



#plymplanning

**Oversight and Governance**

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## PLANNING COMMITTEE

Thursday 10 December 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, Tuffin, Vincent 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.

The Council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with authority's published policy.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

**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 - 4)

The Committee will be asked to confirm the minutes of the meeting held on 12 November 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. 170 Hemerdon Heights, Plymouth PL7 2TY - 20/01190/FUL (Pages 5 - 10)

Applicant: Mr and Mrs Sharp  
Ward: Plympton St Mary  
Recommendation: Grant Conditionally

#### 6.2. 68 Compton Avenue, Plymouth PL3 5DB - 20/01181/FUL (Pages 11 - 20)

Applicant: Mr Tony Carson  
Ward: Compton  
Recommendation: Grant Conditionally

- 6.3. 23 Boston Close, Plymouth PL9 7NR - 20/01487/FUL **(Pages 21 - 28)**

Applicant: Mr and Mrs May  
Ward: Plymstock Radford  
Recommendation: Grant Conditionally

- 6.4. 24 Looe Street, Plymouth PL4 0EA - 20/01355/S73 **(Pages 29 - 38)**

Applicant: Miss Kayleigh Bullock  
Ward: St Peter and the Waterfront  
Recommendation: Grant Conditionally

- 6.5. Site Of Former E Block, The Quadrangle, Craigie Drive, The Millfields, Plymouth - 20/00253/FUL **(Pages 39 - 60)**

Applicant: Platinum Developments South West Ltd  
Ward: St Peter and the Waterfront  
Recommendation: Grant conditionally subject to S106 agreement with delegated authority to the Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timescales

**7. Planning Enforcement (Pages 61 - 62)**

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

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

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- 3) Applications withdrawn;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

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

**9. Appeal Decisions (Pages 79 - 82)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at: <http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

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## **Planning Committee**

**Thursday 12 November 2020**

### **PRESENT:**

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Allen, Mrs Bridgeman, Corvid, Sam Davey, Loveridge (substitute for Councillor Rebecca Smith), Nicholson, Mrs Pengelly, Tuffin, Vincent and Winter.

Apologies for absence: Councillors Michael Leaves and Councillor Rebecca Smith.

Also in attendance: Peter Ford (Head of Development Management, Strategic Planning and Infrastructure), Julie Parkin (Senior Lawyer), Karen Gallacher (Planning Officer), Will Tomkins (Environmental Health Officer), Ben Wilcox (Planning Officer) and Amelia Boulter (Democratic Advisor).

The meeting started at 4.00 pm and finished at 4.51 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.*

57. **Declarations of Interest**

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

58. **Minutes**

Agreed the minutes of the meeting held on 12 November 2020.

59. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

61. **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.

62. **St Anne's House, Jennycliff Lane, Plymouth, PL9 9SN - 20/00418/FUL**

Mr Neal Stoneman

Decision:

Application GRANTED conditionally. The committee agreed to delegate to officers to negotiate with the applicant the following inclusions:

- It is made clear in the management plan that it is to be made available to potential hirers of the venue and placed on the promotional website.
- Reference to the need for unsociable activities to cease after 11 pm in the outdoor area and pool area.

63. **Planning Enforcement**

Members noted the Planning Enforcement Report.

64. **Planning Application Decisions Issued**

Councillor Nicholson asked about the planning application for the artwork installation at Mount Batten Pier and that this was activated before planning permission was granted. Officers responded that the application was received just a few days before the artwork was installed and therefore not possible to make a decision before the development commenced.

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

65. **Appeal Decisions**

Members discussed the appeal decisions and permission in principle. It was agreed to include permission in principle as part of the training to Members in January. The Committee noted the schedule of appeal decisions made by the Planning Inspectorate.

**VOTING SCHEDULE 12 NOVEMBER 2020** (Pages 3 - 4)

**PLANNING COMMITTEE – 12 November 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>
<p>6.1 St Annes House, Jennycliff, Plymouth, PL9 9SDN - 20/00418/FUL</p> <p>Application GRANTED conditionally. The committee agreed to delegate to officers to negotiate with the applicant the following inclusions:</p> <ul style="list-style-type: none"> <li>• It is made clear in the management plan that it is to be made available to potential hirers of the venue and placed on the promotional website.</li> <li>• Reference to the need for unsociable activities to cease after 11 pm in the outdoor area and pool area.</li> </ul>	<p>Councillors Stevens, Tuohy, Allen, Mrs Bridgeman, Corvid, Davey, Loveridge, Nicholson, Mrs Pengelly, Tuffin, Vincent and Winter.</p>				

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/01190/FUL	<b>Item</b>	01
<b>Date Valid</b>	18.08.2020	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	170 Hemerdon Heights Plymouth PL7 2TY		
<b>Proposal</b>	Part two-storey and part first floor side extension with part ground floor front extension		
<b>Applicant</b>	Mr & Mrs Sharp		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	13.10.2020	<b>Committee Date</b>	10.12.2020
<b>Extended Target Date</b>	11.12.2020		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee as the applicant is an employee of Plymouth City Council.

### **1. Description of Site**

170 Hemerdon Height is a two storey detached property located in the Plympton St Mary Ward of Plymouth.

### **2. Proposal Description**

Original description: Part two-storey and part first floor side extension.

Revised description: Part two-storey and part first floor side extension with part ground floor front extension.

**3. Pre-application Enquiry**

No pre application enquiry associated with this application.

**4. Relevant Planning History**

No planning history at this address.

**5. Consultation Responses**

Highway Authority – no objections (based on revised plans).

Plympton St Mary Neighbourhood Forum – no comments received.

**6. Representations**

None received.

**7. Relevant Policy Framework**

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

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

- The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

**8. Key Issues/Material Considerations**

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. This application turns upon policies DEVI (Protecting health and amenity), DEV20 (Place shaping and quality of the built environment) and DEV29 (Specific provisions relating to transport) of the adopted Joint Local Plan. The material planning considerations for this application are:

- Design
- Residential amenity
- Impact on the current parking arrangement

**Principle of Development**

2 Joint Local Plan policies indicate that the proposal is acceptable in principle.

**Negotiations Undertaken**

3 The assessment has been based on revised plans. Changes include a further set down on the extension height and a first floor level setback from 0.5 metres to 1 metre in order to mitigate against the effect of 'terracing'.

**Visual Impact**

4 Officers have considered the visual impact of the development against the guidance in the SPD and consider the revised plans acceptable. Following negotiated changes, the proposed extension demonstrates subordination and in-keeping in finish (rendered masonry and concrete tiles to match existing).

### Amenity

- 5 Officers consider there to be no demonstrable adverse impact to natural light, privacy and outlook for the adjacent neighbour at 171 Hemerdon Heights. Note that no public comments have been received throughout both consultation periods.

### Parking

- 6 Under the original plans the side extension aspect resulted in the loss of a single garage. As part of the revised plans, it was the applicant's desire to retain the front garden and extend the garage forwards to accommodate the utility room to the rear. As this resulted in a forward projection, the original description was altered and the application re-advertised for 21 days to reflect the changes. The Local Highways Authority were re-consulted and maintained support the scheme and furthermore noted that the proposed arrangement does not change the current parking situation.
- 7 Officers have therefore taken the view that it would be unreasonable to refuse the application due to the small reduction in the size of the garage space. Under the General Permitted Development Order a garage can be converted into a habitable room. Additionally a single storey side extension can be constructed without permission resulting in a net loss of 1 parking space.

## **9. Human Rights**

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

## **10. Local Finance Considerations**

N/A.

## **11. Planning Obligations**

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

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

## **12. Equalities and Diversities**

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

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

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that part two-storey and part first floor side extension with part ground floor front extension accords with policy and national guidance (specifically JLP Policies DEV1, DEV20 and DEV29). The proposal is therefore recommended for conditional approval.

#### **14. Recommendation**

In respect of the application dated 18.08.2020 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**

Block Plan 15082020 - received 15/08/20

Location Plan 15082020 - received 15/08/20

Proposed Plans and Elevations DWG 2 of 2 - received 14/10/20

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: MATCHING MATERIALS**

For the avoidance of doubt, the materials to be used in the construction of the external surfaces of the extensions hereby permitted shall consist of the following:

- External extension walls - rendered masonry
- Extension roof - concrete tiles

Reason:

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

#### **INFORMATIVES**

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

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

##### **2 INFORMATIVE: CONDITIONAL APPROVAL ( 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.

**3 INFORMATIVE: COUNCIL CODE OF PRACTICE**

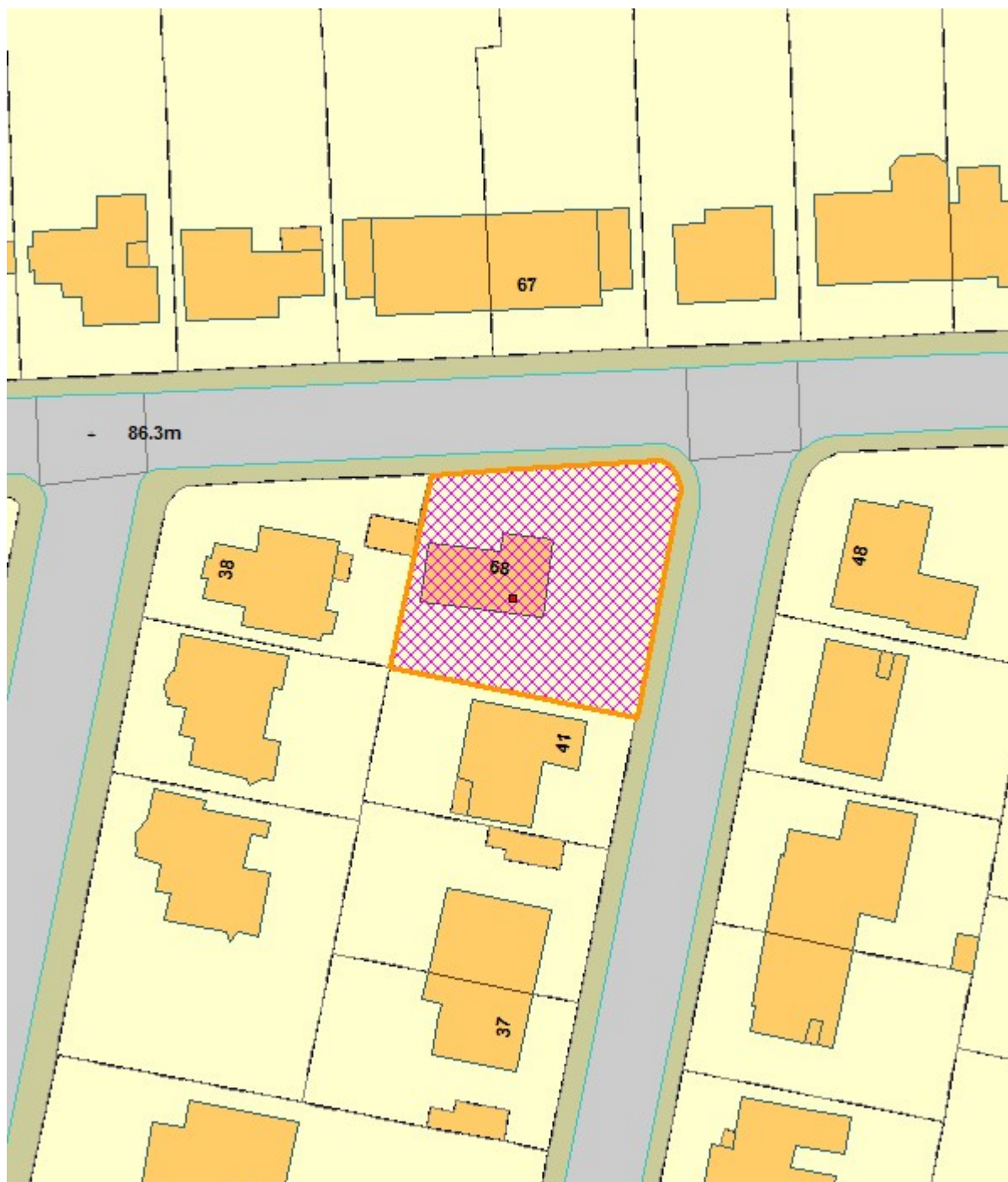
The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

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

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/01181/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	24.09.2020	<b>Ward</b>	COMPTON
<b>Site Address</b>	68 Compton Avenue Plymouth PL3 5DB		
<b>Proposal</b>	Side extension (east), two storey rear extension, single storey rear extension and front extension.		
<b>Applicant</b>	Mr Tony Carson		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>19.11.2020</b>	<b>Committee Date</b>	<b>10.12.2020</b>
<b>Extended Target Date</b>	<b>17.12.2020</b>		
<b>Decision Category</b>	Councillor Application		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



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

### **1. Description of Site**

The application property is a large, two-storey, L-shaped detached, dwellinghouse located at the junction of Compton Avenue and Rockingham Road in the Higher Compton and Mannamead Neighbourhood. The property has an unusual feature in that the west face of the pitched roof continues down to the ground floor ceiling level to form an integral garage. There are a number of tall, mature trees on and adjacent to the site, none of which are protected.

### **2. Proposal Description**

The description of the development was originally "Side extension (east), rear extension, (single storey extension at first floor level) part single/part two-storey side extension (west), front extension." This was changed following negotiations due to concerns about the impact of the proposed west side extension on neighbours. The proposal is now for a side extension (east), two



storey rear extension, single storey rear extension, rear dormer and front extension. The amended plans were re-advertised for 14 days.

The east side extension would be a conservatory. It would be 4 metres wide, 3 metres deep 2.7 metres to the eaves and 3.1 metres to the top of the shallow pitched roof. Steps would lead to the side garden. Materials would be powder coated aluminium. The roof of the conservatory would continue across the full depth of the house, a further 3.7 metres.

The two storey rear extension would be 4.9 metres wide, 3 metres deep with a flat roof. Materials would match the main house, painted render.

The single storey rear extension would be 2.2 metres deep, 2 metres wide and 2.7 metres to the flat roof. It would become a new W.C./shower room and would replace an existing W.C. Materials would match the main house.

The rear dormer would be 4.3 metres wide, 2.3 metres deep and 1.6 metres high.

At the front, there would be a new porch and a new single storey front extension. The porch would be 4.3 metres wide, 2.2 metres deep and 3.1 metres to the flat roof. It would be made of glazed panels in an aluminium frame.

Adjoining the porch would be the front extension. It would be 2.9 metres wide, 2.2 metres deep and 3.3 metres to the flat roof. Materials would match the main house.

The overall width of the new front element would be 7.2 metres. It would follow the line of the front elevation of the two storey front gable.

### **3. Pre-application enquiry**

There was no pre-application enquiry with this proposal.

### **4. Relevant planning history**

10/01702/FUL - Construction of porch and single storey rear extension- Granted Conditionally but never built.

### **5. Consultation responses**

Natural Infrastructure Planning Team - No objection to the proposed development given that appropriate tree protection and mitigation is included.

### **6. Representations**

Two letters of representation has been received. Both letters object to the application on the grounds that the proposed west side extension would result in loss of light and privacy to neighbours in Rockingham Road and Culme Road, the plans of the tree in no. 38 Culme Road do not convey its real size, the extension could result in the loss of all or part of the tree. This part of the application was removed following negotiation.

### **7. Relevant Policy Framework**

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

and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

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

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

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:

- o Plymouth and South West Devon SPD (July 2020).

The Plymouth and South West Devon Supplementary Planning Document (SPD) has been prepared by Plymouth City Council (PCC), South Hams District Council (SHDC) and West Devon Borough Council (WDDBC) to amplify and give guidance on the implementation of the policies of the Plymouth and South West Devon Joint Local Plan (JLP). The SPD was formally adopted by all three councils in July 2020.

## **8. Analysis**

1. This application has been considered in the context of the JLP, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV28 (Trees, woodlands and hedgerows) and DEV29 (Specific provisions relating to transport), the aims of the JLP Supplementary Planning Documents and the National Planning Policy Framework (NPPF) 2019. The primary

planning considerations in this case are the impact on the character and appearance of the area, the impact on neighbour amenity, the impact on important trees and the impact on the highway network.

Impact on the character and appearance of the area.

3. The property is generally well screened from view by mature shrubs and trees and a high boundary fence. The case officer is satisfied that the proposed conservatory would not be readily visible from public areas so would have no impact on the quality of the street scene.
4. The two storey rear extension would have a flat roof and the case officer does have concerns about its appearance. The SPD has a presumption (paragraph 13.12) against flat roofs but does make exceptions, as in this case, where it is at the rear and where it helps to reduce the impact on neighbours. Given the SPD guidance, the case officer does not feel that a refusal on appearance grounds would be sustainable at an appeal. The top of the two storey rear extension would be visible above the boundary treatment but would be set back from the street and the case officer does not consider that it would have a significantly harmful impact on visual amenity.
5. The new front extensions and the new rear dormer would be visible from public areas. The front extensions would be built between the two arms of the L-shaped house. They would, therefore, not project forward of the front elevation and would not be contrary to guidance in the SPD on front extensions.
6. The front extensions would have flat roofs which would help to reduce the visual impact on the neighbour close by at the side. The new porch would be built from aluminium framed glazed panels and is considered to be of a high standard in design terms. The materials on the front extension would match the main house.
7. The rear dormer is modest in scale and could be built under permitted development, subject to meeting conditions on the use of similar materials.
8. Officers consider the proposals would not have a detrimental impact on the character and appearance of the area and comply with Policy DEV20 (Place shaping and the quality of the built environment).

Impact on neighbour amenity.

9. The original west side extension was considered to be contrary to paragraphs 13.27 -28 of the SPD in that it would have been built less than 12 metres from habitable room windows in no. 38 Culme Road. Following negotiations, this was removed and replaced with the rear dormer and the additional storey on the rear extension.
10. The two storey rear extension would be built within 7 metres of the side wall of no. 41 Rockingham Road. As mentioned above, the SPD says that extensions cannot be built within 12 metres of a habitable room window. There are two windows on the neighbour's side wall facing the proposed extension. Following discussions with the occupants of no. 41 Rockingham Road, they have confirmed that these windows serve a bathroom, obscure glazed, and a landing and as such would not be classed as habitable rooms.
11. No new high level windows are proposed for the two storey extension that would face near neighbours. A new first floor bedroom window would face the neighbour on the opposite side of the road at no. 46 Rockingham Road but this would be beyond the 21 metres threshold set out in the SPD as necessary to maintain privacy.

12. A new rear dormer would allow views into the rear gardens of properties in Rockingham Road but the case officer notes that the proposed dormer could be built under permitted development so a similar structure could be built without the need for planning permission.
13. The subject property is north of its neighbours so officer has no concerns about overshadowing.
14. The case officer considers that the proposals would not have an adverse impact on neighbour amenity and complies with Policy DEVI (Protecting health and amenity) and the SPD.

Impact on important trees.

15. A letter of objection has said that the proposed west side extension would result in the loss of the large Sycamore tree in the rear garden of no. 38 Culme Road. The applicants have provided a tree report that concludes that the trees on and adjacent to the site should not be impacted by the proposal as long as the protective measures in the submitted tree protection plan are put in place during construction for T7, the Sycamore, and for T5 the Crab Apple. A condition to this effect is recommended.
16. Tree T7, the Sycamore is the most significant tree that influences the proposal. It is accepted that the roots of the tree will not be impacted as the ground floor footprint will not be altered close to the side of the tree. The upper branches will, however, overhang the roof area of the proposed first floor extension and may need to be pruned to accommodate this part of the proposal and any scaffolding required during construction. Under common law the applicant can prune back the branches of the boundary without the consent of the owner.
17. An informative asking the applicant to notify the owner of the tree if any branch pruning is required is recommended.
18. Officers therefore consider the proposals comply with Policy DEV28 (Trees, woodlands and hedgerows).

Impact on the highway network.

19. The proposal would result in the loss of the integral garage. Table 30 of the SPD sets out indicative car parking provision for new residential development and recommends 3 spaces for this type of dwelling of 4 bedrooms. Paragraph 8.7 clarifies that this provision refers only to "new residential development, including residential conversions" and does not include householder extensions. Under permitted development, garage conversions can be carried out without planning permission. Officers consider that it would be possible to provide at least two off street parking spaces within the curtilage of the property. There is unregulated parking in the area and, based on site visits, it is not felt that parking is a problem in the surrounding streets.
20. Officers therefore consider the proposals would comply with DEV29 (Specific provisions relating to transport).

## **9. Human Rights**

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

### **10. Local Finance Considerations**

No Local Finance Considerations.

### **11. Planning Obligations**

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

No planning obligations have been sought in respect of this application.

### **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 the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

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

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal with the amendments made following negotiation is acceptable and accords with policies DEV1, DEV20, DEV28 and DEV29, national guidance and specifically paragraph 11 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

### **14. Recommendation**

In respect of the application dated 24.09.2020 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****

Site Location Plan / Site Development Plan 2227-001 Rev P01 received 01/09/20

Plans Proposed 2227-002 Rev P02 received 16/11/20

Elevations Proposed Section A-A Proposed 2227-003 Rev P02 received 16/11/20

Roof Plans, Sections Proposed 2227-004 Rev P02 received 18/11/20

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: ECOLOGICAL MITIGATION**

#### **PRE-DAMP PROOF COURSE (DPC)**

Before work commences on the Damp Proof Course of the rear extension hereby approved, the applicants shall submit details for the installation of an enclosed bird brick within the fabric of the extension and hedgehog hole within the site boundary. Plans for the specification and locations of these within the building and boundaries are to be submitted to and approved in writing by the Local Authority.

Reason:

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

### **4 CONDITION: EXISTING 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 Tree Protection Plan submitted by Rupert Baker 22/9/2020 and in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations 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 the trees on site are protected during construction work in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019.

### **5 CONDITION: USE OF FLAT ROOF**

The flat roof of the rear extension hereby approved shall not be used as a roof terrace or balcony.

Reason:

To protect the residential amenity of neighbouring properties and to avoid conflict with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

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

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

**2 INFORMATIVE: CONDITIONAL APPROVAL (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.

**3 INFORMATIVE: PROTECTED SPECIES**

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers.

**4 INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:  
- Arboricultural Report, September 2020.

**5 INFORMATIVE: PRUNING OF NEIGHBOUR'S TREES**

The applicant is encouraged to notify the owner of the large Sycamore tree in no. 38 Culme Road if any branch pruning is required.

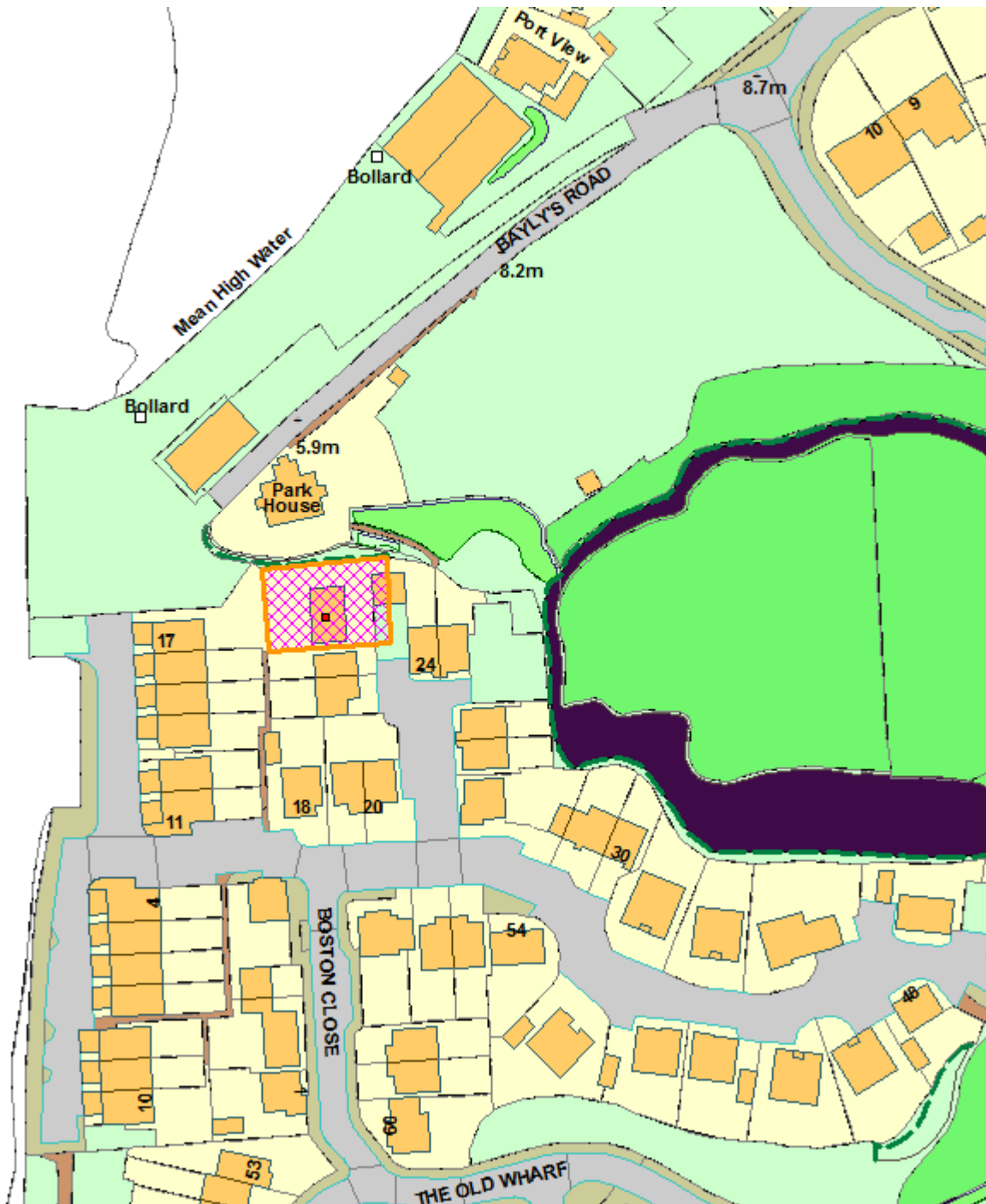
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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/01487/FUL	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	29.09.2020	<b>Ward</b>	PLYMSTOCK RADFORD
<b>Site Address</b>	23 Boston Close Plymouth PL9 7NR		
<b>Proposal</b>	New garden building for use as a Chiropractor Clinic		
<b>Applicant</b>	Mr & Mrs May		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>24.11.2020</b>	<b>Committee Date</b>	<b>10.12.2020</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Ms Abbey Edwards		
<b>Recommendation</b>	Grant Conditionally		



This planning application was referred to Planning Committee by Cllr Watkin

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

23 Boston Close is a detached property located at the end of a cul-de-sac on a modern estate built on the site of the former Boston's Boatyard in the Turnchapel, Hooe and Oreston neighbourhood. The site was also a former quarry and the area to the north and west of the property is set substantially higher. To the north is an older stone built building called Park House. To the east, south and west the application site is bound by residential properties.

The property has previously been extended and this application relates to a detached outbuilding located in between and north of the dwelling and the property's garage.

**2. Proposal Description**

Change of use of garden building to a chiropractor clinic. The outbuilding was approved under application 20/01099/FUL and this proposal solely relates to the use of the building.

The proposed chiropractor clinic would be open to customers 0900 - 1600 Mondays to Fridays. There would be a maximum of 9 customers visiting the premises each day with appointments lasting 30 minutes. A 15 minute gap will be required in between appointments to allow for cleaning. The clinic would be operated by the occupier of the dwelling.

**3. Pre-application Enquiry**

None

**4. Relevant Planning History**

19/00085/FUL- Two-storey side and front extensions to enlarge property and form residential annexe - Application withdrawn

19/00449/FUL- Two-storey side extension- Grant conditionally

19/01972/AMD- Non-material Amendment: Removal of window W13. Replace Door ED4 with a window for application 19/00449/FUL- Non-material Minor Amendment Agreed

20/01099/FUL- Garden building (part-retrospective) - granted conditionally

**5. Consultation Responses**

Local Highway Authority - No objection

Public Protection Service - No comments

**6. Representations**

11 letters were received from members of the public; 4 letters of support and 7 objections. The objections were made on the following grounds:

- Not conforming to the condition attached to previous planning application (20/01487/FUL) requiring the outbuilding to provide recreational use ancillary to the dwelling
- The proposed commercial use is not in keeping with the residential area
- Existing driveway has been constructed without planning permission
- Roads are privately owned and residents are responsible for maintenance costs which may increase with the proposed commercial use
- Noise nuisance of increased traffic
- Increased traffic is a danger to local residents, particularly the old and vulnerable, young children who play in the street, dog walkers and those exercising
- Access to outbuilding is across neighbouring properties
- Raises the potential for extension of hours in the future
- Detrimental impact on a coastal area
- Commercial customers will create congestion and parking pressures including that on the existing visitor parking bays
- Inaccuracies in the Local Highway Authority's comments regarding the driveway being proposed instead of existing
- Single road access to the cul-de-sac is inappropriate for commercial traffic

The following objections were raised but are non-planning matters:

- Breach of developer covenants
- Increased visitors result in increased health risk in light of COVID 19
- The proposal will devalue local property prices

## **7. Relevant Policy Framework**

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

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

- Plymouth and South West Devon Supplementary Planning Document 2020

## **8. Analysis**

8.1. 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.

8.2. The main considerations in the determination of this application are the principle of development, impact on residential amenity and impact upon highway safety and parking.

### *Principle of development*

8.3. It is noted that a number of objections refer to the proposed breach of the previous condition attached to planning application 20/01099/FUL. The Officer Report stated 'If the structure is used in the future for business purposes, then further enforcement investigations can take place to establish whether or not any further planning permission would be required.' As such, a condition was added, ensuring that the outbuilding was used for purposes incidental to the enjoyment of the dwelling house, as it was considered that the independent use of the premises would be likely to produce conditions unacceptable to the Local Planning Authority. In line with the officer report, a planning application for the proposed change of use has been submitted and can be assessed accordingly.

8.4. The National Planning Policy Framework (NPPF) defines main town centre uses as: "Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."

8.5. The NPPF does not define a chiropractor clinic as a main town centre use and there is therefore no requirement to undertake a sequential test to establish whether the proposal could be located within a designated centre.

8.6. Whilst the application site is located within a predominantly residential area, given the low intensity of the proposed use, on balance, officers consider the location to be acceptable subject to the considerations set out in this report.

8.7. It is noted that should the application be approved then under Permitted Development rights, the use of the building in the future can change to other categories within Use Class E without planning permission. However, given the residential nature of the area any future change of use

should be made subject to a planning application and assessed accordingly. As such, officers consider that a condition restricting the use of the building to a chiropractor clinic, should be attached to any approval.

*Impact on neighbour amenity*

8.8. The Applicant has confirmed that the chiropractor clinic would operate weekdays only Monday to Friday from 0900 to 1600 hours. The Applicant has confirmed that there would be no more than one customer at any one time and a 15 minute gap between client appointments to allow for cleaning. There would be no more than 9 clients visiting the site per day.

8.9. On this basis, it is considered that the proposal would not have a harmful impact on the amenity of nearby occupiers sufficient to warrant a refusal of this application.

8.10. It is noted that objections have been raised in regards to increased danger to pedestrians, particularly the old and vulnerable and children playing in the street. Whilst it is recognised that there will be an increase in traffic and footfall, the impact of this is mitigated by the proposed hours and the level of increased risk would not provide a reason to refuse the application.

8.11. With regards to proposed noise, it is acknowledged that the business will operate solely from the detached outbuilding, which is separated from the nearest neighbouring property by a double garage. As such, it is not anticipated that the proposed use would generate noise nuisance sufficient to warrant a refusal of this application.

8.12. It is noted that the Council's Public Protection Team were consulted on the application and had no comments to make.

8.13. By conditioning the use of the building, opening hours and the maximum number of clients visiting the premises, it is considered that the impact of the proposed use on neighbouring amenity will be limited. It should be noted that any breach of these conditions could be subject to enforcement action.

8.14. On balance, the proposal is compliant with Policy DEVI of the Plymouth and South West Devon Joint Local Plan.

*Highway Considerations*

8.15. The Local Highway Authority (LHA) was consulted on the proposal and raised no objections. The site currently provides a driveway able to accommodate up to four vehicles. It is considered that whilst stacking of vehicles is usually discouraged, given that the applicant is in full control of the area, the stacking of cars is acceptable.

8.16. The Local Highway Authority note that the clinic will not be in use during the evening when parking demand is likely to be at its highest in the local area.

8.17. The LHA also considers that due to the small size of the clinic, it is unlikely that the use will generate noticeable traffic and parking demand. Whilst planning officers argue that the traffic demand caused by the proposed use would be noticeable, given that the site will be restricted to a maximum of 9 clients per day, it is not anticipated that the increased traffic demand generated by the proposed use would be sufficient to warrant a refusal of this application.

8.18. It is noted that objections have been raised in regards to the existing driveway of No. 23 Boston Close and whether this requires planning permission. Officers consider that the driveway is permeable and therefore does not require planning permission.

8.19. Objections have also been raised in relation to the highway being privately owned with residents responsible for maintenance costs. However as this is a civil matter, officers are unable to comment on this.

8.20. Officers therefore consider the proposal is acceptable in terms of highway impacts and accords with Policy DEV29 of the Joint Local Plan.

### **9. Human Rights**

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

### **10. Local Finance Considerations**

No charge under current schedule

### **11. Planning Obligations**

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

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

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

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the proposed development of a chiropractor clinic at 23 Boston Close does not cause discrimination on the grounds of gender, race and disability. The application building contains level access entrance.

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

The proposal is not considered to have a significant adverse impact on local amenity, parking or traffic demand sufficient to warrant a refusal of this application. 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 29.09.2020 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

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

#### **I      CONDITION: APPROVED PLANS**

Existing and proposed plans 23BC-001 REV A received 29/09/20

Existing and proposed elevations 23BC-002 REV A received 29/09/20

Site plan showing position of cabin and parking area 23BC-003 REV A received 29/09/20

Block plan 29072020 received 29/09/20  
Site location plan 29072020 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: RESTRICTED USE**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting or amending that Order), the building shall only be used as a chiropractor clinic and for no other purpose.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the uses of the premises for the purpose specified is appropriate, but that a proposal to use the premises for any other purpose would need to be made the subject of a separate application to be considered on its merits in accordance with Policies DEVI, DEV2, DEVI0 and DEV29 of the Plymouth and South West Devon Joint Local Plan and policies and provisions of the NPPF.

## **3 CONDITION: OCCUPIERS**

The approved use shall be operated by the occupiers of No. 23 Boston Close only.

Reason:

In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **4 CONDITION: MAXIMUM NUMBER OF APPOINTMENTS**

Only 9 appointments shall be permitted in a working day.

Reason:

In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **5 CONDITION: HOURS OF USE**

The premises shall only be open for customers between the hours of 0900 - 1600 Mondays - Fridays.

Reason:

In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **INFORMATIVES**

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

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

**2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)**

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

**3 INFORMATIVE: ANCILLARY USE**

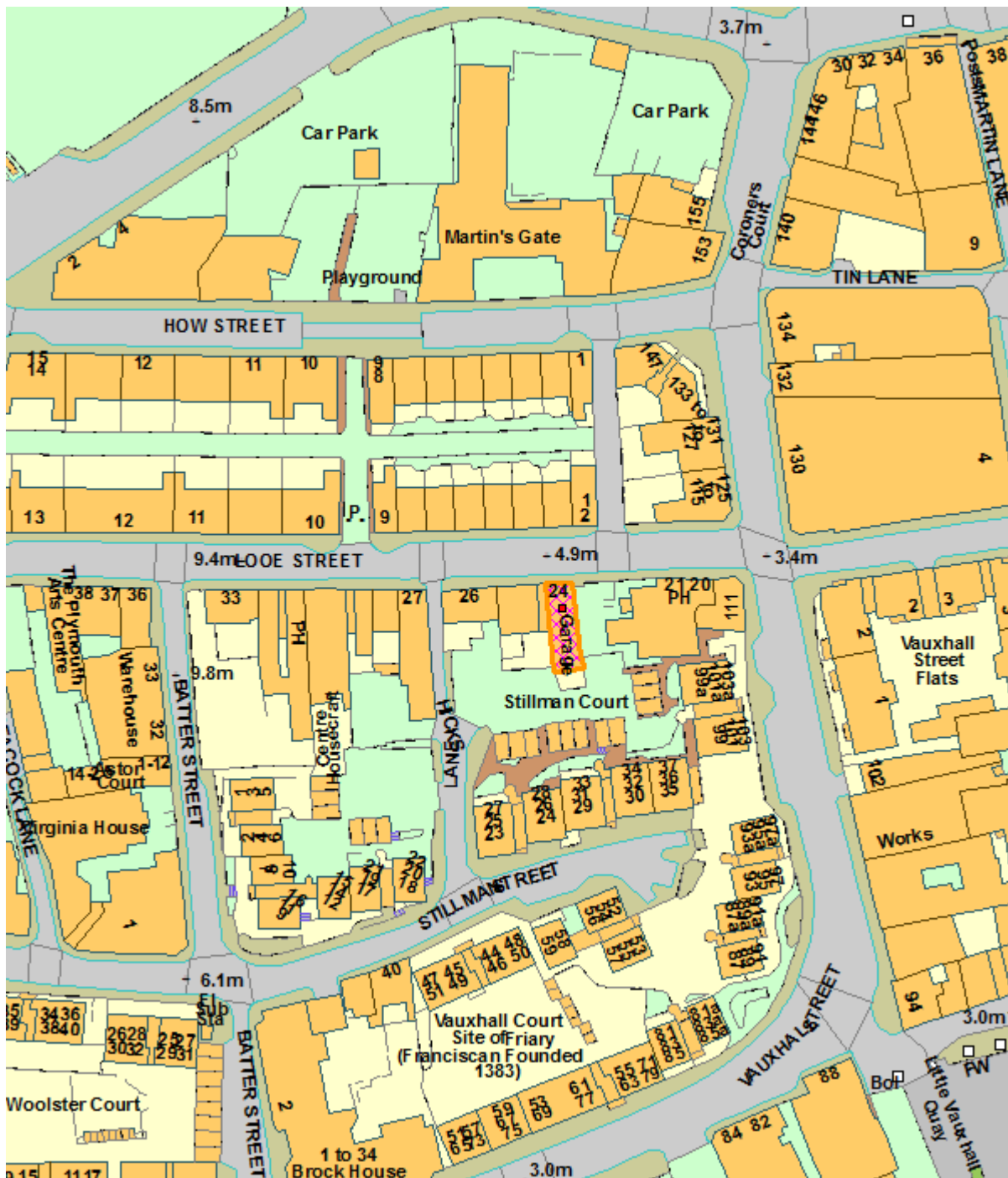
When not in use as a Chiropractor Clinic the outbuilding may be used for purposes incidental to the enjoyment of the dwelling house.



# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/01355/S73	<b>Item</b>	<b>04</b>
<b>Date Valid</b>	09.09.2020	<b>Ward</b>	ST PETER AND THE WATERFRONT
<b>Site Address</b>	24 Looe Street Plymouth PL4 0EA		
<b>Proposal</b>	Variation of condition 3 of application 17/01484/FUL to allow for continued use of the garage		
<b>Applicant</b>	Miss Kayleigh Bullock		
<b>Application Type</b>	Removal or variation of a condition		
<b>Target Date</b>	<b>04.11.2020</b>	<b>Committee Date</b>	<b>10.12.2020</b>
<b>Extended Target Date</b>	<b>11.12.2020</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This application was referred to Planning Committee by Councillor Tuffin

### **1. Description of Site**

24 Looe Street is a three storeyed, end of terrace property located within the designated Barbican Conservation Area. Residential properties to the west and opposite, to north, garage court to rear and grounds of currently vacant public house to east.

### **2. Proposal Description**

Variation of condition 3 of application 17/01484/FUL to, allow for continued use of the garage.

The description of the development was originally "Variation of condition 3 of application 17/01484/FUL to remove the personal limitations of the garage use, allow for continued use of the garage and for other people to work there" but has since been amended to represent the changes that has been agree with the applicant in response to concerns raised by the officer.

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

None.

### **4. Relevant Planning History**

02/01199/FUL - Change of use and conversion of commercial garage / workshop to form single dwellinghouse - Granted conditionally

17/01484/FUL - Change of use from residential garage to commercial garage (Class B2) - Granted conditionally

21 Looe Street - Porters Public House

20/01460/FUL - Change of use of public house to a residential dwelling and window alterations - Under consideration.

### **5. Consultation Responses**

Economic Development Department - No view on the proposal.

Public Protection Service- No objection.

Local Highway Authority - Recommend refusal if the restrictive condition is removed that ensures the use is ancillary to the main dwelling due to concerns of the loss of off-street parking provision provided by the garage. They do however support the continued use of the garage in principle.

Historic Environment - No comment.

### **6. Representations**

One public comment has been received that objectors to the proposal and raising the following concerns:

- Parking and access for emergency vehicles.
- Noise and air pollution
- Inappropriate, unsuitable and detrimental to the Conservation Area
- Ramp from vehicle transporting vehicles to the garage have harmed cobbles and pavements.
- Previous garage was opened on the 1920s when Looe Street was not a Conservation Area and motor traffic was rare.
- Concerns if the garage is sold on and how future owners will behave.
- No guarantee the applicant will take care to avoid complaints if a continued use is approved.

### **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:

- Plymouth and South West Devon Supplementary Planning Document (2020)
- Barbican Conservation Area Appraisal Management Plan 2007

## **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. This application has been assessed against the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan (March 2019) policies are SPT1 Delivering sustainable development, DEVI Protecting health and amenity, DEV2 Air, water, soil, noise, land and light, DEV20 Place shaping and the quality of the built environment, DEV21 Development affecting the historic environment, , DEV29 Specific provisions relating to transport, and the National Planning Policy Framework (NPPF) .
3. The primary planning considerations in this case is the impact on the Conservation Area, impact on neighbouring amenity (including issues of noise), issues of pollution, and transport considerations.
4. Section 73 of the Town and Country Planning Act 1990 (as amended) enables an application to be made to a Local Planning Authority (LPA) to vary or remove conditions associated with a planning permission.
5. It should be noted that, in deciding an application under S73, the LPA must only consider the condition/s that are the subject of the application - it is not a complete re-consideration of the application. Therefore the material considerations relating to the proposed amendments only are discussed below.

6. This application has been submitted under S73 of the Town and Country Planning Act 1990 to remove condition 3 (Personal Limitation) of application 17/01484/FUL to remove the temporary use of the garage and to allow for other people to work there.
7. Permission was granted under application 17/01484/FUL to allow for the change of use of 24 Looe Street's integral residential garage to a commercial garage. Officers considered the proposal to be acceptable in principle due to the site's previous history as a commercial garage and the nature of the commercial use which will have one person working at any time and the site's location. Officers considered the supporting information and the concerns that had been raised by residents and granted the consent with a condition that restricted the use to only the proposed occupier of the garage for a three year period.
8. Application 17/01484/FUL was granted permission with the following condition attached:

**CONDITION: PERSONAL LIMITATION**

The use hereby permitted shall be carried on only by Mr Scott Stevens and shall be for a limited period being the period of 3 years from the date of this permission, or the period during which the premises are occupied by Mr Scott Stevens, whichever is the shorter.

**Reason:**

In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120-123 of the National Planning Policy Framework 2012.

9. This application seeks to remove the condition to allow for continued use of the garage and allow for others to work within the garage. The submitted planning statement has stated that they wanted the condition to be removed to allow the occupier of the garage to have help on a temporary basis if needed.

Impact on the Barbican Conservation Area

10. The site stands in an attractive and popular street within the Barbican Conservation Area; a street which is rich in historic interest, and that presents a large number of Grade II listed buildings. The Barbican Conservation Area was first designated in 1967, and was one of the earliest to be designated in the country.
11. Although the building was converted at some point to a garage during the 20th century, it has not been used for this purpose for some time, and during that time the street has developed as a mixed use area, with many of the businesses embracing the historic visual attractiveness of this area, advertising their businesses with appropriately discreet signage to their frontages.
12. From a historic point of view, the main considerations need to be the impact on the setting of the listed buildings and to the character and appearance of the historic street as a whole. The Historic Environment Officer has raised no objection to the proposal. The proposal does not seek to make any external changes and considering the previous use and other uses in the area it is considered that the proposal would not harm the character or appearance of the Conservation Area.
13. The Barbican Conservation Area Appraisal and Management Plan sets out principles that should be considered for any changes proposed in the Conservation Area. The most relevant policy in this case is Principle 1 that states: Proposals to develop or redevelop sites and convert buildings to new uses will be required to preserve or enhance the character of the

Conservation Area, and to contribute positively to the wider regeneration of Sutton Harbour". It is considered that the proposal would not conflict with this principle or the other principle set out in the Barbican Conservation Area Appraisal and Management Plan.

Impact on Neighbour Amenity

14. Permission was granted under application 17/01484/FUL with an additional condition that restricted the use of the garage Monday to Friday 08.00hrs - 18.00hrs and Saturdays 08:30 - 13:00hrs. This condition was recommended by the Public Protection Service in order to minimise the possibility of any noise complaints.
15. The proposal seeks to remove the condition that restricts the use of the garage to only the occupier and to allow for a continued use. The proposal does not seek to make any amendments to the condition that restricts the working hours.
16. Concerns have been made within the public comments with regard to noise pollution. It is noted that the Public Protection Service has not raised an objection to the proposal and the officer sought confirmation if any noise complaints had been received with regards to the application site. The Public Protection Service confirmed that no noise complaints had been recorded with regard to the garage at 24 Looe Street.
17. The application site is located in a predominantly residential area however it is noted that there is a number of commercial uses within Looe Street. The application site is an end of terrace property is in close proximity Vauxhall Street, a major route that provides access to and from the Barbican.
18. Officers carefully considered the concerns that have been raised and the comments from the Public Protection Service. Officers consider that the continued use of the commercial garage is acceptable in principle however only with a condition that continues to restrict the use of the garage so that it can only be used ancillary to 24 Looe Street and only allows for one person to be able to work within the garage at any one time.
19. The applicant has therefore agreed to not remove the condition but to amend it to the following:

**CONDITION: RESTRICTED USE**

The garage use hereby permitted shall only be used ancillary to no. 24 Looe Street and shall only ever have one person working within the garage at any one time.

**Reason:**

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of the garage premises with more than one person working within the premises would be likely to produce conditions unacceptable to the Local Planning Authority; this condition is in accordance with policy DEVI (Protecting Health and Amenity) and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

20. Officers have carefully considered the concerns raised within the public comments and it is considered that with the added restrictive conditions, that restrict the opening hours and the number of people that work within the garage, the proposal would not have a detrimental impact on neighbours' amenity. The conditions will ensure that the use of the garage can only be used ancillary to the 24 Looe Street and will not be used independently to the dwelling. The conditions will also ensure that only one person can work within the garage, which will restrict the amount of work that can be undertaken within the garage at any one time. The

proposal is therefore considered to comply with policies DEVI and DEV2 of the Joint Local Plan.

Impact on the highway network

21. At the time of the original application the Highway Authority were unable to accept the principle of losing a residential garage, to become a commercial facility, due to the fact that it would remove the opportunity to provide a parking space in a part of the City where parking is at a premium. The potential loss of off-street parking is not compliant with policy.
22. However the application was approved on the basis that the future occupier was linked to the donor residential property and that the applicant confirmed that the residents would still be able to park within the garage, as they lived above it. Therefore, the recommendation to refuse the application, due to loss of parking, was not considered appropriate.
23. Within this current application the applicant has requested that the personal limitation condition is removed so that the occupant of the garage could, if required to do so, employ someone else to work within.
24. Furthermore, they have requested consideration of obtaining a permit for use within the resident parking scheme, of which they are excluded, in accordance with Policy, following the original planning application.
25. With regard to the provision of parking permits this is a matter that is considered outside of the Planning process. However the number of permits currently issued exceeds the amount of space on-street and therefore the Policy decision to exclude this property is still relevant today. As such the property would not be eligible for a permit and the informative will remain reminding the applicant that the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.
26. The Highway Authority considers the previous personal limitation condition is required to restrict the use of the garage to be ancillary to the dwelling to which it formerly served. The condition ensures that the garage is linked to the property, by virtue of the named occupant contained within the condition, but does not restrict the occupant recruiting a new employee. Removal of the condition is therefore not considered appropriate by the Highway Authority as this could remove the connection to the dwelling. The Highway Authority therefore is unable to support the removal of the condition due to concerns the removal of the condition will result in the loss of off-street parking.
27. The Highway Authority has stated it does not however object to the continued use of the site in principle.
28. Having considered the comments from the Highway Authority and the concerns raised by the public it is considered inappropriate to completely remove the condition. Officers however consider that it is appropriate to amend the condition to ensure that the garage is only used by one person and ancillary to the main dwelling. This will ensure that the proposal will not result in a loss of off-street parking to serve the dwelling and would ensure that the proposal would not result in a detrimental impact on local highway. The proposal is therefore considered to comply with policy DEV29 of the Joint Local Plan.

Other Impacts

29. Within the public comment received concerns were raised regarding air pollution and fumes from the proposed garage, however considering the size of the unit with one employee working in the garage at any one time, the location of the proposal next to a busy road that

acts a key route to the Barbican, and the previous use it is not considered a sufficient reason to refuse the application

### **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.

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**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the principle of the continued use of the garage is acceptable with the added conditions which will ensure the use of the garage is ancillary to the main dwelling and only allows for one person to work within the garage at any one time. The proposal is therefore considered to accord with policy and national guidance and is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 09.09.2020 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

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

#### **I      CONDITION: APPROVED PLANS**

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

Ground Floor Plan 17072017 - received 17/07/17

Site Location Plan 14072017 - received 14/07/17

Site Plans 14072017 - received 14/07/17

Front Elevation 14092017 - received 14/09/17



## Reason:

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

**2 CONDITION: RESTRICTED USE**

The garage use hereby permitted shall only be used ancillary to no. 24 Looe Street and shall only ever have one person working within the garage at any one time.

## Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of the garage premises with more than one person working within the premises would be likely to produce conditions unacceptable to the Local Planning Authority; this condition is in accordance with policy DEVI (Protecting Health and Amenity) and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

**3 CONDITION: WORKING HOURS**

Due to the proximity of residential properties, the use of the garage should be restricted to the following times:

- Monday to Friday 08.00hrs - 18.00hrs
- Saturdays 08:30 - 13:00hrs

## Reason:

To protect the residential and general amenity of the area from disturbance from noise at unreasonable hours and avoid conflict with Policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.)

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

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

**3 INFORMATIVE: NOISE BREAKOUT**

The garage doors should be kept closed as much as is reasonably practicable to prevent noise breakout affecting nearby residents.

**4 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/00253/FUL	<b>Item</b>	<b>05</b>
<b>Date Valid</b>	06.03.2020	<b>Ward</b>	ST PETER AND THE WATERFRONT
<b>Site Address</b>	Site Of Former E Block, The Quadrangle, Craigie Drive The Millfields Stonehouse Plymouth		
<b>Proposal</b>	Erection of an apartment building to provide 17 units of accommodation, car parking and associated works		
<b>Applicant</b>	Platinum Developments South West Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>05.06.2020</b>	<b>Committee Date</b>	<b>10.12.2020</b>
<b>Extended Target Date</b>	<b>11.12.2020</b>		
<b>Decision Category</b>	Major with more than 15 Public Comments contrary to officer recommendation		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant conditionally subject to S106 agreement with delegated authority to the Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timescales		



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

The former Royal Naval Hospital is now better known as Millfields. The buildings were designed by Alexander Rovehead and built between 1758 and 1762. A substantial limestone wall contains the site.

Millfields is a significant group of buildings mostly Grade II\* Listed Buildings and the whole area within the wall was designated a Conservation Area in 1977. The layout is characterised by pavilion ward buildings grouped around a courtyard plan with ward blocks kept small and linked by a single storey colonnade. They formed part of the former St Dunstan's School site.

The application site sits between 2 buildings (Copenhagen and Trafalgar) and forms part of the Grade II\* listed Quadrangle. The former E block building was situated on the application site but was destroyed by bombing during the Second World War. The application site is situated within the Millfields Conservation Area.

The application site currently comprises 19 car parking spaces laid out with tarmac.

**2. Proposal Description**

Erection of an apartment building to provide 17 units of accommodation, car parking and associated works.

**3. Pre-application Enquiry**

None.

**4. Relevant Planning History**

Application site:

20/00254/LBC- Listed building consent for the erection of an apartment building to provide 17 units of accommodation, car parking and associated works- Under consideration.

05/00440/FUL- 4 storey building containing 12 residential units and 8 parking spaces- Granted conditionally subject to S106.

Neighbouring sites:

03/01105/FUL - Change of use, conversion repair and alteration to existing buildings to form 34 residential units, extension to Science building to form 6 residential units; new Community Education Development Trust building (on site of tennis/squash courts);all with new car parking - Granted conditionally.

05/00953/FUL - Change of use, conversion and alterations to form 34 residential units and formation of car parking and landscaped areas, and new boundary enclosure - Granted conditionally subject to S106.

**5. Consultation Responses**

Local Highway Authority- Originally objected to the scheme but following further details being submitted have removed their objection and recommend conditions.

Urban Design Officer - Originally objected to the scheme however after amendments and further details were submitted has removed their objection with recommended conditions.

Historic Environment Officer - Originally objected to the scheme however after amendments were submitted has removed their objection.

Historic England- Raised concerns but state that the concerns can be overcome by condition.

Community Connections Department - No objection.

Police Liaison Officer - No objection subject to recommended condition.

Economic Development Department - No objection subject to recommended condition.

Public Protection Service- No objection subject to recommended conditions.

Environment Agency- No objection subject to agreement from Local Lead Authority and South West Water.

Housing Delivery Team- Originally object to the planning application due to absence of affordable housing and request further details on accessible and adaptable dwellings. However following design changes and affordable housing offer, the objection has been removed.

Natural Infrastructure Team- No objection.

Local Lead Flood Authority - No objection subject to recommended condition.

Low Carbon Team- No objection subject to recommended condition.

**6. Representations**

The Local Planning Authority has received 24 letters of representation objecting to the proposed development. The letters are summarised as follows:-

Design/ Heritage

- o Design and materials not in keeping with existing listed buildings / heritage site or area
- o Destroys the symmetry and unbalances the appearance
- o Poor and unsympathetic design, does not enhance the area

- o Undercroft parking, balconies, roof terrace, roof level accommodation and window arrangement is an incongruous features
- o External terraces has previously been opposed by Historic England
- o Does not adhere to principles set out in Millfields Conservation Area Appraisal Management Plan 2007
- o Excessive flat density, four storeys proposed instead of three that the surrounding properties have
- o It will not be possible to use adjacent walkway to grassed gardens

#### Highways

- o Insufficient parking and visitor parking
- o Only one entrance / exit point that is manned by small security team, which is narrow, busy and can be dangerous.
- o Increase in traffic can cause it to become unsafe and hazardous
- o Nowhere for site compound for construction

#### Neighbour Amenity

- o Blocks light to neighbouring properties and poor outlook
- o Privacy
- o Overlooking from roof terrace
- o Disturbance and disruption to neighbours

#### Occupier Amenity

- o Accommodation will be cramped

#### Other

- o Chance of unexploded ordnance on site
- o Impact on bin availability and utilities
- o Already have multiple empty / unused residential properties in Millfields

### **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:

- Plymouth and South West Devon Supplementary Planning Document (2020)
- Millfields Conservation Area Appraisal Management Plan 2007

## **8. Analysis**

1. This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. This application has been assessed against the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan (March 2019) policies are SPT1 Delivering sustainable development, SPT3 Provision for new homes, DEV1 Protecting health and amenity, DEV2 Air, water, soil, noise, land and light, DEV7 Meeting local housing need, DEV9 Meeting local housing need in the Plan Area, DEV10 Delivering high quality housing, DEV20 Place shaping and the quality of the built environment, DEV21 Development affecting the historic environment, DEV26 Protecting and enhancing biodiversity and geological conservation, DEV28 Trees, Woodlands and Hedgerows, DEV29 Specific provisions relating to transport, DEV31 Waste management, DEV32 Delivering low carbon development, DEV35 Managing flood risk and water quality impacts, DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy and the National Planning Policy Framework (NPPF) .
3. The principle issues are considered to be the design and impact of the proposed alterations to the character of the historic environment, the quality of the proposed flats and residential amenity. Other considerations include highways and parking, drainage, renewable energy, wildlife and biodiversity.

### Principle of the Development

4. The application site itself is within the Plymouth Policy Area where the principle of development is accepted subject to other material considerations and policies. The site, however is not allocated and does not form part of the Council's current and up-to-date 5 year land supply. Any proposal would normally be expected to comply with all relevant local

plan policies and material considerations to be considered acceptable. The site is a small brownfield site where the principle of optimising development is accepted.

#### Layout

5. The proposal seeks to erect a four storey building, which will include 17 apartments with accommodation within the roof space. The application proposes to include 4 x 1 bed units, 12 x 2 bed units and 1 x 3 bed units. A dedicated bin store, secure cycle store and residents parking is also provided as part of the development proposals.
6. Policy DEV10 of the JLP requires that all new dwellings should be of a sufficient size and layout to provide good quality accommodation to meet the needs of occupants, with proposed dwellings required to meet Nationally Described Space Standards. All of the proposed units would exceed the minimum standard and therefore it is considered that adequate internal space is provided.
7. No private amenity space has been provided for flats 1 to 13 however flats 14 to 17 all have private balconies. The flats will largely rely on the existing outdoor amenity space within the Millfields site itself. However, given the proposed flats sizes and that the site is located with close proximity to public open space (Millfields Lawn and Victoria Park) this is considered acceptable and is consistent with the approach taken to other residential properties within the Millfields.
8. Policy DEV9 requires a mix of accessible housing units be sought in new housing schemes. 20% of dwellings on schemes of 5 or more should meet national standards for accessibility and adaptability, Category M4 (2) of Building Regulations. The submitted details state that all ground floor units will meet accessible housing requirements. A condition would be added to secure these flats meet these standards.
9. Based on the above summary of the layout of the proposed development of 17 flats it is officers' view that these proposals are acceptable. The development will accord with policies DEV9, DEV10 and DEV20 of the Joint Local Plan.

#### Design and Historic Environment

10. The Millfields site is a unique site within the city of Plymouth. It comprises a historic former Royal Naval Hospital occupying secure, landscaped, walled grounds. It is less than one mile west of the City Centre and in close proximity to the water's edge, with ferry connection to Cremyll and Mount Edgumbe Park. The site's key characteristics are its historic character, central location and high quality open space.
11. The current proposal seeks to rebuild the ward block that was destroyed by bombing in World War II which lay on the north-east side of the courtyard, adjacent to the central Trafalgar Block. Permission has previously been granted to rebuild this block in replica, but the current application seeks instead to erect a contemporary building which replicates the scale, massing and footprint of the existing blocks but containing five floors of accommodation (the existing buildings have three floors) by reducing floor-to-ceiling heights to a standard domestic scale, and incorporating accommodation in the roof space.
12. The proposed materials palette is white coloured render to the ground floor, mid grey linear brick, ivory shot-blasted masonry block on the upper floors, dark grey metal frames, natural grey slate roof and powder coated aluminium rainwater goods.
13. The Urban Designer and Historic Environment Officer considered the submitted details and raised concerns of introducing modern elements. The Urban Designer stated that while they



understand that the development is new, they would like to see it blend in so that people will still be able to appreciate the overall design of the compound. They raised concerns about the impact of the proposed window arrangement would have on the façade but understood that the windows cannot be aligned with the existing window arrangement due to the additional floor.

14. The Urban Designer and Historic Environment Officer also raised concerns about introducing new materials. They stated that they encourage a palette of materials and colours inspired by the context, however stated that they would like elements such as mid grey linear brick to be reconsidered, as the change of scale would be very noticeable. It is also noted that Historic England has not raised any objections in principle to the scheme but raised a concern about the proposed materials. Historic England had requested that Plymouth Limestone be used on the elevations of the proposed development and recommended a condition requiring this.
15. After raising these concerns with the agent it was negotiated that the front, western elevation that faces into the courtyard, would be clad in Plymouth Limestone. This therefore removed the Urban Designer and Historic Environment Officer's initial objections, stating that the use of Plymouth Limestone on the elevation facing the courtyard would lessen the impact of the windows and the impact on the Grade II\* Listed associated buildings. A condition is suggested to a consent that requires the west facing elevation to be finished in Plymouth Limestone and that sample shall be submitted to and approved by the Local Planning Authority
16. The Urban Designer and Historic Environment Officer are satisfied with the overall volume, shape and height of the new building that follows the symmetry of the site, as well as the roof treatment, which officers consider has been improved in this latest proposal when compared to the previous 2005 consent.
17. It is officers' opinion that the footprint, scale and massing of the proposed building along with the negotiated materials will on-balance be acceptable and will ensure that the contemporary design of the building does not detract from the existing listed buildings or harm the Millfields Conservation Area. The proposal is therefore considered to be in accordance with Policies DEV10, DEV20 and DEV21 of the Joint Local Plan.

#### Neighbour Amenity

18. It is important that new developments do not have an unreasonable impact on the amenity currently enjoyed by neighbouring properties. The proposed building would be adjoined to the Copenhagen building to the northwest and would have the Trafalgar building to the southeast.
19. There are no existing residential properties situated directly to the west and east of the application that are considered to have their amenity significantly impacted upon from the proposed development.
20. Both the Copenhagen and Trafalgar buildings have been converted to residential apartments and have windows overlooking the application site. The distance between the closest point of the proposed building and Trafalgar building is approximately 1.9m and is set back to a distance of approximately 5.9m. The distance between the proposed property and the Copenhagen building is approximately 5.9m
21. The proposed building does not seek to have any habitable room windows that would face directly on the neighbouring residential properties to impact on the neighbours privacy.

22. The proposal includes a roof terrace and balconies serving only the apartments that are within the roofspace. The roof terrace is on the southern side of the development and would be in close proximity to the Trafalgar building. Having considered the positioning of the proposed roof terrace when compared to the windows of the Trafalgar that face the application site, it is considered that the privacy of the neighbouring property would not be significantly impacted subject to a condition that requires a screen to be in place between the two properties. Having considered the positioning of the balconies to the western and eastern elevation it is considered that that they would not significantly impact upon neighbours' privacy.
23. Paragraph 13.28 of the Plymouth and South West Devon Supplementary Planning Document (SPD) state that in order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 15m for a three-storey development.
24. As mentioned previously, the distance between the proposed building and the neighbouring residential buildings at its closest point is approximately 1.9m and is set back to a distance of approximately 5.9m. The proposal therefore will falls short of the SPD guidelines. It is however noted that this relationship between neighbouring properties is similar with other properties within the Millfields, such as between St Vincent, Nile and Trafalgar. Also whilst the previous planning applications 05/00440/FUL & 03/01105/FUL has now lapsed the principle of the development, in terms of relationship with the existing buildings in the Quadrangle has previously been deemed to be acceptable. It is therefore considered that refusing the application on these grounds would be unreasonable.
25. Due to the close relationship the proposed development would have with the neighbouring blocks it is likely the proposal would impact on the amount of natural light afforded to the neighbouring properties. The SPD sets out guidance to ensure that development does not result in a significant loss of daylight or sunlight to habitable rooms. The SPD details the 45 and 25 degree guideline which is used to ensure that proposed development will not cause a harmful loss of daylight.
26. Due to the close relationship between the proposed development and the neighbouring properties the proposal would not comply with the guidelines set out in the SPD. Officers have considered the layout of the neighbouring properties and it is noted that some of the rooms that overlook the application site are served by secondary windows and the elevation of Trafalgar that faces the proposed site is facing north therefore would receive a reduced amount of natural light.
27. Having considered the planning history it is also noted that a similar sized building with the same footprint was approved under application 05/00440/FUL & 03/01105/FUL, therefore refusing the application on these grounds would be considered unreasonable.
28. The construction phase of any approved development has the potential to disturb nearby residential dwellings. However Officers consider that a Code of Practice condition could be included on any grant of planning consent to minimise/control this. A Code of Practice would cover all potential aspects of nuisance with regards to the development and should acknowledge that the development has the potential to impact others.
29. It is considered that the proposed development would not have an unacceptable adverse impact on adjacent buildings in the context of the existing amenity enjoyed by residents and is therefore acceptable in accordance with polices DEVI, DEV7 and DEV20 of the Joint Local Plan and the NPPF.

Highways and Parking

30. The development site is a small car park, which is hard surfaced and marked out to provide 19 car parking spaces. Parking within Millfields is either owned by or allocated to residential or business uses that are within the Millfields. This is overseen by a Management Company.
31. The submitted proposal sought to provide 17 apartments that would comprise of 2 x 1 bed units, 14 x 2 bed units and a 1 x 3 bed unit and would provide a total of 20 car parking spaces to serve these units. The proposed parking spaces to serve the development would be eight under-croft spaces and a further 12 to be re-allocated within the existing parking spaces within the Millfields. When compared to the Council's parking standards the proposal would however create a shortfall of up to 12 parking spaces. To justify the shortfall in parking the submitted details make reference to the sustainability of the location, the parking restrictions (between 1100hrs & 1500hrs) in the public streets outside of the Millfields to control the overspill car parking and the lower car parking ratios previously accepted with previous planning permissions within the Millfields.
32. The Local Highway Authority (LHA) initially objected to the proposal due to concerns of the loss of the existing car park and inadequate parking provision to support the development. The LHA stated that "all things considered it seems that without any credible explanation the proposed new development would fail to provide any additional car parking to serve the new dwellings. But would instead remove and reallocate existing car parking availability that is already serving the wider 'Millfields' complex that has not been proven to be surplus".
33. In response to the concerns raised by the LHA the applicant amended the scheme by reducing the number of two bedroom units, the proposal therefore now seeks to provide 4 x 1 bed units, 12 x 2 bed units and 1 x 3 bed. The parking standards set out in paragraph 8.7 of the Plymouth and South West Devon Supplementary Planning Document states that 1 bedroom dwellings require 1 space per dwelling and 2 and 3 bedroom dwellings require 2 spaces per dwelling. The proposal should therefore provide a total of 30 spaces to comply with guidance, however is seeking to provide 20.
34. The applicant also provided additional information which stated that the last lease for the car park expired in March 2018 and had not been formally used as a car park to date. The information also states that the businesses uses within the Millfields are currently giving rise to a reduced car parking demand, including due to Covid-19, which has freed up car parking spaces.
35. The LHA considered the submitted details and removed their objection stating that "the Millfields site overall is considered to be of sufficient size to be able to accommodate adequate car parking to meet the Council's planning standards. The LHA having no in principle objections is minded to recommend that the outstanding issues of the associated loss of car parking, and the need to establish the extent of parking surplus along with any shortfall, is addressed by planning conditions". The LHA have therefore recommended a condition requiring the submission of a Millfields wide Travel and Car Parking management Plan to include and apply to all that lies within the bounds of the Millfields. The Plan is intended to encourage and help to manage sustainable travel, but in this case the Plan would also provide the information to demonstrate any parking shortfall and how the loss of the application site car park would be mitigated and managed to avoid detriment and harm. The LHA has stated that the Plan will need to show and include the overall parking allocations throughout the Millfields, identifying what consented planning use each car parking space is associated with in order to establish the overall number of parking spaces that are apparently surplus to use within the Millfields. The Plan would identify and show all parking allocations

and associated uses, along with all surplus car parking spaces, to substantiate the car parking and management arrangements within the Millfields, including in respect of the associated planning consents and compliance therewith.

36. Having considered the advice of the LHA and the relevant policies, Officers consider that the proposed development is acceptable in principle and subject to the added recommended condition the proposal will comply Policy DEV29 of the adopted Plymouth and South West Devon Joint Local Plan.

#### Affordable Housing

37. The Council's policy for affordable housing delivery is set out in Policy DEV7 (Meeting local housing need in the Plymouth Policy Area) of the JLP and supported by Plymouth and South West Devon Supplementary Planning Document (2020).
38. Policy DEV7 seeks "to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and will create sustainable, inclusive and mixed communities." Moreover, Policy DEV7 requires at least 30% of the total number of dwellings to be affordable homes (without public subsidy) on developments of more than 10 homes.
39. In addition to local planning policies, section 5 (Delivering a sufficient supply of homes) of the National Planning Policy Framework 2019 (NPPF) sets out the national policy context for affordable housing delivery. Paragraph 62 of the NPPF states that "where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be delivered on-site" unless off-site provision will contribute to the objective of a creating mixed and balanced communities.
40. Paragraph 64 of the NPPF states that "where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area...".
41. It is also noted that the recent White Paper published in August of this year called "Planning for the Future: planning policy changes in England in 2020 and future reforms" sets out an intention to increase the threshold so that developers do not need to contribute to affordable housing for developments of up to 40 or 50 units. While this is not legislation at present and is currently being consulted on, Officers are mindful of the Government's intentions with regards to potentially increase the threshold for affordable housing.
42. The need for affordable housing delivery in the city is greater than the total annual housing provision and the most recent data from Plymouth's Housing Register of those in housing need shows over 7,000 households registered. The provision of affordable housing is therefore considered a priority for the City Council and it is crucial that contributions are sought wherever possible from all major developments to help address this need.
43. A viability assessment has been submitted with the application and this suggests that it is not viable to provide any affordable housing (either on- or off-site). According to the National Planning Policy Guidance on viability, "the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances on the case, including whether the plan and viability evidence underpinning the plan is up to date..."
44. The viability assessment has indicated that the provision of affordable housing would compromise deliverability of this application. The assessment was reviewed by the Council's

in-house Viability Officer and concluded that while the viability of the site was marginal, the development could contribute through an off-site contribution towards Affordable Housing without critically affecting the ability of the scheme to come forward.

45. The Housing Delivery Team had originally objected to the scheme as no affordable housing was proposed on site or off-site. After negotiations the applicant has put forward an offer of £100,000 towards an off-site affordable housing contribution, which is equivalent to approximately 5.25% affordable housing. Having considered the offer the Housing Delivery Team has removed its objection considering the viability of the site.
46. While the contribution is significantly short of the 30% affordable housing contribution as stated within policy, the applicant has demonstrated that the development is not viable if 30% affordable housing was included as part of this development. The proposal will however contribute towards the delivery of a sustainable, inclusive and mixed community as set out in policy DEV7 of the adopted JLP, as well Plymouth and South West Devon Supplementary Planning Document (2020) and paragraphs 54 - 57 of the NPPF. Officers therefore need to weigh up the balance of planning gains from the overall development against a very clear deficiency in affordable housing provision. This planning balance is considered later in the report.

#### Drainage

47. The Lead Local Flood Authority has stated that the site is at a low risk of fluvial or tidal flooding. The site is located within a Critical Drainage Area by the Environment Agency as an area where the existing sewage system is at or close to capacity.
48. A Flood Risk Assessment (FRA) and drainage strategy has been submitted to support the proposal. The proposed surface water drainage strategy is to discharge surface water to the existing South West Water (SWW) combined sewer. Correspondence from SWW has been submitted approving the proposed connection and discharge rate. There are no waterbodies or surface water sewers in the vicinity of the site, and infiltration drainage has been dismissed due to site constraints. A Construction Environment Management Plan (CEMP) has been submitted, but does not contain any details of how surface water is managed during construction works.
49. The Local Lead Flood Authority has raised no objection to the proposal but has recommended a condition requiring further details. 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 demonstrate 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. It also requires a Construction Environmental Management Plan that demonstrates how the new drainage system and water environment is protected during the demolition and construction phases.
50. Officers consider the submitted drainage details are acceptable in principle, subject to the added conditions the proposal complies with policy DEV35 Managing flood risk and water quality impacts of the Joint Local Plan.

#### Energy

51. An Energy Statement was submitted which sets out a number of alternatives to demonstrate that it can achieve the 20% carbon reductions over and above Building Regulations. It is however not specific, but narrows this down to solar PV, solar thermal and heat pumps. The Low Carbon Team considers these to be acceptable but recommends a condition for further

details of the final solution in advance of the development. As such it is officers' opinion that the proposal is compliant with DEV32.

#### Natural Infrastructure

52. The site consists of a surfaced car park, enclosed by multi-story residential buildings to the northwest and southeast and a walk / covered walkway to the west

#### Green Space

53. The site is adjacent to, but not within a site designated as a City Greenspace ("The Millfields Craigie Drive", in the JLP. It is therefore considered that the proposed development would not harm the adjacent green space.

#### Biodiversity

54. A report entitled "Ecological Mitigation and Enhancement Strategy including a Construction Ecological Management Plan (CEMP), & Landscape Ecological Management Plan (LEMP)" has been submitted and reviewed by the Natural Infrastructure Team.
55. The report concludes "As an existing car park within a built area, the proposed development represents a neutral ecological impact at a site level. Through the implementation of the ecology enhancement measures, the proposed development represents a positive/net biodiversity gain at the site level."
56. The report states that the following Enhancement Measures are to be incorporated into the building:
- a. Inbuilt Bird Nesting Provisions: Two groups of three inbuilt swift nesting provisions are to be incorporated into the northwest and/or northeast elevations of the proposed building. The provisions are to be incorporated at or near eaves height.
  - b. Inbuilt Bee Provisions: At least three inbuilt bee bricks are to be incorporated into the southeast and/or southwest elevations of the proposed building. The provisions are to be incorporated where they receive sunlight for a least part of the day.

#### Landscape and Visual Impact

57. The proposed external landscaping scheme does not include any soft landscaping (trees, planters etc). The Natural Infrastructure Team however considers that this is acceptable due to the constrained nature of the site.
58. The Natural Infrastructure Team agrees that the mitigation and enhancement recommended within this report is of a sufficient scale to ensure that the proposed development provides a net gain for biodiversity and therefore complies with policy DEV26 of the JLP.

#### Habitats Regulations Assessment

59. Officers have concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. The assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

#### Refuse

60. The proposal seeks to extend the existing bin store to the north east of the proposed building. A condition is recommended on any approval to ensure a clear area is set up for bin storage and they are kept in this area on all days except for collection day. This is considered to be acceptable as the proposal complies with policy DEV31 of the Joint Local Plan

Secure by Design

61. The Police Architectural Liaison Officer has assessed the development and has no concerns however a condition is recommended that requires the developer to demonstrate that the development can achieve a Secured by Design Silver Award (formally known as Part 2 of the Secure by Design Award).

Public Protection Service Considerations

62. The Public Protection Service has not raised any objection to the proposal but has requested that a condition relating to land quality and the submission of a Code of Practice be attached.

**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 Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended).

**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.

As set out above, JLP policy DEV7 (Meeting local housing need in the Plymouth Policy Area) requires at least 30% of the total number of dwellings to be affordable homes (without public subsidy) on developments of more than 10 homes. In accordance with the relevant policy requirements, these affordable homes should be provided onsite.

In addition, there are additional asks from service providers for off-site infrastructure provision to mitigate the impacts of the development, and hence to enable the development to be fully policy compliant, has been identified as follows:

Transport- £67,986 (Improvements to a walking and cycle route between Devonport and City Centre that will run through Stonehouse)

Strategic greenspace - £20,922.77 (Central Park)

Children's play space - £6,143.82 (Victoria Park play area)

City/ neighbourhood greenspace - £9,380.66 (Victoria Park)

Playing pitches - £15,973.03 (Victoria Park playing pitches)

A viability appraisal report has been submitted and reviewed by the Council's in-house Viability Officer. It has been concluded that whilst there are elements we do not agree with, these are not material enough to change the overall conclusion that the proposed scheme is not viable. The Council's Viability Officer concluded that

"the planning application presents a reasonable position that full policy compliance with regard to affordable housing is not viable having considered local and national policy and the evidence

available". However, the Viability Officer has stated in their conclusion that they consider that the "development could contribute through an off-site contribution towards Affordable Housing without critically affecting the ability of the scheme to come forward".

With reference to JLP policy DEL1: 'Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy', in determining whether or not to grant planning permission where a developer contends that planning obligations sought would make a proposal economically unviable, the LPAs will have regard to "the overall economic, social and environmental benefits of the development and whether, on balance, some relaxation of planning obligations is justified"

Officers have carefully considered that relaxation of planning obligations and shortfall in affordable housing provision in this case and consider that it can be justified on balance due to the benefits the development will bring the city through the provision of new homes and will conserve and enhance the significance of the listed Quadrangle. While officers consider the relaxations of the planning obligations and shortfall of affordable housing is justified it is considered that these benefits are finely balanced. Therefore, the application is deemed compliant with JLP policies DEL1, DEV7, DEV30, and PLY36, Plymouth and South West Devon Supplementary Planning Document (2020), and paragraphs 54 - 57 and Section 5 of the NPPF.

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

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

The development proposes M4(2) (Adaptable and Accessible) compliant and M4(3) (Adaptable and Accessible) compliant homes.

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

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that when weighing up the overall benefits of the development, such as the provision of homes and conservation and enhancement of the historic environment, against the shortfalls, particularly in relation to the relaxation of the planning obligations, shortfall in affordable housing and parking provision, the proposal is a finely balanced decision but the planning decision is tipped in the officers view in favour for conditional approval subject to the signing of a S106 agreement.

The application is therefore recommended to grant conditionally subject to a S106 agreement with delegated authority to the Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timescales

### **14. Recommendation**

In respect of the application dated 06.03.2020 it is recommended to Grant conditionally subject to S106 agreement with delegated authority to the Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timescales

### **15. Conditions / Reasons**

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



**1 CONDITION: APPROVED PLANS**

Proposed Fourth Floor Plan MNE BPC XX 04 DR A 061 015 Rev P2 received 17/02/20  
 Proposed Roof Plan MNE BPC XX 05 DR A 061 016 Rev P2 received 17/02/20  
 Bin Storage MNE BPC XX XX DR A 900 001 Rev P0 received 17/02/20  
 Site Plan/Block Plan MNE BPC XX XX DR A 910 002 Rev P0 received 17/02/20  
 Proposed External Landscaping MNE BPC XX 00 DR A 061 010 Rev P0 received 17/02/20  
 Ground and First Floor General Arrangement 29034-MNE-BPC-XX-00-DR-A-061-007 Rev P0  
 received 09/07/20  
 Second and Third Floor General Arrangement Plan 2B 29034-MNE-BPC-XX-00-DR-A-061-008 Rev  
 P0 received 09/07/20  
 Proposed Ground Floor Plan 29034-MNE-BPC-XX-00-DR-A-061011.29034-MNE-BPC-XX-00-DR-  
 A-061011 Rev P3 (1) received 09/07/20  
 Proposed First Floor Plan 29034-MNE-BPC-XX-01-DR-A-061012 Rev P3 received 09/07/20  
 Proposed Second Floor Plan 29034-MNE-BPC-XX-02-DR-A-061013 Rev P3 received 09/07/20  
 Proposed Third Floor Plan 29034-MNE-BPC-XX-03-DR-A-061014 Rev P3 received 09/07/20  
 Proposed Elevations Sheet 1 29034-MNE-BPC-XX-XX-DR-A-061017 Rev P3 received 09/07/20  
 Proposed Elevations Sheet 2 29034-MNE-BPC-XX-XX-DR-A-061018 Rev P2 received 09/07/20  
 Proposed Elevations Sheet 3 29034-MNE-BPC-XX-XX-DR-A-061019 Rev P2 received 09/07/20  
 Proposed Section AA 29034-MNE-BPC-XX-ZZ-DR-A-061020 Rev P3 received 09/07/20  
 Proposed Section BB 29034-MNE-BPC-XX-ZZ-DR-A-061021 Rev P3 received 09/07/20

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: DRAINAGE DETAILS****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) The proposed increase in residential dwellings effectively reduces the capacity of the combined sewer to receive surface water, potentially increasing flood risk to properties downstream.

The proposed discharge rate of 2l/s is in excess of the typical rate of 1.5l/s required by the Local Flood Risk Management Strategy for developments of this size.

However, the rate of 2l/s is acceptable since SWW consider there is sufficient capacity within their network. A difference of 300mm between foul and surface water invert connections is required to facilitate future removal of surface water from the combined sewer system.

b) 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.

c) A construction environment management plan (CEMP) incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.

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 the National Planning Policy Framework 2019.

**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.

#### **4      CONDITION: CODE OF CONSTRUCTION AND DEMOLITION**

##### **PRE- COMMENCEMENT**

No development shall take place, including any works of demolition and/or construction, until a Code of Practice has been submitted to, and approved in writing by, the local planning authority.

The Statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including piling
- ii. Hours of work
- iii. Lighting
- iv. Measures to control the emission of dust and dirt during construction including wheel washing facilities
- v. A scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. Pest control
- vii. Contamination where applicable

The Code of Practice must comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

The Code of Practices shall be adhered to and implemented throughout the demolition and construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

**Reason:**

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise, vibration and dust and to 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.

**Justification:** To ensure that the impact of demolition and Construction will be acceptable from the commencement of any works.

## **5 CONDITION: CONTAMINATED LAND**

### PRE-COMMENCEMENT

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

#### Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

o human health

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

o adjoining land

o groundwaters and surface waters

o ecological systems

o archaeological sites and ancient monuments;

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

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

#### Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise

agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Section 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

#### Reason:

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

## **6 CONDITION: EMPLOYMENT AND SKILLS PLAN**

### PRE-COMMENCEMENT

No development other than demolition works shall commence until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Plan should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Plan should cover the groundworks phases as well as the construction phase of the development.

The development shall be carried out in accordance with the approved Employment and Skills Plan unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

#### Reason:

To ensure that local people and businesses benefit economically and in job opportunities to comply with Policy DEV19 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019

Justification: To ensure that the plan is place to ensure that local people and businesses have the opportunity to partake in the construction of the development from its outset.

## **7 CONDITION: EXTERNAL MATERIALS**

### PRE-DAMP PROOF COURSE (DPC) LEVEL

No development shall take place beyond DPC level until details of the materials (including samples) 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 and DEV21 of the Plymouth and South West Devon Joint Local Plan 2019 and Paragraphs 91, 102, 108 and 110 of the National Planning Policy Framework 2019.

## **8 CONDITION: ENERGY AND SUSTAINABILITY**

### PRE-DPC LEVEL

Prior to development above DPC level an energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the proposed development shall achieve regulated carbon emissions levels of 20 percent less than that required to comply with Building Regulations Part L.

The on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the building and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 20% of predicted carbon emissions for the development in accordance with Policy DEV32 of the Joint Local Plan, and NPPF.

## **9 CONDITION: TRAVEL PLAN & CAR PARKING MANAGEMENT PLAN**

### PRE-OCCUPATION

The development hereby permitted shall not be occupied until an all-inclusive and comprehensive combined Travel Plan and Car Parking Management Plan (The Plan) pertaining to the Millfields as a whole has been submitted to and approved in writing by the Local Planning Authority. The said Plan 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, and reduce the associated carbon footprint of the site and its uses. The Plan shall also identify each and every car parking space within the Millfields and its allocated use, along with its associated consented planning use and the relevant planning application number. The details shall include the overall total number of car parking spaces with a breakdown of the uses, along with the available number of surplus car parking spaces. Sufficient details shall be provided to substantiate the car parking and management arrangements within the Millfields overall, to demonstrate there is no parking shortfall or harm, and that the actual car parking use and allocation is in accord with and complies with the relevant associated planning consents. The Plan and Workplace travel plans should be prepared in line with the Council's general guidance. It shall also include measures to control the use of the permitted car parking areas; for the introduction of Electric Vehicle Charging Points; site specific outcomes and targets, and agreed arrangements for monitoring the use of provisions available through the operation of the travel plan; and the name position and contact telephone

number of the person responsible for its implementation. From the date of the occupation the Millfields shall operate the approved all-inclusive Millfields wide 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).

Reason:

The Local Planning Authority considers that such measures need to be taken in order to identify any parking shortfall, how the loss of the subject application site car park would be mitigated, and how parking would be managed to avoid detriment and harm. Also 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 adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

## **10      **CONDITION: DETAILS OF ENCLOSURE AND SCREENING****

### **PRE-USE OF BALCONY AND ROOF TERRACE**

Prior to the use of the balconies and roof terrace hereby approved details of all screening and privacy screens to be used on the external balconies shall be submitted to and approved in writing by the Local Planning Authority. The works shall conform to the approved details and shall be completed before the development is first occupied and maintained in perpetuity thereafter.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy DEVI of the Joint Local Plan, and the National Planning Policy Framework 2019.

## **11      **CONDITION: SECURED BY DESIGN SILVER AWARD****

### **PRE-OCCUPATION**

Prior to the occupation of the apartments hereby approved, the developer or their successor shall demonstrate to the Local Planning Authority in writing that, as a minimum, the Secured by Design Silver Award (formally known as Part 2 of the Secure by Design Award) has been achieved.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with the Plymouth & South West Devon joint local plan 2014-2034, Section Dev 10 (2) and Dev 20 (6) and paragraph 12 of the National Planning Policy Framework 2019.

## **12      **CONDITION: CYCLE PROVISION****

### **PRE-OCCUPATION**

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan details for 18 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**13      CONDITION: PROVISION OF CAR PARKING****PRE-OCCUPATION**

The building shall not be occupied until the associated car parking spaces shown on the approved plans have been made available and reserved for the unfettered car parking use by the bona fide occupiers of the dwellings hereby approved and their visitors only, and shall not thereafter be changed or used by any other parties or for any other purpose.

**Reason:**

To enable vehicles used by occupiers or visitors of the development 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 adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**14      CONDITION: BIODIVERSITY**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the report entitled "Ecological Mitigation and Enhancement Strategy (Inc. Construction Ecological Management Plan (CEMP), & Landscape Ecological Management Plan (LEMP)) dated March 2020.

**Reason:**

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

**15      CONDITION: ACCESSIBLE HOUSING**

Four of the dwellings hereby approved shall where practical be constructed in accordance with national standards for accessibility and adaptability (Category M4(2) of Building Regulations) as detailed in the submitted Lifetime Homes Statement.

**Reason:**

To ensure that the development includes a mix of accessible housing units in accordance with policy DEV9 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF 2019.

**16      CONDITION: BIN STORAGE****PRE-OCCUPATION**

Prior to first occupation of any of the apartments hereby approved the bin storage area shown on the approved plans shall be constructed and made available for use. The allocated bin storage area 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. Refuse and recycling bins shall be stored in this location at all times apart from collection days.

**Reason:**

To ensure adequate refuse and recycling storage and to prevent amenity impacts to the surrounding area or highway safety conflict in accordance with Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

## 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: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

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

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\\_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>



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

Cases outstanding	407
Cases received this month	59
Cases closed this month	59
(No breach identified)	(25)
(Informal/formal action taken)	(34)
Planning Contravention Notices Issued	2
Planning Contravention Notices <u>Live</u>	2
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	0
Untidy Land Notices Issued	1
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
03/11/2020	Granted Conditionally	20/01364/FUL	Mr Rob Eddie	Rear dormer, hip to gable roof conversion and raising of roof ridge height.	116 Compton Avenue Plymouth PL3 5DE	Mr Mike Stone
03/11/2020	Granted Conditionally	20/01393/FUL	Mrs Mary McFarlane	Creation of a main entrance concourse between the worship area and large hall with associated amenity facilities. Renewal of lapsed approval.	Trinity United Reform Church Torr Lane Plymouth PL3 5NY	Ms Abbey Edwards
03/11/2020	Refused	20/01654/AMD	Plymouth City Council	Non-material Amendment: To alter wording of existing Condition 12 attached to application reference 20/00056/FUL	Southern Boundary Of Derriford Hospital, The Bircham Valley Local Nature Reserve, Seaton Valley, Forder Valley Link Road And The	Mr Alistair Wagstaff
04/11/2020	Split Decision	20/01018/CDM	Bob Fish	Condition Discharge: Conditions 7 & 11 of application 19/00133/FUL	North Prospect Phase 4 Dingle Road, Laurel Road, Rosedown Avenue And Myrtleville Plymouth	Mr Chris King
04/11/2020	Granted Conditionally	20/01200/FUL	Mr David Betts	Roof terrace with new rear door and external staircase and privacy screen.	72 Belgrave Road Plymouth PL4 7DR	Mr Mike Stone
04/11/2020	Granted Conditionally	20/01201/FUL	Mr & Mrs Dodd	Single storey rear extension to create ground floor self-contained accessible living unit and minor garden alterations.	148 Woodford Avenue Plymouth PL7 4QS	Mr Macauley Potter
04/11/2020	Refused	20/01205/FUL	Mr Phillips	3no. infill dwellings (re-submission of 19/01255/FUL)	Hardwick Nurseries Ridge Road Plymouth PL7 1UF	Mr Jon Fox
04/11/2020	Refused	20/01292/LBC	Ms Xia Ming	Erection of boundary fence	The Ferns Seymour Road Mannamead Plymouth PL3 5AT	Mr Sam Lewis

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04/11/2020	Granted Conditionally	20/01370/S73	Keystone Power Ltd	Variation of Condition 1 (Approved Plans) of application 19/01978/S73 for amendments to the site layout.	Ernesettle Battery Facility Ernesettle Way Plymouth PL5 2TS	Mr Simon Osborne
04/11/2020	Granted Conditionally	20/01372/FUL	Mr & Mrs Cobbett	Two-storey side extension with integral garage, single storey rear extension and terrace inc. removal of existing garage and single storey side extension	293 Outland Road Plymouth PL2 3SP	Mr Sam Lewis
04/11/2020	Granted Conditionally	20/01401/FUL	Mr Frazer Douglas	Rear extension and cladding to part of front and side elevations.	18 Lopes Road Plymouth PL2 3DZ	Mr Mike Stone
04/11/2020	Granted Conditionally	20/01432/FUL	Mr Derek Hedges	Off-road parking / hardstand to front of dwelling, including associated land level changes.	60 Cobbett Road Plymouth PL5 3LF	Mr Mike Stone
04/11/2020	Refused	20/01525/AMD	Mr & Mrs K Downer	Non-material amendment: Extension to existing front porch for application 20/00378/FUL	24 Sherril Close Plymouth PL9 9DB	Mr Mike Stone
04/11/2020	Agreed	20/01625/CDC	Macauley Waites And Phoebe Loveridge	Condition Discharge: Compliance with conditions of application 07/01094/OUT	78 Killerton Lane Plymouth PL9 7GA	Mr Chris Cummings
05/11/2020	Agreed	19/01669/CDM	Mr Simon Wagemakers	Conditon Discharge: Conditions 37, 40, 43, 44 & 46 of application 12/02027/OUT	Land At Seaton Neighbourhood Plymouth	Mr Alistair Wagstaff
05/11/2020	Agreed	19/01670/CDM	Mr Simon Wagemakers	Condition Discharge: Conditon 9 of application 18/00082/REM	Land At Seaton Neighbourhood (Phase 9) Plymouth	Mr Alistair Wagstaff

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05/11/2020	Granted Conditionally	20/01302/FUL	Mrs H Evans	Front dormer	12 Bakers Place Richmond Walk Plymouth PL1 4LX	Miss Josephine Maddick
05/11/2020	Granted Conditionally	20/01382/FUL	HMCTS	Improvement to heating and cooling and installation of 3no AHU's with associated ductwork serving the 4no. Courts.	The Law Courts Armada Way Plymouth PL1 2ER	Mr Mike Stone
05/11/2020	Granted Conditionally	20/01482/FUL	Ms S Constantine	Single storey front extension	36 Furzehatt Way Plymouth PL9 8LT	Mr Sam Lewis
05/11/2020	Agreed	20/01505/CDM	Mr C McBride	Condition Discharge: Condition 3 (highway dilapidation survey) of application 20/00865/FUL	Car Park, North Road East Plymouth	Mr John Douglass
09/11/2020	Granted Conditionally	20/01007/FUL	Mr Chris Nicholls	Single storey side and rear extension inc. internal modifications	23 Acre Place Plymouth PL1 4QR	Mr Mike Stone
09/11/2020	Granted Conditionally	20/01008/LBC	Mr Chris Nicholls	Single storey side and rear extension inc. internal modifications	23 Acre Place Plymouth PL1 4QR	Mr Mike Stone
09/11/2020	Granted Conditionally	20/01326/FUL	Mr Colin Davies	Decking area with ramp (retrospective)	3 Corsham Close Plymouth PL6 6BU	Mr Peter Lambert
09/11/2020	Granted Conditionally	20/01406/FUL	Mr Anthony Lee	Single storey rear extension and hip-to-gable loft conversion with rear dormer	56 St Margarets Road Plymouth PL7 4SA	Mr Macauley Potter
09/11/2020	Granted Conditionally	20/01506/FUL	Mr Joe Roach	Creation of driveway and access onto classified road	60 Lucas Lane Plymouth PL7 4EX	Miss Josephine Maddick

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09/11/2020	Granted Conditionally	20/01518/FUL	Mr A Dart	Detached garage and home office	Plot 3 Land To Rear Of Shops On Colebrook Road Plymouth	Mr Sam Lewis
10/11/2020	Granted Conditionally	20/01210/TPO	Mr Christopher Shorey	Three Ash trees - pollard due to Ash die back.	Hardwick Lodge Drunken Bridge Hill Plymouth PL7 1UG	Mrs Jane Turner
10/11/2020	Granted Conditionally	20/01276/FUL	Mr K Briscoe	Proposed development of six apartments with associated car parking and landscaped outdoor amenity space.	Land At East Park Avenue Plymouth PL4 6PF	Miss Amy Thompson
10/11/2020	Granted Conditionally	20/01301/FUL	Mr Martin Hampton	Temporary art installation including scaffolding structure and heras fencing	Mount Batten Breakwater Plymouth	Mrs Karen Gallacher
10/11/2020	Granted Conditionally	20/01374/TPO	Mr Felix Humberstone	Variety of different species overhanging fence of Plym Valley railway line - prune back to natural growth points as far back as fence line.Ash - dead, remove.	Marsh Mills China Clay Works Coypool Road Plymouth PL7 4NW	Mrs Jane Turner
10/11/2020	Granted Conditionally	20/01402/TPO	Mr Gareth Cooper	T1 Sycamore (smaller tree to north and next to T2) - reduce to previous pruning points.T2 Sycamore (large multi-stemmed rear of 6-8 Bellingham Crescent) - reduce whole crown by approximately one third (4-5m) to natural growth points.T3 Ash (not Sycamore) r/o 12 Bellingham Crescent - reduce whole crown by one third approximately 4-5m.	4-12 Bellingham Crescent Plymouth PL7 2QP	Mrs Jane Turner
10/11/2020	Granted Conditionally	20/01418/TPO	Annie Mackenzie	3x Lime - crown raise lowest branches to give 2.5m clearance above ground level.	2 Market Close Plymouth PL1 3SY	Mrs Jane Turner
10/11/2020	Granted Conditionally	20/01456/FUL	Mr Gareth Mitchell	Two-storey rear extension and alterations to front porch, plus the addition of cladding and the erection of southern boundary wall	Harris House Doreena Road Plymouth PL9 8EE	Mr Sam Lewis

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10/11/2020	Granted Conditionally	20/01471/FUL	Mr Dean Bennett	Rear extension	66 Thornyville Villas Plymouth PL9 7LD	Mrs Alumeci Tuima
11/11/2020	Granted Conditionally	20/01413/FUL	Mr Steve Kimble	Single storey front extension	32 Goodwin Avenue Plymouth PL6 6RL	Mr Macauley Potter
11/11/2020	Granted Conditionally	20/01420/FUL	Mr Twitchell	Two-storey side and part front extension and single storey rear extension, extended driveway and new fencing.	55 Abney Crescent Plymouth PL6 6LH	Mr Macauley Potter
11/11/2020	Granted Conditionally	20/01524/FUL	Mr Kyle Browne	Single storey rear extension	28 Whitby Road Plymouth PL6 5LE	Mr Sam Lewis
12/11/2020	Granted Subject to S106	20/00429/S73	Mr Tim Mathias	Variation of Conditions 1 (Approved Plans), 12 (Drainage), 13 (Landscape) and the discharge of conditions 3 (CEMP), 4 (External Materials), 5 (Contractors Access), 6 (New Junctions), 7 (District Heat) and 8 (Energy Statement) of application 17/00101/FUL	39 William Prance Road (Previously Stated 10 William Prance Road) Plymouth PL6 5WR	Miss Katherine Graham
12/11/2020	Granted Conditionally	20/01252/FUL	Mr Steve Ware	A new back of house entrance canopy, ramped level access, door widening and revised boundary treatments.	Barton, Horn Lane Plymouth PL9 9BR	Ms Abbey Edwards
12/11/2020	Agreed	20/01358/CDMLB	Mr Martin Lowe	Condition Discharge: Conditions 3 & 4 of application 20/00326/LBC	Royal Citadel Hoe Road Plymouth PL1 2PD	Mrs Karen Gallacher
12/11/2020	Granted Conditionally	20/01387/FUL	Abigail and Holly Briscoe	Change of use from residential institution (Class C2) to create 2no. dwellings (Class C3), erection of first floor side extension and window alterations	Longreach, Hartley Road Plymouth PL3 5LW	Ms Abbey Edwards

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12/11/2020	Granted Conditionally	20/01428/FUL	Mr & Mrs Hunter	First floor extension above existing garage	27 St Maurice View Plymouth PL7 1FQ	Miss Josephine Maddick
12/11/2020	Granted Conditionally	20/01497/FUL	Mr & Mrs Smith	Roof alterations including increase to height, hip-to-gable and rear dormer	58 Lucas Lane Plymouth PL7 4EX	Miss Josephine Maddick
12/11/2020	Granted Conditionally	20/01556/FUL	Claire Hooper	Single storey rear extension (Part retrospective)	19 Torr Lane Plymouth PL3 5NY	Mr Mike Stone
12/11/2020	Refused	20/01591/AMD	Mr Derry	Non-material admendment: Amendments to windows of Plot 1- 5No in total for application 15/01545/FUL	Hardwick Nurseries, Ridge Road Plymouth PL7 1UF	Mrs Rebecca Boyde
12/11/2020	Agreed	20/01689/CDM	Mr J Peacock	Condition Discharge: Condition 3 of application 20/01293/GPD	Staddon Heights Farm Staddon Lane Plymouth PL9 9SP	Mr Chris Cummings
13/11/2020	Refused	20/00433/FUL	TPX Homes (Padstow) Ltd McDermott	Change of use from former care home into 17 residential units (Class C3), associated car parking, and communal gardens with bike and waste bin storage	7 Lipson Terrace Plymouth PL4 7PR	Miss Amy Thompson
13/11/2020	Granted Conditionally	20/00434/LBC	TPX Homes (Padstow) Ltd McDermott	Internal and external works associated with the change of use to 17 residential units	7 Lipson Terrace Plymouth PL4 7PR	Miss Amy Thompson
13/11/2020	Granted Conditionally	20/01334/TPO	Mrs Louise Andrew	Red Oak - Reduce the lateral branches on the south side of the crown extending toward the roof of the house by 1-2m to natural growth points. Remove any large diameter deadwood (exempt work)	35A Furzehatt Road Plymouth PL9 8QX	Mrs Jane Turner



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13/11/2020	Granted Conditionally	20/01399/TPO	Steve	Yew (T1) - Reduce lateral branches on east side towards property by maximum of 2m to natural growth points as indicated in photo. Holm Oak (T2) - Remove.	1A Esthwaite Lane Plymouth PL6 5FQ	Mrs Jane Turner
13/11/2020	Granted Conditionally	20/01403/TCO	David Swiggs	Evergreen tree - Reduce overhanging branches damaging fence.	7 Underhill Villas Plymouth PL3 4BW	Mrs Jane Turner
13/11/2020	Agreed	20/01694/CDM	Mr Ibrahim	Conditon Discharge: Condition 3 of application 20/01046/FUL	65 Delamere Road Plymouth PL6 5XF	Mr Jon Fox
13/11/2020	Agreed	20/01720/CDM	Mr Karsan Vaghani	Condition Discharge: Condition 3 of application 19/00166/FUL	179 Plymbridge Road Plymouth PL6 7LQ	Mr Macauley Potter
16/11/2020	Granted Conditionally	20/00868/FUL	University Hospitals Plymouth NHS Trust	Extension within existing service yard to accommodate linear accelerator and high-dose rate (HDR) brachytherapy facilities	Derriford Hospital Derriford Road Plymouth PL6 8DH	Mr Peter Lambert
16/11/2020	Granted Conditionally	20/01437/FUL	Mr Philip Gerry	Change of use of ground floor retail unit with first floor living accommodation to a dwelling (Class C3) and window alterations	60 Salisbury Road Plymouth PL4 8SY	Ms Abbey Edwards
16/11/2020	Granted Conditionally	20/01486/FUL	Mr Paul Morgan	Single storey side and rear extension inc. demolition of existing garage (re-submission of 20/00812/FUL)	21 Amados Drive Plymouth PL7 1TS	Mr Peter Lambert
16/11/2020	Granted Conditionally	20/01501/FUL	Mr S Hassan	Change of use of ground floor from public house (Sui Generis) to restaurant (Class E)	1 - 3 Mutley Plain Plymouth PL4 6JG	Mr Sam Lewis

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16/11/2020	Granted Conditionally	20/01510/FUL	Mrs Joyce Byrne	Replacement of timber French windows	44A New Street Plymouth PL1 2ND	Mr Sam Lewis
16/11/2020	Agreed	20/01628/CDM	Peter Curno	Condition Discharge: Condition 5 of application 20/00354/FUL	Devonport Dockyard, South Yard (Area 1 West) Devonport Plymouth PL1 4SG	Mrs Rebecca Boyde
17/11/2020	Granted Conditionally	20/00783/FUL	Mr Dunn	Erection of 2no. two-bed dwellings with associated parking and external works (re-submission of 19/00874/FUL)	680 Wolseley Road Plymouth PL5 1JL	Mr Peter Lambert
17/11/2020	Granted Conditionally	20/01409/FUL	Mr J Peacock	Construction of double garage/store with solar panels	Staddon Heights Farm 50 Staddon Lane Plymouth PL9 9SP	Mr Chris Cummings
17/11/2020	Granted Conditionally	20/01425/FUL	Mr & Mrs Aspin	Single storey rear extension.	39 Waverley Road Plymouth PL5 1SH	Mr Macauley Potter
17/11/2020	Granted Conditionally	20/01429/FUL	Mr Geraghty Geraghty	Change of use and conversion of existing dwelling/hostel to 6no. flats (1-bed & 2-bed) along with conversion of detached coach house into 2-bed dwelling	Townsend House Hermitage Road Plymouth PL3 4RT	Mr Chris Cummings
17/11/2020	Agreed	20/01560/CDMLB	Mr Adam Willets	Condition Discharge: Condition 5 (door and windows) of application 16/01377/LBC	Melville Building Royal William Yard Plymouth PL1 3RP	Miss Katherine Graham
18/11/2020	Granted Conditionally	20/01398/FUL	Mr Dick Curtis	New dwelling and associated works (previously approved under 18/01256/FUL)	Land Adj To Thorn Park Lodge Thorn Park Plymouth PL3 4TF	Ms Abbey Edwards

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19/11/2020	Granted Conditionally	20/01351/TPO	Mr John Dean	Beech (T1) - Reduce by up to half in height retaining a lower canopy where possible. Ash (T2) - Remove due to Ash Die back.	39 Warleigh Crescent Plymouth PL6 5BS	Mrs Jane Turner
19/11/2020	Granted Conditionally	20/01400/FUL	Mr Robert Edgar	Detached dwelling with detached double garage (Part Retrospective)	Plot 7, 10 Lilford Gardens West Park Plymouth PL5 2LU	Mr Chris King
19/11/2020	Granted Conditionally	20/01459/FUL	Mr Dave Rees	Rear balcony.	62 Fairview Avenue Plymouth PL3 6DR	Mr Macauley Potter
19/11/2020	Granted Conditionally	20/01470/FUL	Mr Sean Dyer	First floor extension over single-storey section of workshop for use as storage, renewal of roof covering and cladding of walls at first floor level	1A Ernesettle Road Plymouth PL5 2EZ	Miss Josephine Maddick
19/11/2020	Agreed	20/01485/CDM	Sherford New Community Consortium	Condition Discharge: Discharge conditions 58 (Contaminated Land: Remediation) and 59 (Contaminated Land: Verification Report) of application 06/02036/OUT	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Elburton Plymouth	Mr Tom French
19/11/2020	Granted Conditionally	20/01543/FUL	Ms Marilyn Ball	Single storey front extension	29 Ashleigh Close Plymouth PL5 4PY	Miss Josephine Maddick
19/11/2020	Granted Conditionally	20/01548/FUL	Mr & Mrs J Newman	Single storey rear extension at first floor level with balcony and rear extension.	124 Devonport Road Plymouth PL1 5RF	Mr Mike Stone
19/11/2020	Granted Conditionally	20/01601/FUL	Mr & Mrs Gowan	Rear dormer	5 Bute Road Plymouth PL4 7BQ	Mr Sam Lewis

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19/11/2020	Granted Conditionally	20/01608/FUL	Mr & Mrs Mark Skerton	Single storey rear extension, alterations to existing decking and screening on western boundary.	329 Bodmin Road Plymouth PL5 4AX	Mr Mike Stone
20/11/2020	Refused	20/00871/FUL	Mr D Fellows	Change of use of ground floor retail units (Class E) to two residential flats (Class C3)	70 & 72 Embankment Road Plymouth PL4 9HY	Mr Chris Cummings
20/11/2020	Granted Conditionally	20/01451/S73	Mr Ibrahim Peik	Variation of condition 1 for application 20/00392/FUL for new front window in the barber shop and modified window in the Pizza shop.	66 Ridgeway Plymouth PL7 2AL	Mr Peter Lambert
20/11/2020	Granted Conditionally	20/01457/FUL	Mr & Mrs Smith	Two-storey side extension	47 Pollard Close Plymouth PL9 9RR	Mr Mike Stone
20/11/2020	Refused	20/01464/FUL	Mr James Peterson	Front and rear dormers	101 Elgin Crescent Plymouth PL5 3BX	Mr Macauley Potter
20/11/2020	Granted Conditionally	20/01469/FUL	Mr Stephen Mathews	Single and two-storey rear extension.	16 Thames Gardens Plymouth PL3 6HD	Mr Macauley Potter
20/11/2020	Granted Conditionally	20/01620/FUL	Mr & Mrs B Moore	Rear outbuilding	7 Burrow Hill Plymouth PL9 9LF	Mr Sam Lewis
23/11/2020	Granted Conditionally	20/01214/FUL	Holland	Two-storey side extension with lower ground floor level and extension of existing balcony.	48 Austin Crescent Plymouth PL6 5QD	Mr Macauley Potter

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23/11/2020	Granted Conditionally	20/01332/FUL	Mrs Lucy Lovell	Front hardstand	16 Goodwin Avenue Plymouth PL6 6RL	Mr Macauley Potter
23/11/2020	Granted Conditionally	20/01421/FUL	Mr & Mrs M Rogers	Rear conservatory with store underbuild.	8 Chelwood Grove Plymouth PL7 2AX	Mr Macauley Potter
23/11/2020	Granted Conditionally	20/01438/FUL	Mr Richard Marshall	Change of use from guest house to 3no. 2-bed flats	18 Garden Crescent Plymouth PL1 3DA	Ms Abbey Edwards
23/11/2020	Granted Conditionally	20/01476/FUL	Mr & Mrs A Smith	Part single storey and part two-storey side extension	9 Braemar Close Plymouth PL7 2FA	Mr Mike Stone
23/11/2020	Granted Conditionally	20/01479/FUL	Dr Shewring	Loft conversion including rear dormer; and hip to gable conversion.	5 Moreton Avenue Plymouth PL6 5AZ	Mr Peter Lambert
23/11/2020	Granted Conditionally	20/01500/FUL	Mr Simon Harris	Single storey front extension.	119 York Road Plymouth PL5 1AU	Mr Macauley Potter
24/11/2020	Granted Conditionally	20/00418/FUL	Mr Neal Stoneman	Change of use to wedding venue and hotel/holiday accommodation (re-submission of 19/01144/FUL)	St Annes House Jennycliff Lane Plymouth PL9 9SN	Mrs Karen Gallacher
24/11/2020	LBC Not Required	20/00419/LBC	Mr Neal Stoneman	Change of use to wedding venue and hotel/holiday accommodation and repositioning of fence and outbuilding	St Annes House Jennycliff Lane Plymouth PL9 9SN	Mrs Karen Gallacher

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24/11/2020	Granted Conditionally	20/00969/REM	Sherford New Community Consortium	Reserved Matters application for remaining areas of Phase 1.1 section of the Sherford Community Park pursuant to outline approval ref: 06/02036/OUT (the principal permission was EIA development and was accompanied by an Environmental Statement)	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Elburton Plymouth	Mr Ian Sosnowski
24/11/2020	Granted Conditionally	20/01426/FUL	Mr Robert Old	Single storey side extension.	29 Sherford Crescent St Budeaux Plymouth PL5 2LA	Mr Macauley Potter
24/11/2020	Granted Conditionally	20/01581/TCO	Mr Andrew Tregunna	Sycamore (ref:PLFQ 0673): reduce back to upper pruning points.	Stonehouse Barracks Durnford Street Plymouth PL1 3QS	Mrs Jane Turner
24/11/2020	Refused	20/01674/AMD	Mr & Mrs Biddulph-Armstrong	Non-material Amendment: To make single storey rear extension 600mm narrower for application 16/00934/FUL	15 Old Woodlands Road Plymouth PL5 3SY	Mrs Alumecei Tuima
25/11/2020	Granted Conditionally	20/01314/FUL	Mr. & Mrs. Martin	Extension and alterations to existing dwelling	4 Homer Park Plymouth PL9 9NN	Ms Abbey Edwards
25/11/2020	Granted Conditionally	20/01373/FUL	Peter Welsh	Change of use from Public Library (Class F1d) to display or retail sale of goods, other than hot-food (Class E(a)) and associated works including subdivision and new shopfronts.	423 - 425 Crownhill Road Plymouth PL5 2LJ	Mr Simon Osborne

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25/11/2020	Granted Conditionally	20/01433/TPO	Mr Russell Cooke	Beech (T1) - crown raise the SE side of crown to give 10m clearance above ground level over the driveway, the remaining crown on SE side shorten lateral branches by 2m. Beech (T2) - Remove the lowest lateral branches over the driveway, up to a height of 10m approximately, then heavy leaning stem reduce the tips back to growth points by 3.5m. Holly (T3) and Sycamore (T4) - reduce to 3m high to form a hedge (amendment suggested by owners and agreed 24/11/20). Monterey Cypress (T5) - remove the 2 leaning limbs towards the pool.	1 Drunken Bridge Hill Plymouth PL7 1TY	Mrs Jane Turner
25/11/2020	Granted Conditionally	20/01449/TPO	Mr Lincoln	Ash (T1), Sycamore (T2), Ash & Sycamore (G1) - Repollard as part of regular maintenance.	26 Beechwood Rise Plymouth PL6 8AP	Mrs Jane Turner
25/11/2020	Granted Conditionally	20/01546/TCO	Mrs Emma Howeson	1 Poplar tree - reduce back to previous pruning points. Removal of dead branches is exempt work.	Constance Cottage 12 Constance Place Plymouth PL1 3NN	Mrs Jane Turner
25/11/2020	Granted Conditionally	20/01562/TPO	Mr Joseph Bennett	T1 Prunus Padus - Fell T2 Prunus Padus - Fell side limb which is growing at angle and reduce overhanging limbs growing across boundary (removal of dead wood is exempt).	Reedley Hallows Delgany Drive Plymouth PL6 8AH	Mrs Jane Turner
25/11/2020	Granted Conditionally	20/01571/TPO	Mr David Short	Scots Pine - Crown lift to give 4m clearance above ground level, prune back lateral over extended branches by maximum of 1m that grow towards the road and driveway taking care not to go beyond green growth.	11 Lopwell Close Plymouth PL6 5BP	Mrs Jane Turner
25/11/2020	Granted Conditionally	20/01574/TCO	Mr Andrew Tregunna	To pollard 3 Elm and 5 Lime (report ref:No 12.001 to 19.001) in the grounds of the Citadel. To fell tree No ref: 11.001 which has extensive decay and replant with a suitable species within the grounds of the Royal Citadel.	Royal Citadel Hoe Road Plymouth PL1 2PD	Mrs Jane Turner

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25/11/2020	Granted Conditionally	20/01577/TCO	Mrs Price	T1 Bay tree - Fell due to its location too close to the building.	159 Durnford Street Plymouth PL1 3QR	Mrs Jane Turner
25/11/2020	Refused	20/01597/FUL	Mr J Rogers	New front garage/store	3 Hillsborough Villas Elm Road Plymouth PL4 7AD	Mr Sam Lewis
25/11/2020	Refused	20/01667/AMD	Mr & Mrs Rhodes	Non-material Amendment: To change proportions to windows on south elevation for application 20/00501/FUL	37 Cranmere Road Plymouth PL3 5JY	Mrs Alumecci Tuima
25/11/2020	Refused	20/01683/AMD	Mr David Ridley	Non-material Amendment: To undertake changes to design of house types used on Parcel U for application 15/00958/REM.	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road Elburton Plymouth	Mr Tom French
26/11/2020	Granted Conditionally	20/00398/FUL	Mr T Walker	Conversion of existing building and construction of new third floor to form 4no duplex dwellings, erection of 4no townhouses, and associated car parking, landscaping and cycle/refuse storage	Raglan Gatehouse Footpath Between Raglan Road And Madden Road Plymouth PL1 4NQ	Mr Chris King
26/11/2020	Granted Conditionally	20/00399/LBC	Mr T Walker	Conversion of existing building and construction of new third floor to form 4no duplex dwellings, 4no townhouses, associated car parking, landscaping and cycle/refuse storage	Raglan Gatehouse Footpath Between Raglan Road And Madden Road Plymouth PL1 4NQ	Mr Chris King
26/11/2020	Granted Conditionally	20/01338/FUL	Mr Matthew Cuthbert	Installation of a new liquefied natural gas storage tank and ancillary equipment (re-submission of application 19/01899/FUL)	Moorcroft Quarry Elburton Road Plymouth PL9 8AJ	Mr Chris Cummings
26/11/2020	Granted Conditionally	20/01344/FUL	Mr & Mrs Beck	Two-storey rear extension	7 Bainbridge Court Plymouth PL7 4HH	Miss Josephine Maddick



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26/11/2020	Granted Conditionally	20/01360/HAZ	Mr Matthew Cuthbert	Installation of a new liquefied natural gas storage tank and ancillary equipment	Moorcroft Quarry Elburton Road Plymouth PL9 8AJ	Mr Chris Cummings
26/11/2020	Granted Conditionally	20/01514/FUL	Mr & Mrs Llewellyn	Single-storey, flat-roofed rear extension	55 Blackstone Close Plymouth PL9 8UQ	Ms Abbey Edwards
26/11/2020	Granted Conditionally	20/01545/FUL	Mr & Mrs Tony & Una Holder	Single storey rear and side extension	38 Mount Batten Way Plymouth PL9 9EJ	Mr Sam Lewis
26/11/2020	Agreed	20/01623/CDM	Mr. Peter Curno	Condition Discharge: Conditions 4 & 11 of application 19/00869/S73	Devonport Dockyard, South Yard, (Areas 1 West) Devonport Plymouth	Mrs Rebecca Boyde
26/11/2020	Granted Conditionally	20/01633/FUL	Plymouth City Council	Installation of a monolith to display tourist information	Mount Stone Road Plymouth PL1 3RB	Mr Mike Stone
26/11/2020	Granted Conditionally	20/01634/ADV	Plymouth City Council	Installation of a monolith to display tourist information	Mount Stone Road Plymouth PL1 3RB	Mr Mike Stone
27/11/2020	Agreed	20/01327/CDM	Mr R Pillar	Condition Discharge: Conditions 3, 4, 5, 6 & 7 of application 17/02091/FUL	41 North Hill Plymouth PL4 8EZ	Mrs Karen Gallacher
27/11/2020	Granted Conditionally	20/01657/S73	Mr John Orange	Variation of condition 1 (approved plans) of application 18/00036/FUL	27 Admiralty Street Stonehouse Plymouth PL1 3RX	Mr Chris Cummings
30/11/2020	Granted Conditionally	20/00745/FUL	Mr J Bailey	Installation of a biomass boiler and Solar PV System	Princess Yachts, South Yard Devonport Plymouth PL1 4SG	Mr Jon Fox

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
30/11/2020	Granted Conditionally	20/01392/FUL	Red Lion Estates C/O Dpa (London) Ltd	Creation of a guest lounge at roof level and the change of use of laundry/cleaning storage rooms to staff amenity room with decking area and window alterations (Retrospective)	65 New George Street Plymouth PL1 1RJ	Ms Abbey Edwards
30/11/2020	Granted Conditionally	20/01435/FUL	Mr David Peterman	Change of use from 5no studio flats for students (ground floor), 1no shared 6-bed flat for students (1st floor) and 1no 2-bed flat for students (2nd floor) to 5no studio flats for students (ground floor), 1no 6-bed flat for general occupation (1st floor) and 1no 2-bed flat for students (2nd floor)	No Place Inn 353 North Road West Plymouth PL1 5DJ	Mrs Karen Gallacher
30/11/2020	Granted Conditionally	20/01515/FUL	Mr James Barron	Installation of home garden office building	62C Larkham Lane Plymouth PL7 4PN	Mr Macauley Potter
30/11/2020	Granted Conditionally	20/01516/LBC	Mr James Barron	Installation of home garden office building	62C Larkham Lane Plymouth PL7 4PN	Mr Macauley Potter
30/11/2020	Granted Conditionally	20/01537/FUL	Mr & Mrs Rumbold	Extension and alterations to improve access and amenity	387 Crownhill Road Plymouth PL5 2LN	Mr Sam Lewis
30/11/2020	Granted Conditionally	20/01586/LBC	Alec Macleod	Addition of clamps and glazing to existing railings (retrospective)	1 Commercial Wharf Madeira Road Plymouth PL1 2NX	Mr Sam Lewis
30/11/2020	Granted Conditionally	20/01588/FUL	Mr & Mrs Brett	Two-storey extension inc. demolition of garage	189 Hemerdon Heights Plymouth PL7 2TY	Miss Josephine Maddick
30/11/2020	Granted Conditionally	20/01640/FUL	Mr & Mrs Cook	Demolition of existing side conservatory and erection of two-storey side extension	Amberley Cottage 41 Staddiscombe Road Plymouth PL9 9NA	Mr Sam Lewis

# Appeal Decisions between 03/11/2020 and 30/11/2020

<b>Date of Decision</b>	03/11/2020
<b>Ward</b>	Plymstock Radford
<b>Application Number</b>	19/01144/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	St Annes House Jennycliff Lane Plymouth PL9 9SN
<b>Proposal</b>	Use as wedding venue and holiday accommodation, including marquee, portable toilets and ancillary owners accommodation.
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mrs Karen Gallacher
<b>Synopsis of Appeals</b>	<p>The application was refused on four grounds, inadequate parking, likely noise impacts, impact on landscape character and the effect on the listed building. The Inspector did not support the parking refusal reason and noted that in addition to the parking on site there was likely to be availability at Jennycliff carpark, and despite the lack of footway, walking to the application site would not be dangerous. The inspector considered there was no conflict with Policy DEV29. However, the inspector supported the other three grounds of refusal and considered that the marquee and portable toilets would diminish the green and open qualities of this prominent coastal site, result in less than substantial harm to the setting of St Annes House and cause unacceptable noise disturbance during the evening to adjacent residential properties. The proposal was therefore contrary to Policies DEV1, DEV2, DEV21, DEV23, DEV24 and DEV27 of the Plymouth and South West Devon JLP. No application for costs was made by either side and none were awarded by the Inspector</p>

# Appeal Decisions between 03/11/2020 and 30/11/2020

<b>Date of Decision</b>	19/11/2020
<b>Ward</b>	Budshead
<b>Application Number</b>	20/00048/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	130 Tavistock Road Plymouth PL6 5EJ
<b>Proposal</b>	Erection of garage and store (part retrospective)
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Chris Cummings
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for a part-retrospective garage/store as it was considered to generate a dominant and overbearing presence contrary to Policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan, guidance set out in the Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. Having reviewed the application and visited the site, the Inspector agreed that the proposal would create a dominant and overbearing presence and would be detrimental to the living conditions of 128 Tavistock Road. However, the Inspector took into account a previous approval at the site for an asymmetrical roof and considered that in comparison there would be only marginal in visual impacts and outlook to the neighbouring property. The Inspector also noted that the appealed scheme offered a single roof design and was more visually attractive than the previous approval design. For these reasons the Inspector considered the appeal scheme offered substantive positive benefits over the previously approved scheme and allowed the appeal. No application for costs was made by either side and none were awarded by the Inspector.</p>

# Appeal Decisions between 03/11/2020 and 30/11/2020

<b>Date of Decision</b>	30/11/2020
<b>Ward</b>	St Budeaux
<b>Application Number</b>	20/00323/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	696 Wolseley Road Plymouth PL5 1JL
<b>Proposal</b>	Link attached garage and balcony.
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Macauley Potter
<b>Synopsis of Appeals</b>	<p>Planning permission was refused for the construction of a link attached garage and balcony. The garage (in isolation) was considered to be contrary to Policy DEV29 (Transport Considerations) of the 2019 Plymouth &amp; South West Devon Joint Local Plan, the Plymouth and South West Devon Supplementary Planning Document (SPD) (2020) and paragraph 109 of the NPPF (2019). Policies DEV1 and DEV20 were also referenced in the reason for refusal however the Inspector did not agree that these policies had been breached by the proposal. Having reviewed the application, and visited the site, the Inspector agreed with the Council as it was considered that the proposal would have an acceptably harmful effect on highway safety. The appeal was therefore dismissed. An application for costs was made by the applicant but was refused by the Inspector.</p>

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