



#plymplanning

**Oversight and Governance**

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Published 06 October 2020

## PLANNING COMMITTEE

Thursday 15 October 2020  
4.00 pm  
Virtual Committee

**Members:**

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Allen, Mrs Bridgeman, Corvid, Sam Davey, Michael Leaves, Nicholson, Mrs Pengelly, R Smith, Vincent, Ms Watkin and Winter.

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

This meeting will be webcast and available on-line after the meeting. By joining this virtual meeting, 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

### 1. Apologies

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

### 2. Declarations of Interest

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

### 3. Minutes (Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 17 September 2020.

### 4. Chair's Urgent Business

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

### 5. Questions from Members of the Public

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

### 6. Planning Applications for consideration

The Service Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

#### 6.1. 2 Darklake Close And Adjacent Land Plymouth PL6 7TJ - (Pages 7 - 22) 20/00596/FUL

Applicant:	Mr Tony Carson
Ward:	Moorview
Recommendation:	Grant conditionally subject to S106 Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.

6.2. St Annes House Jennycliff Lane Plymouth PL9 9SN -  
20/00418/FUL

**(Pages 23 - 34)**

Applicant:	Mr Neal Stoneman
Ward:	Plymstock Radford
Recommendation:	Grant conditionally

**7. Planning Enforcement**

**(Pages 35 - 36)**

**8. Planning Application Decisions Issued**

**(Pages 37 - 50)**

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 –

- 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 51 - 54)**

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 17 September 2020

### PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Allen, Mrs Bridgeman, Churchill (substitute for Councillor Nicholson), Corvid, Sam Davey, Michael Leaves, Riley (substitute for Councillor Mrs Pengelly), Rebecca Smith, Tuffin (substitute for Councillor Vincent), Ms Watkin and Winter.

Apologies for absence: Councillors Nicholson, Mrs Pengelly and Vincent.

Also in attendance: Carly Francis (Area Planning Manager), Julie Parkin (Senior Lawyer), Peter Lambert (Planning Officer), Macauley Potter (Planning Officer), Josephine Maddick (Planning Officer), Chris King (Planning Officer) and Amelia Boulter (Democratic Advisor).

The meeting started at 4.00 pm and finished at 7.42 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.*

### 36. Declarations of Interest

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

Name	Minute	Reason	Interest
Councillor Winter	43	Will speak as Ward Councillor on behalf of residents.	Private

### 37. Minutes

Agreed the minutes of the meeting held on 20 August 2020.

### 38. Chair's Urgent Business

There were no items of Chair's urgent business.

### 39. Questions from Members of the Public

There were no questions from members of the public.

40. **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.

41. **10 St Johns Close, Plymouth, PL6 8BR - 20/00903/FUL**

Mr and Mrs Arthurs

Decision:

Application GRANTED conditionally.

42. **76 Looseleigh Lane, Plymouth, PL6 5HH - 20/00425/FUL**

Mrs Edwards

Decision:

Grant conditionally to include an amendment to existing privacy screen condition to make reference to both western and eastern screen.

(The Committee heard from Councillor Drean, Ward Councillor).

(The Committee heard from Mrs Patricia Thompson, in objection to the application).

(The Committee heard from Mrs Edwards, on behalf of the application).

(A site visit was held on 16 September 2020 in respect of this item)

43. **8 Admiralty Road, Plymouth, PL5 1NJ - 20/00729/FUL**

Ms Claire Kelly

Decision:

Grant conditionally.

(The Committee heard from Councillor Winter declared an interest and took no part in the discussion or vote).

(The Committee heard from Kenzie Hodge, in objection to the application).

(The Committee heard from Claire Kelly on behalf of the application).

(A site visit was held on 16 September 2020 in respect of this application).

44. **Victoria House, Cattedown Road, Plymouth, PL4 0RF - 20/00672/FUL**

Halo Aviation Ltd

Decision:

Grant conditionally to include the following:

1. Amendment to condition 17.6 no testing after 8 pm. Proposed by Councillor Mrs Bridgeman and seconded by Councillor Stevens.
2. Further consideration with the Applicant for a proposed condition to promote direct lines of communication regarding inbound and outbound flights that will transverse the site and affect neighbouring sites. The Applicant to engage with site operators through the Emergency Responder Forum. Delegated authority to the Service Director of SPI in consultation with the Chair, Vice and Lead Opposition to agree. Proposed by Councillor Rebecca Smith and seconded by Councillor Stevens.

(The Committee heard from Councillor Mrs Aspinall, Ward Councillor).

(The Committee heard from Councillor Rennie, Ward Councillor).

(The Committee heard from Adrian Rafferty, in objection to the application).

(The Committee heard from Jonathan Merrett on behalf of the application).

(A site visit was held on 16 September 2020 in respect of this application).

45. **Planning Enforcement**

Members noted the Planning Enforcement Report.

46. **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.

**VOTING SCHEDULE 17 SEPTEMBER 2020** (Pages 4 - 5)

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**PLANNING COMMITTEE – 17 September 2020****SCHEDULE OF VOTING**

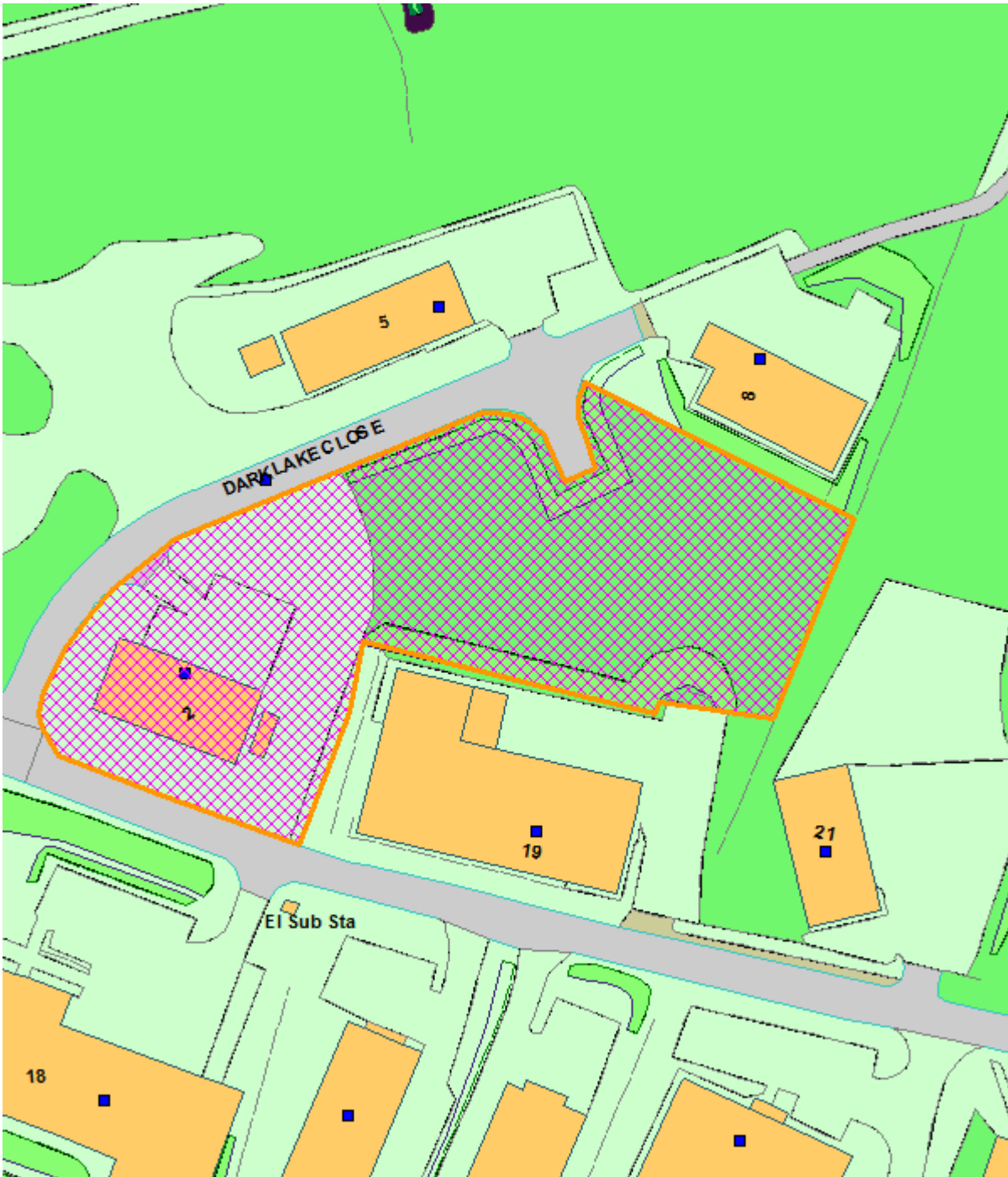
<b>Minute number and Application</b>		<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
6.1	10 St Johns Close, Plymouth, PL6 8BR - 20/00903/FUL  Grant conditionally.	Councillors Stevens, Tuohy, Allen, Mrs Bridgeman, Churchill, Corvid, Davey, Michael Leaves, Riley, Rebecca Smith, Tuffin, Ms Watkin and Winter.				
6.2	76 Looseleigh Lane, Plymouth, PL6 5HH 20/00425/FUL  Grant conditionally with amendment to condition 3.	Councillors Stevens, Tuohy, Allen, Mrs Bridgeman, Churchill, Corvid, Davey, Michael Leaves, Riley, Rebecca Smith, Tuffin, Ms Watkin and Winter.				
6.3	8 Admiralty Road, St Budeaux, Plymouth, PL5 1NJ 20/00729/FUL  Grant conditionally.	Councillors Stevens, Tuohy, Allen, Mrs Bridgeman, Churchill, Corvid, Davey, Michael Leaves, Riley, Rebecca Smith, Tuffin and Ms Watkin.			Councillor Winter	
6.4	Victoria House, Cattedown Road, Plymouth, PL4 0RF 20/00672/FUL  Grant conditionally to include the amendment to condition 17.6 and further consideration to a new condition relating	Councillors Stevens, Tuohy, Allen, Mrs Bridgeman, Churchill, Corvid, Davey, Michael Leaves, Riley, Rebecca Smith, Tuffin, Ms Watkin and Winter.				

<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/00596/FUL	<b>Item</b>	<b>01</b>
<b>Date Valid</b>	19.06.2020	<b>Ward</b>	MOORVIEW
<b>Site Address</b>	2 Darklake Close And Adjacent Land Plymouth PL6 7TJ		
<b>Proposal</b>	Extension to existing unit and erection of 2no. industrial buildings (Class B2/B8)		
<b>Applicant</b>	Mr Tony Carson		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>18.09.2020</b>	<b>Committee Date</b>	<b>15.10.2020</b>
<b>Extended Target Date</b>	<b>28.10.2020</b>		
<b>Decision Category</b>	Councillor Application		
<b>Case Officer</b>	Mr Simon Osborne		
<b>Recommendation</b>	Grant conditionally subject to S106 Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.		



This application is being heard by Planning Committee because the applicant is a Plymouth City Council Councillor

### **I. 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 site is comprised of two parts, a larger undeveloped area to the north and a smaller area to the south which forms the existing Baird House site. The larger undeveloped area is approximately 0.5 hectares, sloping down from south to north and is currently vegetated by trees and scrubs. It lies between existing industrial units. The eastern boundary of the site includes a hedgerow of trees and scrubs which is covered by a group Tree Preservation Order (TPO).

The Baird House part of the site measures approximately 0.24 hectares and also slopes south to north. The site contains an existing industrial building and an external storage area.

## **2. Proposal Description**

The proposal is for the erection of 2 industrial buildings (Class B2/B8) and an extension to the existing industrial building. 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 10 units each measuring 72.5sqm (overall footprint of 725sqm). The units would have a mezzanine of 30sqm increasing the total usable area to 1025sqm. The building would be clad in grey composite metal cladding. Each individual unit would be split level and contain a roller shutter on the southern elevation. Each unit would have 2 car parking spaces at the front with a further 15 spaces opposite the building.

The higher southern platform would contain a smaller building of 147sqm subdivided into 5 garage type stores. The platform contains 18 parking spaces and a relatively large external storage area. The building would again be clad in composite metal and would contain 5 roller shutters.

The proposed extension building would be attached to the existing industrial unit (Baird House) and would be approximately 401sqm containing storage areas, offices, staff facilities and a reception, and with an additional mezzanine of 95sqm containing offices.

## **3. Pre-application Enquiry**

None.

## **4. Relevant Planning History**

19/00775/FUL- Erection of 2x industrial buildings (Class B2/B8) - Withdrawn

This application was for a similar scheme to the current proposal and was for the erection of 2 industrial buildings on the undeveloped part of the current site. The previous application included removal of the existing turning head. The application was heard at Planning Committee where it was resolved to grant planning permission subject to the signing of a s106. Following the Planning Committee a private property issue arose regarding the existing turning head which led to the withdrawal of the application. A post withdrawal meeting then took place which led to the subsequent submission of the application now being considered which proposes to retain the existing turning head.

91/01409/FUL - Erection of factory & warehouse building & formation of associated car park - Granted Conditionally.

## **5. Consultation Responses**

Local Highway Authority - 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 Department - Supports the proposal.  
Public Protection Service - No objections subject to conditions.

## **6. Representations**

No representations have been received regarding this application.

## **7. Relevant Policy Framework**

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

the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on 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 (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) 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. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

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.

As a result of Government policies and guidance regarding lockdown due to COVID-19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from COVID-19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result in a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: The Joint Local Plan 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 and are considered 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. As previously discussed the undeveloped land was previously subject of a similar, but subsequently withdrawn, scheme to which the Local Highway Authority (LHA) raised no objections in principle. This latest proposal broadly replicates the previous application in size and scale, and the quantum of development albeit retaining the existing turning head and including an extension.
7. The site is located on the edge of the city and has poor bus links 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 principle to the proposal.
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 proposal would include a total of 60 spaces to serve the proposed buildings and the existing unit. The LHA considers that this level of parking provision is acceptable. . In addition and essential in such an inaccessible location is the provision of storage for 22 cycles which will be secured by condition.
10. Conditions have also been added to ensure that the details of proposed roadways, junctions and accesses are acceptable and fit for purpose.

### 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. Proposed ecological enhancements include:
  - o Wildflower meadow areas native planting
  - o Trees / scrub native planting (3no. Rowan Sorbus aucuparia trees will be planted.)
  - o Areas of meadow planting will be interspersed with native Gorse shrubs to provide structure and cover for wildlife
14. 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 has been submitted which is considered acceptable.
15. The site forms part of the backdrop to a Landscape Character area: Plymbridge Wooded Valley. A landscaping scheme has been submitted which officers consider is acceptable. The proposal seeks to retain important tree groups including the boundary hedge and proposes planting of 3 additional Rowans. Given that the site is located on an industrial site it is not considered that the proposal would have unreasonable wider landscape impacts.
16. 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 during the previous application the proposal avoids conflict with the protected tree groups. This area will also be constructed using a no dig method the details of which will be secured by condition. A condition to prohibit parking not within a marked parking space has also been added to avoid any impact on trees.
17. 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

18. 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.
19. A drainage statement has been submitted with the application which states that surface water will be conveyed into three separate attenuation tanks, one for each unit. Parking areas will be constructed from permeable paving.
20. The Lead Local Flood Authority are satisfied with the proposal subject to the submission of further drainage details which will be secured by condition.

Public Protection Issues

21. 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.



22. PPS recognise that the site is within an industrial estate and not in particularly close proximity to residential dwellings. However they have recommended a condition external noise to be limited to a certain level at night time. This condition is considered appropriate and has been added.
23. An hours of construction condition and code of construction condition has also been recommended. The hours stipulated would be within the standard working day and therefore officers do not consider this is necessary. An informative regarding the councils code of construction has been added.

#### Sustainability

24. 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.

#### Other Issues

25. The development includes over 1000sqm of new floor space and therefore inline with the Joint Local Plan SPD a condition has been added to ensure the installation of a Public Access Defibrillator to help safeguard employees, visitors and people in the area should it be required in an emergency.

### **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**

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 2010 are met.

The Local Highway Authority has requested a contribution to mitigate the impact of the development on the strategic highway network. Following negotiations with the applicant a contribution of £26,500 has been secured towards the Forder Valley Link Road Scheme. The Local Highway Authority are satisfied that this will adequately mitigate the impacts of the development.

A S106 management fee of £667 has also been secured.

### **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 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.

### **14. Recommendation**

In respect of the application dated 19.06.2020 it is recommended to Grant conditionally subject to 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 P01 received 27/05/20

Existing Site Plan Land North of Baird House 2134-MAL-00-XX-XX-A-102 Rev P02 received 27/05/20

Proposed Site Plan Darklake Close and Baird House 2134-MAL-00-XX-XX-A-103 Rev P04 received 27/05/20

Block A - Plans and Elevations Land Darklake Close 2134-MAL-00-XX-XX-A-104 Rev P03 received 27/05/20

Block B - Plans and Elevations; Site Sections Land at Darklake Close 2134-MAL-00-XX-XX-A-105 Rev P03 received 27/05/20

Block C - Plans and Elevations 2134-MAL-00-XX-XX-A-106 Rev P03 received 27/05/20

Block C - Plans and Elevations 2134-MAL-00-XX-XX-A-107 Rev P03 received 27/05/20

Landscape Plan Baird House Extension 2134-MAL-00-XX-XX-A-109 Rev P04 received 27/05/20

Landscape Site Plan 2134-MAL-00-XX-XX-A-110 Rev P04 received 27/05/20

Tree Constraints Plan 05225 - TCP 02.05.19 - received 27/05/20

Tree Protection Plan and AIA 05225 - TPP 07.08.19 - received 27/05/20

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 (CEMP) 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.

Justification: To ensure adequate management is in place before any construction begins.

### **4      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.

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

### **5      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.

## **6      CONDITION: DETAILS OF NEW JUNCTIONS**

### PRE-SLAB LEVEL

No development shall take place above slab level until details of the junction/access between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034.

## **7      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.

## **8      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 & South West Devon Joint Local Plan 2019 and the NPPF.

## **9      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.

## **10     CONDITION: BIODIVERSITY AND LANDSCAPE ECOLOGY MANAGEMENT PLAN**

### 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 units 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.

**11 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 & South West Devon Joint Local Plan 2014-2034.

**12 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 22 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 & South West Devon Joint Local Plan 2014-2034.

**13 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 of protected trees in accordance with Policies DEV28 and DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034.

**14 CONDITION: WORK PLACE TRAVEL PLAN**

PRE-OCCUPATION

The use hereby permitted shall not commence until a Work Place Travel Plan (WPTP) has been submitted to and approved in writing by the Local Planning Authority. The WPTP shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; site specific outcomes and targets, an agreed arrangement for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone

number of the person responsible for its implementation. From the date of first use the developer shall operate the approved Work Place Travel Plan

Travel plans for non-residential developments are recommended to be created and managed using iTRACE, an online travel plan management tool available through the Council. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## **15      **CONDITION: PUBLIC ACCESS DEFIBRILLATOR****

### **PRE-OCCUPATION**

Prior to the occupation of the development hereby approved a Public Access Defibrillator (PAD) and associated signage shall be installed on an external surface of one of the buildings or other appropriate location to the satisfaction of the Local Planning Authority. The PAD shall be registered with the South Western Ambulance Service NHS Foundation Trust (SWASFT) and monitored and maintained in accordance with their registration requirements thereafter unless agreed in writing by the Local Planning Authority.

Reason:

To safeguard employees, visitors and local communities in accordance with DEVI and SPT2 of the Joint Local Plan, the NPPF and NPPG and guidance found within Joint Local Plan SPD.

## **16      **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.

#### **17      **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 (which shall be amended to protect the whole root protection area of G5 and H4) 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.

#### **18      **CONDITION: SERVICE YARD NOISE****

Noise generated from the External Service Yard areas hereby approved shall not exceed 50-55 dB (LAeq,16hours) outside of the following hours 07:00 to 23:00 unless agreed in writing by the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.



## **INFORMATIVES**

### **1 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 and has negotiated amendments to the application to enable the grant of planning permission.

### **2 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>

### **3 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](http://www.plymouth.gov.uk/cil) for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

### **4 INFORMATIVE: SUPPORTING DOCUMENTS**

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

- Drainage Statement ref 62860 June 2020
- Ecological Mitigation and Enhancement Statement TE0248/EMES/A
- Energy Statement 2134
- Transport Statement ref JP/TS/38/19 April 2019
- Tree Survey 05255-Tree Survey-2019 and;
- accompanying Design and Access Statement P02

### **5 INFORMATIVE: CONDITION 10**

With regard to the requirements of condition 10, the content of the LEMP should include the following:

- i. Description and evaluation of features to be managed.

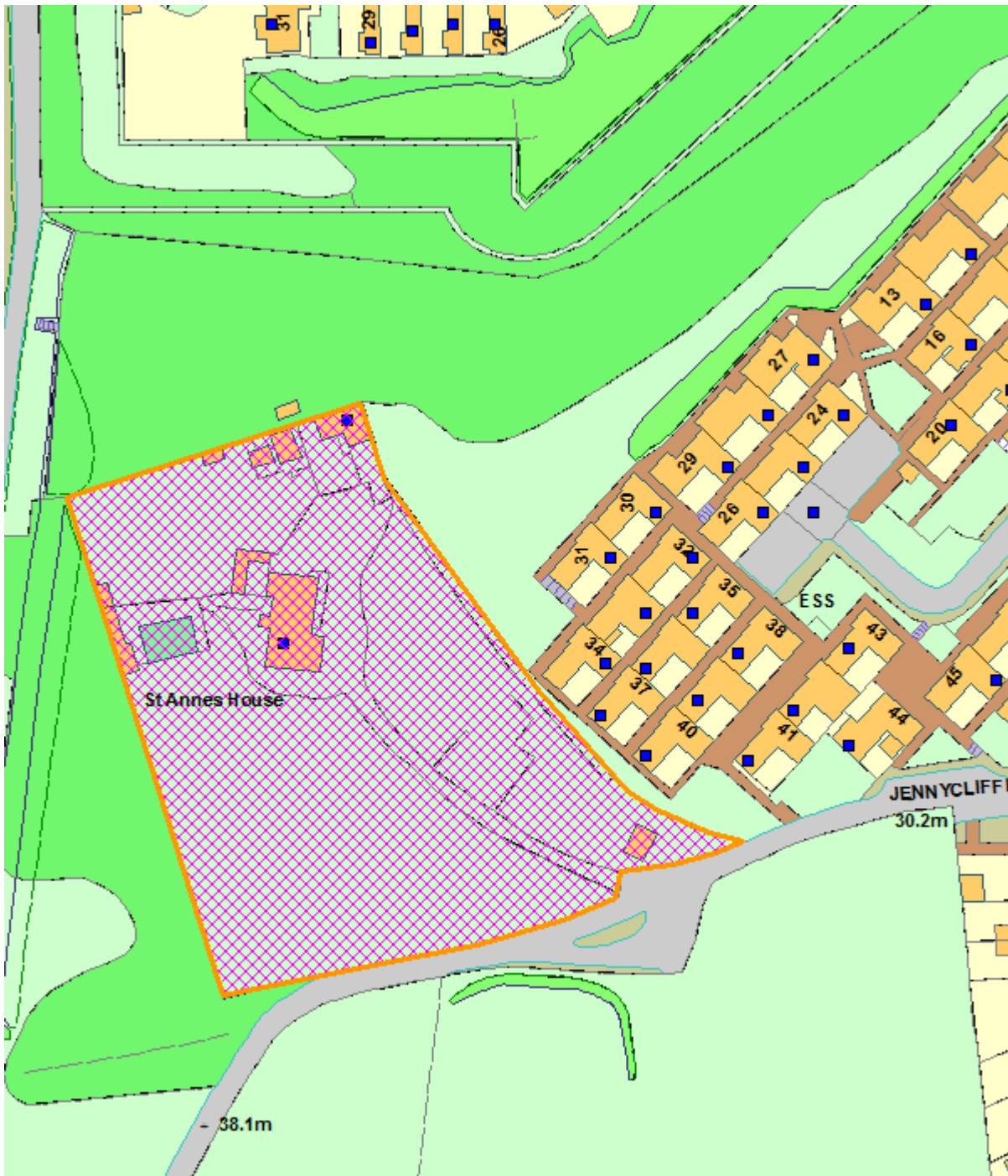
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management for both the landscape elements and the biodiversity features.
- iv. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- v. Preparation of a work schedule.
- vi. Body or organisation responsible for implementation of the plan.
- vii. Monitoring and remedial measures.

The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/00418/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	15.04.2020	<b>Ward</b>	PLYMSTOCK RADFORD
<b>Site Address</b>	St Annes House Jennycliff Lane Plymouth PL9 9SN		
<b>Proposal</b>	Change of use to wedding venue and hotel/holiday accomodation (re-submission of 19/01144/FUL)		
<b>Applicant</b>	Mr Neal Stoneman		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>10.06.2020</b>	<b>Committee Date</b>	<b>15.10.2020</b>
<b>Extended Target Date</b>	<b>31.08.2020</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mrs Karen Gallacher		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee by Councillor R Smith.

### **I. Description of Site**

The site is a large grade 2 listed, detached, single family dwellinghouse set in extensive grounds with numerous outbuildings. The main house is a single family dwelling that has also been used as a holiday let. It is a large house with 7 bedrooms and 2 large reception rooms.

Within the grounds there is an original stable block, which is currently being occupied by the owner's family, a static caravan, which is lived in by the owner's family, a swimming pool with a marquee covering and bar, a café within a marquee and various buildings and structures for use by members of staff and for animals. There is a Coach House outside the site close to the North East boundary, which is in the applicant's ownership and is occupied by the applicant when the main house is let to holiday makers. The planning status of these buildings is discussed later in this report.

The site is within the Jennycliff Green Space, a biodiversity network and is covered by a Tree Preservation Order. The adjacent land at Jennycliff is within a Strategic Landscape Area, the Undeveloped Coast and the Urban Fringe. Access to the site is from Jennycliff Lane, which is one way at the site entrance, and leads out to the public car park at Jennycliff.

The closest residential property, other than that occupied by the applicant or their family, is in Stamford Close, some of which share a garden boundary with the site and are 45m from St Anne's House.

## **2. Proposal Description**

The proposal is a resubmission of a previous scheme for weddings and holiday let accommodation for 100 guests which included a marquee, and was refused on grounds that noise from the marquee would be unacceptable, there was inadequate parking and insufficient information was submitted to show that it would not harm the landscape or listed building setting. This application is now subject to an appeal reference APP/N1160/W/20/3256121.

The revised proposal is to use the property for wedding ceremonies and for holiday letting, but for a reduced number of guests and for the weddings to take place within the main house. The application does not include a marquee. The details have been amended since this application was first submitted and it is now for a maximum of 30 house or wedding guests. The proposal also includes an allocation within the site for the parking of 10 vehicles.

The revised proposal is for guests to hire the house as a holiday home and organise their own wedding, catering and entertainment. The applicant has confirmed that the wedding parties will end by 11pm, catering will take place within the house and there will be no fireworks or amplified music outside the house. The application is for 28 weddings a year. The holiday let would be year round.

Officers have taken the view that due to the large size of the property and the proposed number of guests that the use as a holiday let constitutes a change of use from a C3 dwelling use, to a sui generis use, and therefore requires planning permission. This element of the proposal for the holiday let is retrospective.

## **3. Pre-application Enquiry**

There was a pre application enquiry for application 19/01144/FUL, but the level of information that was submitted was limited. There was no in principle objection, but the evidence provided lacked, in particular, adequate transport and noise information.

## **4. Relevant Planning History**

06/01147/FUL - conversion of coach house to separate dwelling - Granted

07/00368/LBC - construction of swimming pool in garden - Returned as not required

14/00744/MIN - pre app for 2 houses not supported due to impact on listed building.

15/01851/MIN - pre app for 5 static caravans not supported due to impact on listed building.

16/00844/FUL - erection of 5 new dwellings - withdrawn with associated LBC application.

17/02211/FUL - retrospective for fencing approved with associated LBC

18/01365/FUL - erection of fencing and animal houses - Granted with associated LBC

19/00244/MOR - pre app for wedding venue and holiday let - no in principle objection, but subject to details

19/01144/FUL - Use as wedding venue and holiday accommodation, including marquee, portable toilets and ancillary owner's accommodation. REFUSED due to inadequate parking, unacceptable noise and visual impacts on landscape and listed building.

20/00418/LBC - There is a listed building consent application associated with this planning application that has yet to be determined.

20/00281/ENF - there is an open enforcement case relating to unauthorised development on the site, that is pending consideration of recently submitted planning applications.

### **5. Consultation Responses**

Highway Authority - No objection

Public Protection Service - No objection subject to conditions

Natural Infrastructure Team - No objection subject to conditions

Lead Local Flood Authority - No objection

### **6. Representations**

There have been 31 letters of objection and one letter of support from a total of 23 contributors, as some people have written in more than once. The main concerns are listed below.

The majority of letters raise concerns about noise and parking as follows:

#### Noise

Due to the location with no natural barriers, local property will be unacceptably affected by noise from events, traffic and fireworks.

Recent events have already caused unacceptable noise levels.

Prevailing wind would carry noise to residential nearby.

People celebrating outside will disturb neighbours.

The noise impact assessment is inaccurate and unconvincing.

#### Traffic

The proposal would have insufficient parking which would lead to parking in residential streets and over use of the public car park.

Traffic would continue to drive the wrong way out of St Annes.

Increased traffic would be dangerous, as the road is not lit and there is no pavement.

There is no public transport after 11pm and the bus stop is located at Tapson Drive.

Staff will not want to cycle or take taxis after work.

#### Amenity and other concerns

Restrictions will not be adhered to especially if people organise their own events.

Increasing fencing will create an eyesore.

There have been a number of unauthorised events and developments at the site.

Plymouth City Council needs to take action against all the unauthorised works.

Another wedding venue is unnecessary.

It is unclear how the weddings could be accommodated inside the building.

Serving food with animals is unhygienic.

Trees and wildlife have been removed.

It will harm wildlife and conservation within the AONB.

It will put pressure on police to visit.

Air pollution from waiting vehicles will increase.

Local residents' wellbeing and health will be affected.

A number of emails have been received in support of St Anne's House, but these do not relate to the planning application or listed building consent. They appear to have been generated by a Facebook post. There is one letter submitted in respect of the application that supports the proposed use.

The application has been amended to remove the applicant's house from the red line and to confirm the location of proposed parking spaces. New site notices have been erected to notify the public of these changes and the publicity period ends on the 14th October 2020. Any new issues raised by

representation following this amendment will be included in an addendum report to the Planning Committee.

### **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 on 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 (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) 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. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

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.

As a result of Government policies and guidance regarding lockdown due to COVID-19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from COVID-19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result in a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

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 and South West Devon Supplementary Planning Document 2020.

## **8. Analysis**

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

2 The main considerations are the effect on residential amenity (Policies DEV1 and DEV2), highway safety and convenience (policy DEV29) and natural infrastructure (Policies DEV26, DEV27 and DEV28).

### Residential amenity

3 The application is for holiday lettings and use for weddings. Both of these uses, given the size of the property, have the potential to cause disturbance to neighbours. The main concern raised by the letters of representation is the effect on local residents caused by noise disturbance from weddings. Neighbours have written in to say that events that have already taken place have caused unacceptable disturbance. The previous scheme for larger weddings was refused because it was considered that noise would be unacceptable.

4 Compared to the previously refused scheme, this proposal is for a significantly reduced scheme. The number of people at the weddings has been reduced from 100 to 30. The house has 7 bedrooms and sufficient space to sleep 30 guests. The revised proposal is for guests to hire the house as a holiday home and organise their own wedding, catering and entertainment. The marquee has been removed from the scheme and the weddings are to take place within the house. The applicant has also confirmed that the wedding parties will end by 11pm, catering will take place within the house and there will be no fireworks or amplified music outside the house. The application is for 28 weddings a year.

5 A noise impact assessment has been submitted with the application. The noise impact assessment is based on a maximum of 30 guests, with entertainment and catering taking place inside the building.

6 Consideration has been given to the fact that the garden would be used for socialising, associated comings and goings and outside photography. The report also considers the potential of noise escaping from open windows. The assessment concludes that on this basis the noise at the nearest affected dwelling would be acceptable even with relatively loud music such as would be expected at a party. The advice from Public Protection Officers is that this level of activity is acceptable, and the methods and the findings of the noise assessment are acceptable, subject to a condition that the wedding events take place inside the main house.

7 These conditions have been put to the applicant who has agreed to no amplified music outside, no activity outside after 11pm, catering to be within the main house and to a maximum of 30 attendees. With these conditions in place, officers consider that the proposal is acceptable in terms of noise and disturbance to near neighbours and the proposal complies with policies DEV1 and DEV2 of the JLP and the NPPF.

### Highway considerations

8 The Local Highway Authority has reviewed the application and recommended that 10 spaces be provided for 30 guests and associated staff, together with a condition that cycle spaces be provided. The applicant has provided a plan to show where these car parking spaces would be located. Consideration has been given to the increase in traffic and the fact that the site is on a one way lane, without lighting or a pavement, when determining the number of parking spaces required on the site. While it is possible that some people may drive the wrong way on exit, this cannot be assumed and would be a matter for the police to enforce.



9 Subject to conditions that car and cycle parking spaces are made available there is no objection on highway safety grounds and the proposal is considered to comply with policy DEV29 of the JLP and the NPPF.

#### Ecology and trees

10 The proposed change of use would not adversely affect the green space or the landscape areas beyond. The proposal does not affect any trees on the site and the ecological enhancement strategy proposes bird boxes and additional planting to bring about a net gain in biodiversity for the site. Details and implementation will need to be secured by condition. For these reasons, the proposal is considered to comply with policies DEV26, DEV27 and DEV28 of the JLP and the NPPF.

#### Drainage

11 The Lead Local Flood Authority has confirmed that if the application is for the change of use and does not include new building work or marquees there would be no conflict with policies DEV35 and DEV2.

#### Other considerations raised

12 There have been concerns raised about the unauthorised development at the site. These alleged breaches are currently being investigated and new applications have been submitted for these works.

13 A planning application has been received for a retrospective change of use of part of the garden to a café, including the erection of a marquee, placing of a mobile van and additional parking. The café has been operating over the summer and has also been used for community events and by local businesses.

14 There is a caravan in the North West corner of the site, which does not have planning permission. It has been used as accommodation for the applicant's daughter. A planning application has been sought to regularise this use.

15 The stable block to the rear of the house has also been used by the applicant's family as accommodation. This forms part of a new application to include the fencing and wooden buildings already on the site that are used for animals and staff.

16 There is also an unauthorised marquee over the existing swimming pool for which an application has been submitted. This application also includes proposed works to the bar on the western boundary, a link from the pool marquee to the house and parking.

17 The four additional planning applications (retrospective) and supporting Listed Building Consent applications will be considered on their own merits and if any are refused then the Local Planning Authority will take the necessary proportionate enforcement action.

#### Intentional Unauthorised Development

18 Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere.

19 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.

20 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 new 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.

21 The use of St Anne's House for holiday lets appears to officers to be intentional unauthorised development, but is considered acceptable subject to the conditions proposed. However, to be clear, officers are not considering other matters within the current red line of this planning application that do not have planning permission. These individual developments will be considered on their own merits either under delegated powers or through the Planning Committee, as outlined above.

### **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**

The Community Infrastructure Levy (CIL) assessment has been made based on no additional floor area and therefore there is no CIL liability.

### **11. Planning Obligations**

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

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

### **12. Equalities and Diversities**

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

### **13. Conclusions and Reasons for Decision**

Subject to conditions the proposal is not considered to have an unreasonable impact on the highway network, the amenity of the area, or the natural infrastructure of the area. Officers have taken account of the NPPF and S38 (6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 15.04.2020 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****

First Floor Proposed Floor Plans 1602-26 - received 13/03/20  
Proposed Ground Floor Plans 1602/25 Rev A received 29/09/20  
Site Layout Plan 1602/34 Rev E received 29/09/20

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: CAR PARKING PROVISION****

#### **PRE-OCCUPATION**

The building shall not be used for wedding purposes as outlined within this application until the car parking areas/spaces shown on the approved plan have been drained, surfaced and demarcated in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas/spaces shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by visitors/guests to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2020, the accompanying Supplementary Planning Document 2020 and the NPPF.

### **3      **CONDITION: CYCLE PROVISION****

#### **PRE-OCCUPATION**

The building shall not be occupied for the purposes as outlined within this application until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 4 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 Plymouth and South West Devon JLP 2020, the accompanying Supplementary Planning Document 2020 and the NPPF.

### **4      **CONDITION: RESTRICTIONS ON THE USE****

All catering and music on the site shall only take place within the main house known as St Annes House as shown on plan numbers 1602/25 REVA and 1602/26 and shall not take place outside the hours of 10:00 and 23:00, or include firework displays.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours and to ensure compliance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

**5 CONDITION: ECOLOGICAL ENHANCEMENT**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the "Preliminary Ecological Appraisal Report and Ecological Mitigation and Enhancement Strategy" dated November 2019 for the site within 6 months of the date of this notice.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Plymouth and South West Devon Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170, 175 and 176.

**6 CONDITION: NO MORE THAN 30 PEOPLE**

In accordance with the submitted details, no more than 30 people, excluding registrar staff, shall attend any one of the licenced wedding ceremonies at the property.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours, or cause parking problems and to ensure compliance with policy DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary planning Document 2020 and the NPPF.

**7 CONDITION: NO MORE THAN 28 WEDDINGS PER YEAR**

In accordance with the submitted details, there shall be no more than 28 licenced wedding ceremonies in one calendar year at the site.

Reason:

To ensure that the proposed use complies with the submitted details and does not give rise to unacceptable noise and disturbance to near neighbours and to ensure compliance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan, the accompanying Supplementary Planning Document 2020 and the NPPF.

**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](http://www.plymouth.gov.uk/cil) for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructuralevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

## **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: PLANNING PERMISSION LIMITATION**

This application relates to the change of use of the building and provision of parking. It does not grant planning permission for any of the works on the approved plan that may not benefit from planning permission.

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Plymouth City Council  
 Planning Compliance Summary – to end of September 2020

Cases outstanding	407
Cases received this month	52
Cases closed this month	23
(No breach identified)	(10)
(Informal/formal action taken)	(13)
Planning Contravention Notices Issued	0
Planning Contravention Notices <u>Live</u>	1
Planning Enforcement Notices Issued	0
Enforcement Notices <u>Live</u>	2
Temporary Stop Notices (TSN) issued	0
Temporary Stop Notices (TSN) Live	0
Advertisement Removal Notice	1
Untidy Land Notices Issued	0
Untidy Land Notices Live	8
Prosecutions Initiated	2
Prosecutions Live	0

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# Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
04/09/2020	Agreed	19/01855/CDMLB	Mr Josh Letherbarrow	Condition Discharge: Condition 9 of application 19/01279/LBC	4 Elliot Terrace Plymouth PL1 2PL	Miss Amy Thompson
04/09/2020	Agreed	20/00381/CDC	Priya Thakerar	Compliance with all conditions (except 6 & 15) of application 12/02084/FUL	36-44 Pleasure Hill Close Plymouth	Mr Jon Fox
04/09/2020	Granted Conditionally	20/00881/FUL	Duncan Westlake	Replace existing five defective sliders with three new sliders and two fixed glazed casement windows.	54 Blunts Lane Plymouth PL6 8BE	Mr Macauley Potter
07/09/2020	Granted Conditionally	20/00891/FUL	Mr S Smith	Demolition of detached garage and erection of a 3 bed house	54 Harwood Avenue Plymouth PL5 4NX	Mr Jon Fox
07/09/2020	Granted Conditionally	20/00933/FUL	Mr Baylis	Storage container.	1 St Chad Close Plymouth PL5 4AJ	Mr Macauley Potter
07/09/2020	Agreed	20/00934/CDM	Mr Geoff Easson	Condition Discharge; Conditions 3, 4, 5 & 9 of application 18/02109/FUL	19 St James Place West Plymouth PL1 3AT	Miss Amy Thompson
07/09/2020	Granted Conditionally	20/01026/FUL	Claire Kelly	First floor side extension over existing ground floor footprint	5 Harlech Close Plymouth PL3 5SL	Ms Abbey Edwards
07/09/2020	Refused	20/01317/AMD	Bob Fish	Non-material Amendment: Change of status of Condition 12 to Pre-DPC to match the status of Condition 14 for application 19/00133/FUL	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
08/09/2020	Agreed	19/01656/CDMLB	Mr Letherbarrow	Condition Discharge: Conditions 3, 4, 5, 7 & 8 of application 19/01279/LBC	4 Elliot Terrace Plymouth PL1 2PL	Miss Amy Thompson
08/09/2020	Granted Conditionally	20/00206/FUL	Mr Tony Roberts	Installation of new gas fired Combined Heat and Power (CHP) unit	Becton Dickinson Vacutainer Systems Belliver Way Plymouth PL6 7BP	Mr Simon Osborne
08/09/2020	Granted Conditionally	20/00922/FUL	Bane	External works to provide adequate DDA access inc. a platform lift, regrading the front garden, replacement of a bay window for new entrance doors, canopy and LED wall lights.	15 Forder Heights Plymouth PL6 5PZ	Mr Macauley Potter
08/09/2020	Granted Conditionally	20/00924/FUL	Nigel Yarham	Installation of external wall insulation, new windows and doors, new insulated roof system, replacement of roof coverings and installation of new eaves and verge systems, removal and rationalisation of surface-fixed wires, pipes, satellite dishes and aerials from walls, replacement of life-expired components and materials, repair of building defects and damage, repair and replacement of boundary features, redecoration and new floor coverings to communal stairwells, new bin stores, new ramps, improvement of external lighting.	Flats 72-142 Keyham Road & Flats 1-15 St Leo Place Plymouth PL2 1SG	Mr Peter Lambert
09/09/2020	Granted Conditionally	20/00814/OUT	Adam Brimmacombe	Detached dwelling	Odoorn Lodge Riverford Estover Close Plymouth PL6 7LJ	Mr Jon Fox
09/09/2020	Granted Conditionally	20/00899/FUL	Mr Darren Baskott	Proposed hardstanding, with associated wall and access.	98 Pemros Road Plymouth PL5 1NG	Mr Peter Lambert

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
09/09/2020	Granted Conditionally	20/00916/FUL	Mr James Carson	Removal of existing cladding and replacement with new metal cladding.	15 Albany Street Plymouth PL1 4NT	Mr Peter Lambert
09/09/2020	Granted Conditionally	20/01006/FUL	Katherine Thornhearn	Single storey side and rear extension	15 Woodland Drive Plymouth PL7 1SN	Mr Peter Lambert
09/09/2020	Granted Conditionally	20/01024/LBC	Chris Southcott	Demolish the existing extension of building N189 and hard landscape the area	Devonport Dockyard Saltash Road Keyham Plymouth PL1 4SG	Mr Peter Lambert
10/09/2020	Split Decision	20/00488/CDM	J Boston & Sons (Holdings) Ltd	Condition Discharge: Conditions 3 (CEMP), 4 (Programme of Archaeological Work), 9 (Quay Wall Details), and 10 (Contaminated Land) of permission 17/02074/FUL	Bostons Boat Yard Baylys Road Plymouth PL9 7NQ	Mrs Janine Warne
10/09/2020	Split Decision	20/00533/CDM	Boston	Condition Discharge: Conditions 5 (Street Details), 7 (Details of New Junction) and 8 (Surface Water Management) of planning permission 17/02074/FUL	Bostons Boat Yard Baylys Road Plymouth PL9 7NQ	Mrs Janine Warne
10/09/2020	Agreed	20/00926/CDM	J Boston & Sons (Holdings) Ltd	Condition Discharge: Condition 6 (Contaminated Land Protecting Water Environment) of permission 17/02074/FUL	Bostons Boat Yard Baylys Road Plymouth PL9 7NQ	Mrs Janine Warne
10/09/2020	Agreed	20/00953/CDM	Plymouth City Council	Condition Discharge: Condition 20 of application 18/01216/S73	City Museum & Art Gallery Drake Circus Plymouth PL4 8AJ	Miss Katherine Graham
10/09/2020	Granted Conditionally	20/01027/FUL	Miss Karen Hegarty	Single storey rear extension	12 Castleton Close Plymouth PL3 5AE	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/09/2020	Granted Conditionally	20/01037/FUL	MBNL	Proposed 25m Fli ATS1300 Lattice Tower mounted on new 6.25m concrete base upgrade and associated works	Goschen Car Park Off Saltash Road Keyham Plymouth PL2 2DP	Mr Jon Fox
10/09/2020	Granted Conditionally	20/01099/FUL	Mr & Mrs May	Garden building (part retrospective)	23 Boston Close Plymouth PL9 7NR	Mr Sam Lewis
11/09/2020	Granted Conditionally	20/00444/FUL	Mr M Farhadi	Change of use from offices to part office on the ground floor and 2 bed maisonette on the ground and first floor (Class C3)	115 Beaumont Road Plymouth PL4 9EF	Miss Amy Thompson
11/09/2020	Granted Conditionally	20/00790/FUL	Mr Benjamin & Hanna Dodwell	Side dormer including new first floor bedroom, garage extension with first floor over	21 Springfield Close Plymouth PL9 8QD	Mrs Alumeci Tuima
11/09/2020	Granted Conditionally	20/00860/FUL	Mr Stewart Wiseman	Change of use to 3x self-contained flats (Class C3)	Albert Villas, 21 Albert Road Plymouth PL2 1AB	Ms Abbey Edwards
11/09/2020	Granted Conditionally	20/01046/FUL	Mr Ibrahim Ibrahim	Change of use from retail (Class A1) to hot-food takeaway (Class A5)	65 Delamere Road Plymouth PL6 5XF	Mr Jon Fox
14/09/2020	Granted Conditionally	20/00738/FUL	Mr Stuart Bennett	Single storey rear extension, hip to gable roof conversion and rear dormer.	38 Howard Road Plymouth PL9 7DT	Mr Mike Stone
14/09/2020	Granted Conditionally	20/00876/TPO	Mr Paul Cottenham	T4 and T5 Beech - reduce crowns by 2-3m to natural growth points. T4 closest to house reduce lower overhanging branches back to boundary line to natural growth points (amendment agreed with applicant 14/9/20).	40 Medway Place Plymouth PL3 6HB	Mrs Jane Turner

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
14/09/2020	Granted Conditionally	20/00906/FUL	Mr Neal Hiscocks	Continued use and development of pavement area adjacent to La Roux Café to include decking, timber planters and screening (permanent but non-fixed)	33 Notte Street Plymouth PL1 2AZ	Mr Mike Stone
14/09/2020	Granted Conditionally	20/00992/LBC	Mr Chris Dadd	Amended internal partition and reconfigured treatment rooms and changing facilities	17 Brest Road Plymouth PL6 5AA	Mr Jon Fox
14/09/2020	Granted Conditionally	20/01015/TPO	Dr Fiona Lyall	Ash (T1) - Fell due to ash dieback.Hawthorn (T2) - Prune lateral branches by 1m to rebalance tree.	21 Barlow Gardens Plymouth PL2 2SJ	Mrs Jane Turner
14/09/2020	Granted Conditionally	20/01017/TPO	Mr Douglas Soady	Yew tree: reduce crown by approx 1 metre and reduce side growth by 1.5 metres.	38 Burleigh Manor Plymouth PL3 5NT	Mrs Jane Turner
15/09/2020	Granted Conditionally	20/01002/FUL	Mrs Elizabeth Neil	Front porch, conversion of rear bay window to French doors and raised decking to rear (Part retrospective).	Kestercombe 9 Rocky Park Road Plymouth PL9 7DQ	Mr Mike Stone
15/09/2020	Granted Conditionally	20/01047/FUL	Mr Jason Power	Single storey side and rear extension and decking.	106 Furneaux Road Plymouth PL2 3EY	Mr Mike Stone
15/09/2020	Refused	20/01052/FUL	Mr Daniel Paul	Single storey front extension and window alterations	39 Reservoir Road Plymstock Plymouth PL9 8ND	Ms Abbey Edwards
15/09/2020	Agreed	20/01339/CDM	Bob Fish	Condition Discharge: Condition 5 of application 19/00133/FUL	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
16/09/2020	Granted Conditionally	20/00878/FUL	Mr Shaun Davey	Erection of side and rear extension	8 Grantham Close Plymouth PL7 1UL	Miss Josephine Maddick
16/09/2020	Granted Conditionally	20/00989/FUL	Barncott Management Limited	First and Second floor infill extension above entrance.	Barncott, 3 Mudge Way Plymouth PL7 2PS	Mr Peter Lambert
16/09/2020	Granted Conditionally	20/01014/FUL	Mr Pawel Hryniow	Concrete block built shed with flat roof and roller shutter.	29 Unity Park Plymouth PL3 6NW	Mr Macauley Potter
16/09/2020	Granted Conditionally	20/01098/TPO	Mrs D Foulkes	Cherry (T1) - Fell and replant.	2 Blue Haze Close Plymouth PL6 7HR	Mrs Jane Turner
16/09/2020	Refused	20/01251/AMD	Mr Douglas Friend	Non-material Amendment 17/01134/FUL: Application to update drawings for re-alignment of cricket nets to south-west of building	Area D (Phase 3B) - Mount Wise Mount Wise Crescent Plymouth Mount Wise	Miss Katherine Graham
16/09/2020	Agreed	20/01267/CDM	Anita Martin	Condition Discharge: Condition 3 of application 20/00610/FUL	Stoke Damerel Community College Somerset Place Plymouth PL3 4BD	Mrs Rebecca Boyde
17/09/2020	Granted Conditionally	20/00913/FUL	Mr Paul Blackmore	Repair and reinstatement of Devon Hedge together with resiting of existing garden fence (part-retrospective)	20 Osprey Gardens Plymouth PL9 8PP	Ms Abbey Edwards
17/09/2020	Granted Conditionally	20/00979/FUL	Gilbert	Single storey side extension to accommodate utility room and garage (demolition of existing garage).	27 Plymbridge Road Plymouth PL7 4LQ	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
17/09/2020	Granted Conditionally	20/01023/FUL	Hannah Sloggett	Change of use from storage and distribution (Class B8) to retail (Class A1)	80 - 84 Union Street Plymouth PL1 3EZ	Ms Abbey Edwards
17/09/2020	Granted Conditionally	20/01065/ADV	The Royal Bank of Scotland	Installation of 1no. 2020mm high non-illuminated acrylic sign to cover redundant central ATM	12 - 14 Old Town Street Plymouth PL1 1DQ	Ms Abbey Edwards
17/09/2020	Granted Conditionally	20/01066/FUL	Mr & Mrs Bridges	Rear extension	9 Home Park Avenue Plymouth PL3 4PG	Mrs Alumeci Tuima
18/09/2020	Granted Conditionally	20/00425/FUL	Mrs Edwards	Single storey rear extension with roof terrace	76 Looseleigh Lane Plymouth PL6 5HH	Mr Macauley Potter
18/09/2020	Granted Conditionally	20/00729/FUL	Ms Claire Kelly	Part two-storey and part single storey rear extension and front extension.	8 Admiralty Road St Budeaux Plymouth PL5 1NJ	Miss Josephine Maddick
21/09/2020	Agreed	18/01944/CDM	Miss Ruth Burrows	Condition Discharge: Conditions 9 (Boundary Wall Details), 10 (Mews Streets and Parking Courtyards), 18 (Building Construction Details), 19 (Bin Storage Details) & 20 (Cycle Spaces - Residential Units) of application 15/00519/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Plymouth PL9 8DD	Mr Tom French
21/09/2020	Refused	20/00965/AMD	Mrs Nicola Daniel	Non-material Amendment: Change of tenure (provision of plots 40, 41, 42 and 54 as affordable housing) for application 17/01701/FUL	North Prospect Phase 5 Cookworthy Road, Foliot Road, Woodville Road And Briardale Road Plymouth	Mr Chris King
21/09/2020	Granted Conditionally	20/01000/FUL	Mr G Lamont	Garage	52 Haroldsleigh Avenue Plymouth PL5 3AW	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
21/09/2020	Granted Conditionally	20/01036/FUL	Mr Luke Gates	Two-storey side extension	33 Byron Avenue Plymouth PL5 3LG	Mr Macauley Potter
22/09/2020	Granted Conditionally	20/00841/S73	Mr Andy Drake	Variation of Condition 1 (Approved Plans) to vary works to the rear car park and removal of Condition 4 (Drainage of Rear Car Park) of application 17/01169/FUL	Metropolitan House 37 Craigie Drive Plymouth PL1 3JB	Miss Amy Thompson
23/09/2020	Granted Conditionally	20/00914/TPO	Mr Mike Finch	T1 Mature Sycamore - reduce overhanging lateral branches by 2-3m to natural growth points over garden (in line with railway sleeper outer edge of seating area).T2 Sycamore - remove 1 lowest horizontal limb over garden/fence. Amendments agreed with owner 15/9/20.	66 Torland Road Plymouth PL3 5TT	Mrs Jane Turner
23/09/2020	Granted Conditionally	20/00932/FUL	Mr Martin Mogford	Removal of temporary site office and construction of new light industrial storage unit to include new site office and toilet facilities	Unit F, Wallsend Industrial Estate Cattedown Road Plymouth PL4 0RW	Ms Abbey Edwards
23/09/2020	Granted Conditionally	20/01063/FUL	Mr Peter Jones	Change of use from Adult Gaming Centre (Sui Generis) to public house (Class A4) (Retrospective)	113 - 117 Mayflower Street Plymouth PL1 1SD	Ms Abbey Edwards
23/09/2020	Granted Conditionally	20/01064/TPO	Mr Owain Gibby	Sycamore (T2 on TPO) - rear of 7-7c Queens Gate - repollard back to previous points.Horse Chestnut (T8 on TPO) - no works required at present review in 2 years time (agreed with owner Mr Gibby 15/9/20)	7-7C Queens Gate Lipson Plymouth PL4 7PP	Mrs Jane Turner
23/09/2020	Granted Conditionally	20/01080/TPO	Mr Clive Coker	To trim back lower overhanging branches of trees T1 to T5 to boundary fence line to natural growth points.	49 Burnett Road Plymouth PL6 5BH	Mrs Jane Turner



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
23/09/2020	Refused Permisson in Principle	20/01228/PIP	DDRBS	Residential Development (8-9 dwellings)	Land At Savage Road Plymouth	Mr Jon Fox
24/09/2020	Granted Conditionally	20/00820/FUL	Chrissi Cowan	Erection of a 2.4m high weld mesh fence within the site.	Glen Park Primary School Glen Road Plympton Plymouth PL7 2DE	Mr Macauley Potter
24/09/2020	Granted Conditionally	20/00903/FUL	Mr & Mrs Arthurs	First floor side extension above garage; porch; and alterations to southern boundary wall along Miller Way	10 St Johns Close Plymouth PL6 8BR	Mr Peter Lambert
24/09/2020	Granted Conditionally	20/00908/TPO	Mr Mark Weaver	Oak - crown raise lowest two branches over the roof of the garage to give approximately 3m clearance to suitable growth points and the low growth over the bins to be removed back to the trunk. (Areas to be removed circled in red on photo sent in e-mail dated 22/9/20 and agreed with applicant on 22/9/20).	32 Crackston Close Plymouth PL6 5SN	Mrs Jane Turner
24/09/2020	Granted Conditionally	20/01032/FUL	Mr. Richard Reily	Single storey annex inc. demolition of existing garage	23 Bickham Road Plymouth PL5 1SA	Mr Peter Lambert
24/09/2020	Granted Conditionally	20/01050/TPO	Mr Ian Warmington	Southern Beech (Nothofagus) - crown raise over drive and road to give 4m clearance above ground level. One limb on NE side over Beech reduce by 3m to natural growth points. Beech - crown raise part of canopy over road and drive only to give 4m clearance above ground level. Amendments agreed with owner 23.9.20.	24 Jellicoe Road Plymouth PL5 3UU	Mrs Jane Turner
24/09/2020	Granted Conditionally	20/01070/FUL	Mr Alan Gardner	Replacement flat roof surfaces	Building 175 Army Reserve Centre Royal Citadel Hoe Road Plymouth PL1 2PD	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
24/09/2020	Granted Conditionally	20/01081/S73	Mr Hassan-Zad	Variation of condition 2 of application 15/01297/FUL to allow for the use of the site as a car wash until September 2025	Millbridge Garage, Wilton Road Plymouth PL1 5LZ	Miss Amy Thompson
24/09/2020	Granted Conditionally	20/01221/FUL	Mr And Mrs Vickerstaff	Rear dormer	60 Durban Road Plymouth PL3 4LG	Mr Sam Lewis
24/09/2020	Refused	20/01285/AMD	Mr Jim Woodley	Non-material Amendment: Updated floor plan layout and elevations to meet building regulations and developer's requirements for application 18/01855/FUL	Ford Baptist Church Alfred Road Plymouth PL2 1FE	Mr Chris Cummings
25/09/2020	Refused	20/00243/FUL	Mr Mark Yarde	Re-instatement of the use of the vacant upper floors to use as 6 flats (Class C3)	79 - 81 Mutley Plain Plymouth PL4 6JJ	Miss Amy Thompson
25/09/2020	Granted Conditionally	20/00897/FUL	Smith	Two-storey rear extension and minor garden alterations	183 Pike Road Plymouth PL3 6HJ	Mr Macauley Potter
25/09/2020	Granted Conditionally	20/00905/FUL	Mr Phil Downs	Hip to gable roof alteration, front and rear dormer windows and front juliet balconies	1-3 Kelly Cottages Boringdon Road Turnchapel Plymouth PL9 9TN	Mr Chris Cummings
25/09/2020	Granted Conditionally	20/00990/FUL	Mr Richard Marshall	Change of use from Guesthouse to three two-bed dwellings (Class C3) and alterations to existing rear extension and dormer window	19 Garden Crescent Plymouth PL1 3DA	Mr Chris Cummings
25/09/2020	Granted Conditionally	20/01001/FUL	Mr Nick Haynes	Change of use from a former local archive facility to a private members club (Sui Generis) including refurbishment and internal alterations	25 Parade Plymouth PL1 2JN	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
25/09/2020	Granted Conditionally	20/01039/TPO	Mr Nigel Coles	Oak (T1) - reduce lateral branches over neighbours (4a) by maximum of 2-3m (no height reduction).Sycamore (T2) - reduce lateral branches over neighbours by 2-3m.Beech (T3, T4 and T5) - reduce lateral branches only over neighbours by 2-3m (no height reduction).Holm Oak (T6) - reduce overhanging branches by 3m (no height reduction).Beech (T7) - decay fungi present on stem, reduce by one third or fell.Amendments agreed with agent 23/9/20.	4B Coach House Mews Plymouth PL9 8FS	Mrs Jane Turner
25/09/2020	Granted Conditionally	20/01040/TPO	Mr Nigel Coles	Ash (T1) - reduce crown by 5m to natural growth points to level indicated in photo sent separately by e-mail.Ash (T2) - reduce crown by 5m to natural growth points to level indicated in photo sent separately by e-mail.Amendment agreed with agent 24/9/20.	179 Truro Drive Plymouth PL5 4TR	Mrs Jane Turner
25/09/2020	Granted Conditionally	20/01041/TPO	Mr Nigel Coles	Oak (T1) - Leaning tree, reduce crown by 4m. Elm (T2) - reduce 2 high spikes in top of crown by 1m (only if necessary for balance following other approved tree works). Sycamore (T3) - Crown reduce by 3m. Hornbeam (T4) - Crown reduce by 2m to previous points. Ash (T5) - Repollard by 4/5m. Ash (T6) - Repollard by 4/5m.	25 Holly Park Close Plymouth PL5 4JY	Mrs Jane Turner
25/09/2020	Granted Conditionally	20/01049/FUL	Mr Robert Bennett	Rear extension	2 Brean Down Close Plymouth PL3 5PY	Ms Abbey Edwards
25/09/2020	Granted Conditionally	20/01085/FUL	Mr & Mrs Jefferies	Single storey rear and side extension, loft conversion and flat roof dormer inc. demolition of existing rear extension and rear decking(Part-retrospective)	66 Colesdown Hill Plymouth PL9 8AB	Mr Mike Stone
25/09/2020	Granted Conditionally	20/01086/TPO	Mr David Cavill	Common Ash - repollard both stems to just above old pollard point.	2 Powderham Road Plymouth PL3 5SF	Mrs Jane Turner

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
25/09/2020	Refused	20/01208/AMD	A & P Property Developers Ltd	Non material amendment: Alteration to plot 3 to change garage to living accommodation, changes to windows and doors to applicaiton 19/01456/FUL	Land To Rear Of Shops On Colebrook Road	Mrs Katie Saunders
25/09/2020	Granted Conditionally	20/01257/FUL	Mr & Mrs Chapman	Demolition of existing conservatory and erection of a single storey rear extension	22 Bedford Road Plymouth PL9 7DA	Mr Sam Lewis
28/09/2020	Agreed	19/01710/CDM	Plymouth City Council	Condition Discharge: Condition 14 of application 18/01216/S73	City Museum & Art Gallery Drake Circus Plymouth PL4 8AJ	Miss Katherine Graham
28/09/2020	Granted Conditionally	20/00288/FUL	MBNL For H3G (UK) Ltd & EE (UK) Ltd	Replace existing monopole and relocate to traffic island 18m south west with a 20m monopole, 12no. antenna apertures, 8no equipment cabinets and paving slabs, alongside the removal of the existing monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto	Telecommunications Mast, Outland Road/Entrance To PCC Depot Outland Road Plymouth PL2 3DP	Mr Mike Stone
29/09/2020	Agreed	19/01488/CDM	Plymouth City Council	Condition Discharge: Condition 12 of application 18/01216/S73	City Museum & Art Gallery Drake Circus Plymouth PL4 8AJ	Miss Katherine Graham
29/09/2020	Refused	20/00506/FUL	Mr Jim Woodley	Change of use of existing building from 24-bed HMO to 4no. 3-bed and 2no. 4-bed HMOs (Class C4) and erection of four-storey rear extension to create 4no. flats (Class C3) inc. demolition of existing single storey extensions (extension previously approved under 19/00950/FUL)	114- 116 North Road East Plymouth PL4 6AH	Mr Chris Cummings
29/09/2020	Granted Conditionally	20/00780/FUL	Chrissi Cowan	Erection of 2.4m mesh weld boundary fence	Oreston Community Academy Oreston Road Plymouth PL9 7JY	Mrs Alumeci Tuima

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
29/09/2020	Refused	20/01020/FUL	Mr Geoff Briggs	Loft conversion, two side dormers, raise rear roof height and rear extension (Part retrospective).	42 Birch Pond Road Plymouth PL9 7PG	Mr Mike Stone
30/09/2020	Refused	20/00777/FUL	Mrs Tercia Cummins	Creation of first floor balcony over flat roof	10 Admiralty Road St Budeaux Plymouth PL5 1NJ	Miss Josephine Maddick
30/09/2020	Granted Conditionally	20/00927/FUL	Ms J Wright	Change of use of land to equestrian use, stables, access track and hardstanding (part retrospective) and site landscaping works	Land At Staddon Lane/Hooe Hill Hooe Plymouth	Mr Mike Stone
30/09/2020	Refused	20/00963/AMD	Mr John Bailey	Non-material Amendment: To create additional seating and break out space, increase biodiversity by increasing areas of species-rich planting, retain two additional existing trees and a add additional new tree, reduce hard landscaping areas, revise ramps and steps to ensure access for all for application 19/01347/FUL	Plymouth Marjon University Derriford Road Plymouth PL6 8BH	Mr Jon Fox
30/09/2020	Refused	20/01343/AMD	Mr Allard And McLarnon	Non-material Amendment: Change from mono-pitch roof to flat roof with roof lantern for application 20/00691/FUL	50 Ridge Park Avenue Plymouth PL4 6QA	Mr Mike Stone
30/09/2020	Agreed	20/01465/CDC	Mr Alastair Carswell	Confirmation of discharge of conditions 2-50 in relation to application 14/01448/OUT	Land At Millbay, Millbay Road Plymouth	Miss Katherine Graham
30/09/2020	Agreed	20/01483/CDM	Plymouth City Council	Condition Discharge: Condtion 28 of application 18/01216/S73	City Museum & Art Gallery Drake Circus Plymouth PL4 8AJ	Miss Katherine Graham

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# Appeal Decisions between 04/09/2020 and 30/09/2020

<b>Date of Decision</b>	15/09/2020
<b>Ward</b>	Compton
<b>Application Number</b>	19/01436/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	The Lodge, Hartley Avenue Plymouth PL3 5HP
<b>Proposal</b>	Demolition of existing dwelling and the erection of 8 apartments and associated car parking and landscaping
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Ms Marie Stainwright
<b>Synopsis of Appeals</b>	<p>Planning permission for the demolition of a dwelling and the erection of 8 apartments and associated car parking and landscaping was refused on the basis of impact on neighbours contrary to DEV20 (Place shaping and the quality of the built environment) &amp; DEV1 (Protecting health and amenity) of the JLP and the proposed design and materials contrary to DEV20 &amp; DEV10 (Delivering high quality housing). The Inspector agreed and concluded that the appeal should be dismissed. The Inspector considered the main issues as, the effect on the character and appearance of the area and on the living conditions of 29 &amp; 31 Park Rd. On character and appearance, he noted that the building had a distinctly horizontal emphasis accentuated by the flat-roofed design, that revised materials would not successfully disguise and would be out of character with its context and fail to draw on the positive element of the surrounding area. With regards to the living conditions of 29 Park Rd, he noted, the domineering impact of the building would affect the garden. He was mindful of sightlines and raising the boundary treatment but found that this would itself have a dominant impact. In relation to 31 Park Rd, he did not consider that there would be a significant loss of privacy to the windows on the west, however had concerns over the window on the north. With regards to patio privacy, he noted the loss would be harmful to the living conditions and that the building would be a very dominant presence. Any obscure balcony screens would provide limited benefit as people can look over them and whilst landscaping could assist would not overcome the dominance. No costs were submitted/awarded.</p>

# Appeal Decisions between 04/09/2020 and 30/09/2020

<b>Date of Decision</b>	16/09/2020
<b>Ward</b>	Moorview
<b>Application Number</b>	19/02040/ADV
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	Unit 2, Plymouth Gateway Retail Park Plymouth PL6 8LT
<b>Proposal</b>	2x Surface mount diode LED digital displays
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Macauley Potter
<b>Synopsis of Appeals</b>	<p>Advertisement consent was permitted with a series of safety conditions recommended as it was considered to be in accordance with Policies DEV1, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Sections 9 and 12 of the National Planning Policy Framework 2019. The appeal is made against condition 10 (static images only). Having reviewed the application, and visited the site, the Inspector disagreed with the Council's view that the moving image displays would result in safety concerns for road users. Firstly, the Inspector noted that the front elevation of the building does not appear in the field of view of any drivers unless they deliberately look through the passenger window. This is an unlikely scenario that would render the displays distracting for any meaningful duration. Secondly, the proximity of the displays to the A38 carriageway would prevent them being a distraction to road users. The appeal was allowed and the consent varied with the deletion of condition 10</p>



# Appeal Decisions between 04/09/2020 and 30/09/2020

<b>Date of Decision</b>	30/09/2020
<b>Ward</b>	Plymstock
<b>Application Number</b>	20/00532/FUL
<b>Decision</b>	<b>Appeal Allowed</b>
<b>Address of Site</b>	1-3 Kelly Cottages Boringdon Road Turnchapel Plymouth PL9 9TN
<b>Proposal</b>	Change of use of nos.1-2 from single dwelling to two dwellings, works to nos.1-3 including juliette balconies, front and rear dormers, roof alterations and demolition of front extensions (resubmission of 20/00027/FUL)
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Chris Cummings
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for change of use from 2 dwellings to 3 dwellings as it was considered contrary to Policies DEV1 and DEV29 of the Plymouth and South West Devon Joint Local Plan. It was also found to be contrary to guidance in the Development Guidelines Supplementary Planning Document First Review, the Plymouth and South West Devon Supplementary Planning Document November 2019 Consultation Draft and the National Planning Policy Framework 2019. Having reviewed the application and visited the site the inspector disagreed with the Council's view that there would be an unacceptable increase in on-street parking and allowed the appeal. The Inspector noted that the proposal would increase housing density and parking demand and conflicted with the Local Plan and Supplementary Planning Document Guidance, but that there is a shop within 1km and ferry and bus services that connect to the city centre without excessive journey times. It was noted that that new residents using public transport could increase patronage and demand for enhanced connectivity. It was concluded that there would be an increase in parking demand but, with no evidence of accidents or traffic impacts, was acceptable. The Inspector commented there are minor enhancements to character of the buildings and setting of the listed Mansion House. It was also noted that the proposal provided greater efficiency of housing stock at a scale that could be accommodated. These factors indicate that a decision should be taken other than in accordance with the Development Plan and SPD. No cost applications were submitted or awarded.</p>

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