise.

Officers consider that the proposed occupier is unlikely to generate a significant demand for car-parking spaces. Officers therefore recommend securing a condition restricting occupation to homeless persons managed by a Registered Provider of Social Housing to limit adverse impacts on neighbouring amenity in relation to inadequate car parking provision.

It is highly undesirable for development to take place before planning permission has been sought. The Local Planning Authority has no evidence to suggest that the applicant was aware that the site

lacked the necessary consent for occupation by persons other than students. Therefore no weight has been given to NPPF policies on intentional unauthorised development.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that on balance, the proposal accords with policy and national guidance, providing appropriate mitigation can be secured by conditions. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 01.08.2019 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

Location Plan 19028 - S.00 - received 31/07/19

Proposed Alterations DK/99161/01/00 - received 31/07/19

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: RESTRICTED OCCUPATION

The site shall be occupied solely as temporary accommodation managed by a Registered Provider of Social Housing registered with Homes England (or on any statutory register which may hereafter replace it).

Reason: In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with policy DEV29 (Specific provisions relating to transport) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

3 CONDITION: ACCOMODATION MANAGEMENT

The property shall be managed permanently in accordance to the approved Management Plan that was received on the 18th September 2019, unless the Local Planning Authority gives written approval to any variation of said Management Plan.

Reason: To assist in protecting the residential amenity of the area in accordance to policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

4 CONDITION: COMMUNITY FORUM

The community forum shall meet quarterly in accordance to the details submitted to the Local Planning Authority on 24/09/2019. The community forum shall continue to operate in the agreed format at all times while the site continues to be used for the approved use unless any variations are agreed in writing by the Local Planning Authority.

Reason: To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of nearby properties to comply with DEV1 (Protecting health and amenity) and DEV2

(Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan (2014-2034).

5 CONDITION: CYCLE STORAGE

A secure area for the storing of cycles shall be permanently provided as shown on the approved plans.

Reason: To ensure that there are secure storage facilities for cycles belonging to the residents of the property, in accordance to policy DEV10 (Delivering high quality housing) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and Chapter 8 of the Development Guidelines First Review (2013).

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 (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] [including a Planning Performance Agreement] and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: SITE WARDEN

The applicant should be advised that the approved Management Plan requires that there be a site warden present 24 hours a day, 7 days a week.

4 INFORMATIVE: USE CLASS SUI GENERIS

The existing use of the site is as a large HMO (Use Class Sui Generis). The applicant should be made aware that planning permission will be required if care is to be provided to people in need of care, as such accommodation would fall under Use Class C2 Residential Institutions.

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

| | |
|--|------|
| Cases outstanding | 393 |
| Cases received this month | 29 |
| Cases closed this month | 20 |
| (No breach identified) | (9) |
| (Informal/formal action taken) | (11) |
| Planning Contravention Notices Issued | 0 |
| Planning Contravention Notices <u>Live</u> | 0 |
| 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 | 9 |
| Prosecutions Initiated | 3 |
| Prosecutions Live | 0 |

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Planning Applications Determined Since Last Committee

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
|---------------|-------------------------|-----------------|-----------------------|--|---|------------------------|
| 03/09/2019 | Granted Conditionally | 19/01042/LBC | Mr Ben Rolls | Fit out works | Melville Building Royal William Yard Plymouth PL1 3RP | Miss Katherine Graham |
| 03/09/2019 | Granted Conditionally | 19/01067/FUL | Pastor Mike Ileladewa | New entrance enclosure and ramp access | 15 Gordon Terrace Plymouth PL4 6EP | Mrs Alumeci Tuima |
| 03/09/2019 | Agreed | 19/01275/CDC | Annabelle O'Higgins | Confirmations that all conditions relating to 09/01652/REM have been satisfied | 42 Cobham Close Plymouth PL6 7FE | Miss Josephine Maddick |
| 04/09/2019 | Granted Conditionally | 19/01069/TPO | Mr Andrew McQuillan | Beech (No 315) - fell | 40 Hooe Road Plymouth PL9 9RG | Mrs Jane Turner |
| 04/09/2019 | Granted Conditionally | 19/01246/TCO | Mr Eric Bates | G1: Group of small trees including. Laurel reduce by approx 1m to 2m back to previous pruning points; Apple trees: height/breadth reduction by approx 0.5m to 1m to previous pruning points and thin internal crown Other small shrubs and trees: reduce to previous pruning points. | Andely Lodge, Fernleigh Road Plymouth PL3 5AN | Ms Joanne Gilvear |
| 04/09/2019 | Granted Conditionally | 19/01265/TCO | Mrs Jacqui L'Heureux | T1 Holm Oak - Crown lift to 4m over entrance to Edgcumbe Court | Edgcumbe Court 85 Molesworth Road Stoke Plymouth PL3 4EL | Ms Joanne Gilvear |
| 06/09/2019 | Granted Subject to S106 | 19/00133/FUL | Mr Bob Fish | Demolition of 140 dwellings, Halcyon Methodist Church & Neighbourhood Centre to facilitate the erection of 196 dwellings (178 houses and 18 flats) and the creation of new roadways and associated supporting infrastructure | North Prospect Phase 4 Dingle Road, Laurel Road, Rosedown Avenue And Myrtleville Plymouth | Mr Chris King |

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
|---------------|-----------------------|-----------------|----------------------------|--|---|----------------------|
| 06/09/2019 | Refused | 19/00816/FUL | Mr Alastair Ross | Rear raised balcony | 74 Mount Gould Road Plymouth PL4 7PX | Mrs Alumeci Tuima |
| 06/09/2019 | Granted Conditionally | 19/00817/FUL | Amsric Foods Ltd | Installation of plant and associated works | 10 Old Town Street Plymouth PL1 1DE | Mr Chris Cummings |
| 06/09/2019 | Refused | 19/00945/FUL | Mr & Mrs Stephenson | Proposed new detached Garage with storage and Annexe to first floor to front elevation of existing dwelling, to replace existing Garage to be converted into internal accommodation. New lean to roof to rear extension with raised timber decking | 2 Wain Park Plymouth PL7 2HU | Mr Dan Thorning |
| 06/09/2019 | Granted Conditionally | 19/01072/FUL | Mr J Hardwick | Change of use to dwelling (Class C3) and changes to building elevation | 17A Seymour Avenue Plymouth PL4 8RA | Miss Amy Thompson |
| 06/09/2019 | Granted Conditionally | 19/01076/FUL | Mr & Mrs Trail | Part single storey, part two storey side and rear extension and raised decking | 3 Jennycliff Lane Plymouth PL9 9RN | Mr Mike Stone |
| 06/09/2019 | Granted Conditionally | 19/01092/FUL | Mr Benny Palatty Devassy | Change of use of ground floor and lower ground floors from Public House (Class A4) to 3-bed HMO (Class C4) | The Edgcumbe Hotel 2 Molesworth Road Stoke Plymouth PL1 5LZ | Mr Chris Cummings |
| 06/09/2019 | Refused | 19/01397/AMD | Mr Richard Findlay | Non-Material Amendment: Change of elevation treatment & reduction to bay next to existing stair tower for application 18/02059/FUL | Plymouth Pavilions Millbay Road Plymouth PL1 3LF | Mr Alistair Wagstaff |
| 09/09/2019 | Granted Conditionally | 19/01075/ADV | McDonald's Restaurants Ltd | Installation of internally illuminated signs to include 4no freestanding signs | McDonald's Restaurant, 1 Pomphlett Road Plymouth PL9 7BH | Mrs Alumeci Tuima |

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
|---------------|-----------------------|-----------------|--------------------------|--|---|-----------------------|
| 09/09/2019 | Agreed | 19/01302/CDM | English Cities Fund | Condition Discharge: Condition 3 of application 18/00995/REM | Plot C1 Millbay Plymouth | Miss Katherine Graham |
| 10/09/2019 | Agreed | 18/01603/CDM | Drake Circus Leisure Ltd | Condition Discharge: Condition 8 (Surface Water Drainage Scheme) of application 17/01409/S73M | Bretonside Bus Station Bretonside Plymouth PL4 0BG | Mr John Douglass |
| 10/09/2019 | Refused | 19/00727/AMD | Mr Rud Sawers | Non-material amendment: Amend condition 8 (Landscape details) to require details Pre-DPC stage of construction rather than Pre-commencement for application 18/00432/FUL. | Allotment Gardens Prince Maurice Road Plymouth PL4 7LL | Mrs Katie Saunders |
| 10/09/2019 | Granted Conditionally | 19/00843/FUL | Miss Caroline Cawrse | Outbuilding (concrete block shed) | 181 Tailyour Road Plymouth PL6 5DJ | Mr Peter Lambert |
| 10/09/2019 | Granted Conditionally | 19/01030/FUL | Mrs Donna Howard | Change of use from storage and distribution (Class B8) to art gallery and studios (Sui Generis) with external alterations including windows and entrances (part retrospective) | 22 George Place Plymouth PL1 3NY | Mr Chris Cummings |
| 10/09/2019 | Granted Conditionally | 19/01277/ADV | Drake Circus Leisure Ltd | 3 No building mounted signs mounted on the north west elevation of the building, (Exeter Street), the south east elevation of the building, (Bretonside) & the south west elevation of the 2 storey building and 2 No back to back signs mounted on each of the existing subway goalpost structures. | Shelters 22M From Really Good Records, Bretonside Bus Station Bretonside. On Exeter Street Exeter Street Plymouth PL4 0BG | Mr Mike Stone |
| 11/09/2019 | Granted Conditionally | 19/00827/FUL | Mr Zack Davey | Single storey rear extension | 31 Welbeck Avenue Plymouth PL4 6BG | Mr Sam Lewis |
| 11/09/2019 | Granted Conditionally | 19/00933/TPO | Mrs Mary Beryl | T1 Macrocarpa : remove 3 dead overhanging branches and 2 live branches above the dead ones approximately 3-4" in diameter. | 10 Frensham Avenue Plymouth PL6 7JN | Ms Joanne Gilvear |

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|---------------|-----------------------|-----------------|--------------------------------------|---|---|-------------------|
| 11/09/2019 | Granted Conditionally | 19/00967/ADV | The Royal Bank Of Scotland Group Plc | Replacement signage including new fascia, ATM surround and projecting signage. | 2 Old Town Street Plymouth PL1 1DP | Mrs Alumeci Tuima |
| 11/09/2019 | Granted Conditionally | 19/01212/TPO | Mr Jason Popperwell | Lombardy Poplar (T1 -7) - reduce height by approximately 5m as indicated in photos. Beech (T8) - cut back foliage to give 1m clearance from building. Ash (T14) - Remove deadwood (exempt work) Turkey Oak (T16) - Remove deadwood (exempt work). Young Elm trees: Remove to benefit the Turkey Oak Silver Birch (T17) - Prune to clear the building by 1m. Ash (T18) - Prune to clear the building by 1.5m. Remove deadwood. | 34 Holland Road Plymstock Plymouth PL9 9BN | Mrs Jane Turner |
| 11/09/2019 | Granted Conditionally | 19/01218/TPO | Mr Bill Sparks | Copper Beech (T1) - Reduce the remaining branches to the same level of the partially completed reduction to balance the tree. | 262 Outland Road Plymouth PL2 3NZ | Mrs Jane Turner |
| 11/09/2019 | Granted Conditionally | 19/01230/TPO | Mrs Pam Hearn | 2x Beech - reduce lower branches over drive by a maximum of 4m to retaining wall, to natural growth points. | 181 Springfield Road Plymouth PL9 8JS | Mrs Jane Turner |
| 11/09/2019 | Granted Conditionally | 19/01236/FUL | Mrs Nicola Hill | Single storey rear extension with balcony | 47 The Old Wharf Plymouth PL9 7NP | Mr Sam Lewis |
| 11/09/2019 | Granted Conditionally | 19/01281/S73 | Mr Jon Back | Variation of condition 5 (Opening Hours - Green Tavenors Members Bar) of application 18/01335/FUL | Home Park Football Ground Outland Road Plymouth PL2 3DQ | Mr Chris King |
| 12/09/2019 | Granted Conditionally | 19/00279/LBC | Mr Mittler | Conversion of basement store to 1-bed apartment (Class C3) | 1 Elliot Terrace Plymouth PL1 2PL | Miss Amy Thompson |

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
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| 12/09/2019 | Granted Conditionally | 19/00304/FUL | Mr Mittler | Conversion of stores to 1-bed apartment (Class C3) | 1 Elliot Terrace Plymouth PL1 2PL | Miss Amy Thompson |
| 13/09/2019 | Refused Permisson in Principle | 19/01210/PIP | Miss Martin | Permission in principle for 2 to 3 dwellings | Land At 13 Westfield Avenue Plymouth PL9 9PE | Miss Amy Thompson |
| 16/09/2019 | Granted Conditionally | 19/00994/FUL | Mr J Williams | Change of use of amenity land to residential garden | 46 Auctioneers Close Plymouth PL7 1AH | Mr Peter Lambert |
| 16/09/2019 | Agreed | 19/01216/CDM | Mr Ian Russell | Condition Discharge: Conditions 3, 4 & 5 of application 19/00598/FUL | Vacant Plot In North Eastern Corner Of The Pine Gardens Development Nr. Beechfield Grove Plymouth PL3 4PJ | Miss Amy Thompson |
| 17/09/2019 | Granted Conditionally | 19/01019/FUL | Mr Graham Carter | Rear extension | 73 Lambhay Hill Plymouth PL1 2NR | Mr Mike Stone |
| 17/09/2019 | Granted Conditionally | 19/01087/FUL | Mr Andrew Milton | Installation of liquid nitrogen storage tank. | Collins Aerospace, Clittaford Road Southway Plymouth PL6 6DE | Mr Macauley Potter |
| 17/09/2019 | Granted Conditionally | 19/01213/ADV | Mr Angelo Mareri | 2 x internally illuminated fascia text and projecting signs | Unit 4, Drake Circus Leisure Centre 1 Charles Street Plymouth PL1 1EA | Mrs Alumecci Tuima |
| 17/09/2019 | Granted Conditionally | 19/01229/FUL | Mr And Mrs O'Brien | Single storey side and rear extension and raised rear decking. | 7 Dunstone Road Plymstock Plymouth PL9 8RG | Mr Mike Stone |
| 17/09/2019 | Granted Conditionally | 19/01239/FUL | Mr William Ellis | Front porch | 19 Jennycliff Lane Plymouth PL9 9RN | Mr Chris Cummings |

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| 17/09/2019 | Refused | 19/01387/AMD | Mr Nicholas Vosper | Non-material amendment for application 18/01985/FUL: South elevation cladding alteration | 15 Valley Road Plymouth PL7 1RF | Mr Chris Cummings |
| 19/09/2019 | Granted Conditionally | 19/00927/FUL | Mr & Mrs Elwell | Two-storey side extension, loft conversion including rear dormer, part retrospective front porch, new garage and front, side and rear driveway/hardstand | 5 Merafield Close Plymouth PL7 1SG | Mr Macauley Potter |
| 19/09/2019 | Granted Conditionally | 19/00981/FUL | Mr & Mrs Creese | Single storey side extension | 155 Hooe Road Plymouth PL9 9NL | Mrs Alumecci Tuima |
| 19/09/2019 | Granted Conditionally | 19/01006/FUL | Mr Nigel Yarham | Change of use from shop and first floor flat to one 4-bed dwelling (Class C3) | 214 Ladysmith Road Plymouth PL4 7NR | Mr Chris Cummings |
| 19/09/2019 | Refused | 19/01022/FUL | Mr Jay Amies | Front hardstanding | 157 Stuart Road Plymouth PL1 5LG | Mrs Alumecci Tuima |
| 19/09/2019 | Granted Conditionally | 19/01079/FUL | Mr H Putnam | Internal non-structural alterations and external repairs, inc. extension to first floor rear addition to form 1no additional HMO room | Kings Arms, 60 Pembroke Street Plymouth PL1 4JS | Mr Chris King |
| 19/09/2019 | Granted Conditionally | 19/01080/LBC | Mr H Putnam | Internal non-structural alterations and external repairs, inc. extension to first floor rear addition to form 1no additional HMO room | Kings Arms, 60 Pembroke Street Plymouth PL1 4JS | Mr Chris King |
| 19/09/2019 | Granted Conditionally | 19/01252/S73 | Urban Splash Ltd | Variation of Condition 3 (Minimum Car Parking Provision) of application 19/00432/FUL | Unit 1 Brewhouse Royal William Yard Plymouth PL1 3QQ | Mr Chris Cummings |

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| 19/09/2019 | Granted Conditionally | 19/01258/FUL | Mr & Mrs Millmore | Single storey rear and side extension | 73 Thornyville Villas Plymouth PL9 7LD | Mr Sam Lewis |
| 19/09/2019 | Agreed | 19/01293/CDM | Mr Warven | Condition Discharge: Condition 3 of application 17/01432/FUL | 'Dunya' Restaurant 10 Derrys Cross Plymouth PL1 2TE | Miss Amy Thompson |
| 19/09/2019 | Refused | 19/01408/AMD | Mr Stephen Milner | Non-material Amendment for application 19/00708/FUL to revise eaves height | 60 Furzehatt Road Plymouth PL9 8QT | Mr Chris Cummings |
| 20/09/2019 | Granted Conditionally | 19/00948/FUL | Mr P Davies | 2no. air conditioning units (part retrospective) | 61 Molesworth Road Stoke Plymouth PL1 5PF | Mr Dan Thorning |
| 23/09/2019 | Granted Conditionally | 19/01283/S73 | Mr Hasan Mousa | Variation of Condition 2 of approval 18/01598/FUL (Approved Plans) to alter position of extraction unit | Coffee On The Hill 43 North Hill Plymouth PL4 8EZ | Mr Chris Cummings |
| 24/09/2019 | Agreed | 19/00956/CDM | Plymouth Community Homes | Condition Discharge: Condition 4 and 5 of application 18/01275/FUL | Tavy House, Tamar House, Lynher House, Duke Street, James Street, And Curtis Street Mount Wise Plymouth | Mrs Katie Saunders |
| 24/09/2019 | Agreed | 19/00963/CDM | Pier Street Limited | Condition Discharge: Conditions 2 & 3 of application 18/01971/S73 | Former Tennis Courts Hoe Road/Pier Street Plymouth | Mrs Karen Gallacher |
| 24/09/2019 | Agreed | 19/01090/CDM | Drake Circus Leisure Ltd | Condition Discharge: Condition 17 (car park access control) of application 17/01409/S73M | Bretonside Bus Station Bretonside Plymouth PL4 0BG | Mr John Douglass |
| 24/09/2019 | Refused | 19/01222/FUL | Mr Dean Luxton | Erection of 4no dwellings | 25 & 27 Longwood Close Plymouth PL7 2HD | Mr Chris King |

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
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| 24/09/2019 | Granted Conditionally | 19/01228/FUL | Mr & Mrs Hibbitt | Two-storey rear extension and detached annex | 52 Randwick Park Road Plymouth PL9 7QL | Mr Sam Lewis |
| 24/09/2019 | Refused | 19/01312/AMD | Mrs J Wotton | Non-Material amendment; Application no. 19/00139/FUL | 19 Reservoir Road Plymstock Plymouth PL9 8JR | Mrs Alumeci Tuima |
| 24/09/2019 | Refused | 19/01382/AMD | Mr Shaun Harding | Non-material Amendment: Change external face brick to render to application 19/00672/FUL | 287 Westfield Plymouth PL7 2ER | Mr Peter Lambert |
| 25/09/2019 | Granted Conditionally | 19/00891/FUL | Plymouth Retail Ltd | Refurbishment and extension of Norwich Union House (Class A1, A2, A3, A4 & A5), public realm works within Old Town Street and New George Street including the creation of 6 pavilion units within Class A1, A2, A3, A4 & A5 and associated works | Norwich Union House, Old Town Street & New George Street Plymouth PL1 1DN | Mr Alistair Wagstaff |
| 25/09/2019 | Granted Conditionally | 19/01074/FUL | McDonald's Restaurants Ltd | Extensions and partial demolition to existing building including new entrance. Reconfiguration of car park and external seating. Installation of canopy and store | McDonald's Restaurant, 1 Pomphlett Road Plymouth PL9 7BH | Mr Chris Cummings |
| 25/09/2019 | Granted Conditionally | 19/01084/FUL | Fox House Studios | Change of use from dwelling (Class C3) to bed & breakfast (Class C1) | Higher Lane House Higher Lane Plymouth PL1 2AN | Mr Dan Thorning |
| 25/09/2019 | Granted Conditionally | 19/01095/FUL | Mr T Wills | Change of use of Intercity House from B1 to D1 (Educational Use) including replacement of existing cladding and associated works | Intercity House Plymouth Station Plymouth PL4 6AB | Mr Tim Midwood |
| 25/09/2019 | Granted Conditionally | 19/01243/FUL | Mr Ross Tully | Single story rear extension | 95 Aberdeen Avenue Plymouth PL5 3UN | Mr Peter Lambert |

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
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| 25/09/2019 | Granted Conditionally | 19/01501/ADV | The Range | No.1 non-illuminated fascia sign | Units 29-34, Sugar Mill Industrial Estate Billacombe Road Plymouth PL9 7HT | Mr Chris Cummings |
| 26/09/2019 | Granted Conditionally | 19/00629/FUL | Mr & Mrs D Freeman | Two-storey rear extension | 38 Alderney Road Plymouth PL6 6EH | Mr Peter Lambert |
| 26/09/2019 | Granted Conditionally | 19/00920/FUL | Mr & Mrs Smith | Rear extension, conservatory and terrace and demolition of rear buildings | 106 Merafield Road Plymouth PL7 1SJ | Mr Dan Thorning |
| 26/09/2019 | Granted Conditionally | 19/01081/FUL | Mr H Pender | Change of use of ground floor former public house to 5-bed HMO (Class C4) with refuse and cycle store | Kings Arms, 60 Pembroke Street Plymouth PL1 4JS | Mr Chris King |
| 26/09/2019 | Granted Conditionally | 19/01082/LBC | Mr H Pender | Change of use of ground floor former public house to 5-bed HMO (Class C4) with refuse and cycle store | Kings Arms, 60 Pembroke Street Plymouth PL1 4JS | Mr Chris King |
| 26/09/2019 | Granted Conditionally | 19/01294/FUL | Mr C Stock | Conversion of garage to bedroom with new roof, hip to gable roof conversion and new rear rooflight. | 15 Staddon Park Road Plymouth PL9 9HL | Mr Mike Stone |
| 26/09/2019 | Granted Conditionally | 19/01336/LBC | Mr & Mrs Patrick | Internal and external alterations, including extensions to the dwelling and garage and the demolition of modern additions | Powderham House Yonder Street Plymouth PL9 9RB | Mr Mike Stone |
| 26/09/2019 | Agreed | 19/01503/CDC | Donna Green | Condition Compliance: Confirmation of compliance with conditions on application 09/00832/FUL | Woodland House Opie Lane Plymouth PL4 8ED | Mr Sam Lewis |
| 26/09/2019 | Agreed | 19/01504/CDC | Donna Green | Condition Compliance: Confirmation of compliance with conditions for application 10/00180/FUL | Woodland House Opie Lane Plymouth PL4 8ED | Mr Sam Lewis |

| Decision Date | Decision | Application No: | Applicant | Proposal | Address | Case Officer |
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| 27/09/2019 | Granted Conditionally | 19/01220/TPO | Mr John Poat | Copper beech (T1): Reduce canopy by 2-3 metres in height focussing on taller northern side of the crown. Reduce lateral spread by a maximum of 2.5 metres from whole circumference as indicated in photo (amendments agreed on site 4/9/19 and via e-mail 9/9/19) Sycamore (T2): Fell | 6 Plymstock Road Plymouth PL9 7NT | Mrs Jane Turner |
| 27/09/2019 | Granted Conditionally | 19/01260/TPO | Mrs Melanie Darch | Yew (T1). Reduce the extended lower branches 2m and reduce the remaining crown of the tree by 1.5m. | 7 Compton Knoll Close Plymouth PL3 5HS | Ms Joanne Gilvear |
| 27/09/2019 | Granted Conditionally | 19/01335/FUL | Mr & Mrs Patrick | Internal and external alterations, including extensions to the dwelling and garage and the demolition of modern additions | Powderham House Yonder Street Plymouth PL9 9RB | Mr Mike Stone |

Appeal Decisions between 03/09/2019 and 30/09/2019

| Decision Date | Original Planning Application | Appeal Reference | Inspectors Decision | Inspectors Reference Number |
|---|-------------------------------|----------------------|---------------------|-----------------------------|
| 06/09/2019 | 19/00179/PIP | 2019/0017 | Appeal Dismissed | APP/N1160/W/19/3226557 |
| Ward | | | | |
| Efford and Lipson | | | | |
| Address | | | | |
| Land Adjacent To Chesterfield Road Plymouth PL3 6BD | | | | |
| Application Description | | | | |
| Permission in principle for 2 to 6 dwellings | | | | |
| Appeal Process | | Officers Name | | |
| Written Representations | | Mr Jon Fox | | |
| Synopsis | | | | |
| The Inspector agreed that the proposed development would be overbearing when viewed from properties below, and that those properties would experience an unreasonable loss of privacy contrary to policy DEV1 of the JLP. | | | | |

| Decision Date | Original Planning Application | Appeal Reference | Inspectors Decision | Inspectors Reference Number |
|---|-------------------------------|----------------------|---------------------|-----------------------------|
| 17/09/2019 | 19/00530/FUL | 2019/0027 | Appeal Allowed | APP/N1160/D/19/3233755 |
| Ward | | | | |
| Compton | | | | |
| Address | | | | |
| 67 Eggbuckland Road Plymouth PL3 5JR | | | | |
| Application Description | | | | |
| Single storey rear extension and demolition of existing garage | | | | |
| Appeal Process | | Officers Name | | |
| Written Representations | | Mr Chris Cummings | | |
| Synopsis | | | | |
| <p>Planning permission was refused for a single storey rear extension as it was considered to create an unacceptable level of impact to outlook, daylight and sunlight of the neighbouring dwelling of no.69 Eggbuckland Road due to the height, length and boundary position. This was considered contrary to Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan, the Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. Having reviewed the application, and visited the site, the Inspector did not agree with the Council's view and allowed the appeal. The height increase was considered by the Inspector to be relatively moderate at a 1 metre to 1.5 metres increase and that the existing outlook of the neighbouring property is already impacted by a high wall, shed and brick building which would not be significantly altered by the extension. It was also considered that there would not be any significant impact on levels of sunlight reaching the patio area, due to the surrounding wall and structures, and this was further mitigated by the wide garden at the site. It was noted that the proposal breached the 45 degree guideline set out in the Development Guidelines Supplementary Planning Document. The guidelines set out that they can be relaxed in some cases due to orientation, ground level differences or high boundary walls, which were considered to be factors applicable in this case that permitted relaxation of the guidance. No applications for costs were made by either side and no costs were awarded by the Inspector.</p> | | | | |

| Decision Date | Original Planning Application | Appeal Reference | Inspectors Decision | Inspectors Reference Number |
|---|-------------------------------|----------------------|---------------------|-----------------------------|
| 26/09/2019 | 18/01692/FUL | 2019/0022 | Appeal Dismissed | APP/N1160/W/19/3230342 |
| Ward | | | | |
| Compton | | | | |
| Address | | | | |
| Flat 5, 8 Seymour Road Mannamead Plymouth PL3 5AS | | | | |
| Application Description | | | | |
| Replacement of existing windows with uPVC | | | | |
| Appeal Process | | Officers Name | | |
| Written Representations | | Mr Mike Stone | | |
| Synopsis | | | | |
| <p>Planning permission was refused for permission to replace timber-framed windows with uPVC windows in a flat that is part of a large Victorian villa converted into apartments in the Mannamead Conservation Area. The proposal was considered to be contrary to JLP Policy DEV21 and to guidance contained in the National Planning Policy Framework. Having reviewed the application, and visited the site, the Inspector supported the Councils view that the development would result in harm to the conservation area and that there would be no balancing public benefit resulting from the work. The Inspector concluded that the proposal would not preserve or enhance the character and appearance of the conservation area. Therefore, it would not accord with Policy DEV21 of the JLP and would be inconsistent with the conservation requirements of the NPPF. The Inspector noted that he had taken in to consideration other matters such as the continued maintenance costs and the use of uPVC in other houses in the conservation area. No applications were made for costs by either side and no costs were awarded by the Inspector.</p> | | | | |

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