

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/00256/FUL	<b>Item</b>	01
<b>Date Valid</b>	14.03.2024	<b>Ward</b>	PLYMSTOCK RADFORD
<b>Site Address</b>	St Annes House Jennycliff Lane Plymouth PL9 9SN		
<b>Proposal</b>	Change of use of St Annes House to a mixed use as a wedding venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated development including car parking		
<b>Applicant</b>	St Anne's House Plymouth Limited		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	09.05.2024	<b>Committee Date</b>	18.07.2024
<b>Extended Target Date</b>	07.06.2024		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This item has been referred to Planning Committee by Councillor Kathy Watkins.

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

The site is a large grade II listed, detached, single family dwellinghouse set in extensive grounds with numerous outbuildings. The main building is a large house with 7 bedrooms and 2 large reception rooms, which has obtained planning permission for weddings and holiday lets.

Within the grounds there is an original stable block and static caravan occupied by the owner's family. There is an outdoor swimming pool with a marquee covering. The marquee does not benefit from the required planning permission. There is a Coach House outside the site close to the North East boundary, which is in the applicant's ownership and is occupied by the applicant when the main house is let.

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

The closest neighbouring residential properties, other than those occupied by the applicant or their family, are at Stamford Close. Some properties share a garden boundary with the site and are approximately 45m from St Anne's House.

## **2. Proposal Description**

Change of use of St Annes House to a mixed use wedding venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated development including car parking

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

None.

## **4. Relevant Planning History**

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

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

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

16/00844/FUL - Erection of 5 new dwellings - Withdrawn.

17/02211/FUL - Erection of fencing (retrospective) - Granted conditionally.

18/01365/FUL Erection of additional fencing and stable, duck and hen houses - Granted conditionally

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

19/01144/FUL - Use as wedding venue and holiday accommodation, including marquee, portable toilets and ancillary owners accommodation - Refused due to inadequate parking, unacceptable noise and visual impacts on landscape and listed building. APPEAL DISMISSED on all grounds except parking.

20/00418/FUL - Change of use to wedding venue and hotel/holiday accommodation (re-submission of 19/01144/FUL) - Granted conditionally

20/01440/FUL - Retrospective application for retention and replacement of timber buildings to include staffroom, laundry, animal pens, retention of ancillary residential accommodation within the stable block and new fencing - Refused due to impact on Listed Building.

20/01442/FUL - Continue use of part of site as cafe including erection of marquees to cover seating area and mobile kitchen unit and use of part for mobile toilet unit and additional parking area.

Formation of additional parking area for cafe and overall development scheme- Refused due to harm to the setting of a Listed Building, harm to landscape character, the undeveloped coast and the function of the greenspace, and giving rise to unacceptable disturbance and inadequate parking provision. APPEAL DISMISSED on all grounds apart from parking and impact on neighbours living conditions.

20/01445/FUL - Retention of mobile caravan for ancillary residential use - Granted conditionally.

20/01454/FUL - Retention of marquee over swimming pool and erection of covered walkway to link to main house. Installation of Male and Female WCs in bar/ servery and storage building. Additional parking area for users - Refused due to harm to the setting of a Listed Building and harm to landscape character, the undeveloped coast and/or the function of the greenspace. APPEAL DISMISSED on all grounds

21/00292/FUL - Lean-to glazed conservatory - Refused due to harm to the Listed Building.

21/01811/S73 - Removal of Conditions 4 (restrictions on the use), 6 (no more than 30 people) & 7 (no more than 28 weddings per year) and variation of condition 8 (management plan) of application

20/00418/FUL - Refused due to inadequate parking provision and unreasonable noise impact. APPEAL DISMISSED on all grounds.

22/00592/FUL- Change of use from wedding venue and hotel/holiday accommodation to a mixed use as a events venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated car parking and landscaping (part retrospective) - Refused due to harm to the setting of a listed building.

22/00837/FUL - Proposed Pavilion pool building - Refused due to harm to the setting of the listed building and impact on landscape character. APPEAL ALLOWED

## **5. Consultation Responses**

Economic Development - Had no strong views on the application.

Lead Local Flood Authority - No objection.

Natural Infrastructure Team - Sought further information.

Historic Environment Team - Unacceptable and recommends refusal.

Local Highway Authority - Originally raised concerns due to the lack of parking but further details were submitted which overcome the concerns.

Public Protection Service - Approval subject to recommend condition.

## **6. Representations**

Five members of the public submitted comments objecting to the proposal, raising the following concerns:

- Noise/ disturbance
- Anti-social behaviour
- Cars using narrow one-way road the wrong way
- Increase in traffic and parking, dangerous for pedestrians
- Location is a nice and quiet residential area that will be ruined
- Detrimental impact on Listed Building
- Use of Jennycliff Car parking not suitable

14 members of the public submitted comments supporting the proposal, raising the following points:

- Affordable place for families
- Local place to go
- Support more hotel rooms in the area
- Ample parking on site with large free car park located a short walk away
- Plymstock needs a heated swimming pool
- Restaurant was a much used facility
- Great asset to the community
- Employment opportunities/ supports local jobs
- Need this sort facility for locals and visitors

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, 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 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 the Housing Requirement 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 confirming the change. On 19th December 2023 the Department for

Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are none.

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024)."

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document 2020.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material considerations 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, SPT6 Spatial provision of retail and main town centre uses, DEVI Protecting health and amenity, DEV2 Air, water, soil, noise, land and light, Policy DEV14 Maintaining a flexible mix of employment sites, DEV16 Providing retail and town centre uses in appropriate locations, DEV20 Place shaping and the quality of the built environment, DEV21 Development affecting the historic environment, DEV23 Landscape character, DEV24 Undeveloped Coast and Heritage Coast, DEV26 Protecting and enhancing biodiversity and geological conservation, DEV27 Green and play spaces, DEV28 Trees, woodlands and hedgerows, DEV29 Specific provisions relating to transport, DEV35 Managing flood risk and water quality impacts, and the National Planning Policy Framework (NPPF).
3. The main considerations are the visual impact of the development, especially on the setting of the listed building and the wider landscape, the effect on residential amenity, and highway safety.
4. The application seeks permission to change of use of Change of use of St Annes House to a mixed use as a wedding venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated development including car parking. The site was granted permission to be used as a wedding venue and holiday accommodation under application 20/00418/FUL in 2020.
5. The café/ restaurant will be accommodated within the main house and is proposing to serve food outside around the pool area and the lawn immediately to the south.
6. Additional parking is proposed to the rear of St Annes House and to the east of the access road. The spaces will not be permanently marked on the ground and will be formed using a grass grid system. The area to the east of the access is currently fenced off for livestock but would be relocated to allow for parking for wedding events.
7. The planning statement also mentions that the applicant seeks to address the conditions imposed by the previous permission 20/00418/FUL, which are:

8. Condition 4 on permission 20/00418/FUL is as follows:  
"All catering and music in association with the use hereby approved at the site shall only take place within the main house known as St Annes House as shown on plan numbers I602/25 Rev A and I602/26 and shall not take place outside the hours of 10:00 and 23:00, and there shall be no fireworks set off on the site.

Reason:

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

9. The applicant is seeking to allow for catering to be undertaken outside of the main house in the grounds. It states 'the proposal does not include any amplified music being played outside of the house. This would bring lawful activities in line with the Premises Licence which has been issued for the business/site'.

10. Condition 6 on permission 20/00418/FUL is as follows:  
"In accordance with the submitted management plan, no more than 30 people and 6 staff, shall attend any function held at the site.

Reason:

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

11. The applicant is seeking to allow for up to 100 persons at a function held at the site.

12. Condition 7 on permission 20/00418/FUL is as follows:  
"In accordance with the submitted details, there shall be no more than 28 wedding events in one calendar year at the site.

Reason:

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

13. The applicant seeks to remove restriction of the frequency of events.

14. Condition 8 on permission 20/00418/FUL is as follows:  
"Unless otherwise previously agreed in writing with the Local Planning Authority, the development hereby approved shall be carried out in accordance with the Management Plan dated 24th November 2020 V 5 as submitted with this application.

Reason:

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

15. The applicant has submitted an amended management plan that includes the proposed changes included within this application.
16. A previous similar application (22/00592/FUL) which sought to change of use from wedding venue and hotel/holiday accommodation to a mixed use as a events venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated car parking and landscaping was refused by the Local Planning Authority for the following reason:
17. **REFUSAL: HARM SETTING OF LISTED BUILDING**  
In the opinion of the Local Planning Authority, the proposed car parking area to the east of the drive would erode the unspoilt open qualities and spacious setting of St. Anne's House. By virtue of its siting, size and likely cluttered visual impact from parked cars, the car parking area would intrude into the setting of this listed building and detract from an appreciation and understanding of its special architectural qualities. The proposal would result in unacceptable harm that is not outweighed by the public benefit. In causing harm the proposal fails to preserve or enhance the setting of the listed building and is therefore considered to be contrary to policy DEV21 of the Plymouth and South West Devon Joint Local Plan, the Joint Local Plan Supplementary Planning Document and the NPPF.
18. The decision was appealed by the applicant and was dismissed at appeal (APP/N1160/W/23/3315554). The supporting information states that the proposed reduction of the amount of proposed parking spaces as proposed under this scheme is sufficient to mitigate the potential for harm to the setting of the Grade II Listed Building.

#### Setting of the Listed Building

19. The application site is the grade II listed St Annes House and has substantial grounds forming its setting. St Annes House is a mid-19th century former vicarage designed by William White that is set back from the road and set within the large plot giving a sense of space. Its historic interest is derived primarily from its special architectural qualities. These include its Victorian Gothic/Vernacular style, with steeply pitched roof, axial stacks, windows and slate hanging on the south elevation.
20. The area around St Annes House forms part of the attractive garden setting to this important building. Its unspoilt open qualities assist in maintaining the spacious surrounds and grandeur of this house. The views across the site afford an appreciation and understanding of the architectural qualities of this house.
21. The proposal does not include any works to the main house but includes the use of the pool area and lawn to serve food to guests and host events. The proposal also includes additional parking to the rear and front of St Annes House and to the east of the access road, along the boundary with the properties on Stamford Close. The spaces will not be permanently marked on the ground and will be formed using a grass grid system.
22. The submitted Planning Statement includes an impact assessment on the heritage asset and states 'the proposed development does not include any operational development in the form of building works, demolition or construction works. As such there is no significant impact to the historic fabric of the heritage asset or to its setting. There is no harm to, or loss of, the significance of the designated heritage asset'.
23. The proposed site plan shows a total of 34 spaces, 10 existing spaces and 24 proposed spaces. 15 of the proposed spaces will be within the grassed open lawn area to east of the access road leading up to St Annes House, adjacent to boundary shared with the properties

on Stamford Close. The remaining spaces are proposed to be positioned on a grassed area behind St Annes House.

24. The previously refused scheme sought to have 45 car parking spaces in total, with 29 spaces proposed on the open lawn to the northeast of the access road and cover the entire length of the driveway, with four spaces directly in front of St Annes House, and 12 situated on the grass to the rear of St Annes House. When the refusal was appealed the Inspector stated the following when dismissing the appeal:
25. *"Whilst the proposal involves the change of use of the building, it is only the impact of the proposed parking arrangements that is at dispute. In this regard, the submitted plans show the introduction of 29 car-parking spaces on the open lawn to the northeast of the driveway that approaches the listed building. The parking spaces would line almost the entire length of the driveway. Together with the proposed spaces on the north-western boundary, and the intervening circulation space, most of the open lawn on this side of the access drive would be taken up.*
26. *The parking and circulation area would be achieved through the use of a grass grid system, so would not require any significant works of excavation, and would not involve a fundamental change to the appearance of the land.*
27. *However, the presence of parked cars in this area, particularly along the edge of the driveway, would be intrusive in the key views of the primary elevations of the listed building from Jennycliff Lane, and when approaching it down the access, resulting in harm to its setting.*
28. *It is contended that the parking would be seasonal, with a lull in winter, so any harm would be on a sporadic basis. It is also suggested that a management plan could be put in place, so that the proposed spaces were only used when the parking at the rear of the building had reached capacity. Whilst these measures could go some way to limiting the harm, the appellant's evidence indicates a significant demand for weddings and events catering for a larger number of guests than is currently permitted by the existing planning permission. It is therefore likely that car-parking would occur in the proposed location on a regular basis.*
29. *I am mindful that cars could already be parked on any part of the site in association with the current authorised use. Indeed, at the time of my visit, I saw that there were eight or nine vintage vehicles parked along the north-eastern boundary, in the approximate position of the proposed spaces numbered 35 - 45. These were not overly intrusive in public views, or when approaching the house along the drive. In practice, however, the parking of customers vehicles on the grass is only likely during dry weather. The provision of hard-surfaced parking would facilitate the parking of vehicles in this location on a much more regular basis. Those parked along the edge of the driveway would intrude into key views of the listed building, resulting in harm to its setting.*
30. *It is argued that the parking spaces would be some distance from the building. However, the submitted drawings show that the spaces numbered 17 - 20 would be within about ten metres of the building. Furthermore, although the spaces at the southern end of the drive would be further away, cars parked on the driveway edge would still interrupt views of the principal elevations of the building.*
31. *For these reasons, I conclude that the proposed car parking would fail to preserve the setting of the listed building. The harm that I have identified would be less than substantial for the purposes of paragraph 199 of the Framework. Nevertheless, paragraphs 199 and 200 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance, including through development within their setting, should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development".*



32. The Historic Environment Officer considered the submitted Heritage Impact Assessment and consider that the proposed parking would harm the setting and significance of the St Annes House. The Historic Environment Officer states that the " the lawn and sweeping entrance drive contribute to the sense of arrival and grandeur of the Vicarage as designed and arranged by the architect William White. As previously stated, parking to the east or west of the main driveway and immediately in front of the primary elevation of the designated heritage assets should be actively avoided. There is already an accretion of caravans, carts, vehicles and agricultural style fencing that dilute the impact of the architectural form and expression of the planned house and garden. Formalised parking on the lawn is therefore still considered unacceptable when the harm is weighed against public benefit when there is a large public car park within 100m of the site on Staddon Lane".
33. The Historic Environment Officer did not raise an objection to the proposed parking to the rear of the St Annes House, stating that it was more appropriately placed and follows the historic and intended zoning of the site as designed by White. Which placed all detached service buildings, the well, enclosures and a small orchard discreetly to the northwest of the site so as not to impact the sense of arrival and impact of the house and lawns befitting a prosperous gentry parsonage.
34. Following the concerns raised by the Historic Environment Officer further details were submitted by the applicant which included an amended plan and further justification for the proposal including the Inspectors previous comments.
35. The Historic Environment Officer considered the further details but it did not overcome their concerns. They acknowledged the Planning Inspectors comments and stated while the planning inspector gives significant weight to the economic benefits of the proposal, they did not find the economic argument as convincing. The Historic Environment Officer states that all listed buildings are at risk of under investment and decay if the financial circumstances of the owner changes or business models become unviable due to the constraints of the designated heritage assets built form and setting.
36. The Historic Environment Officer states that to deliver the level of parking required to meet the Highway's recommendation the impact on the setting and significance of the grade II listed building would be unacceptable from a heritage standpoint. Para 208 requires that harm be assessed against the public benefit of the development. However, it goes further by requiring consideration of what would be the optimum viable use. The Historic Environment Officer states that the deadlock between Highways and Heritage appears to be a clear admission that the site is not suitable for large functions with 100 attendees and raises obvious questions of whether the proposal is the optimum viable use for this designated heritage asset or rather the maximum economic use which is clearly a different aim.
37. The Historic Environment Officer states that the application has reduced the quantum of parking from the previous application and identifies planting as an important consideration reducing the impact. Whilst the reduced level of parking equates to a reduction in the impact, parking on the front lawn in front of the primary elevation is not acceptable.
38. With regards to the planting scheme, the Historic Environment Officer states that while the planting scheme provides mitigation, it is not justification for this development. As the Historic Environment Officer stated previously, the house, large open lawn and sweeping driveway are all important aspects of the original design and site layout which maximises the grandeur of the house. The relationship between these three elements should be retained

free from car parking except for where the Historic Environment had previously agreed was suitable, which is to the rear of the site.

39. Overall, the Officer has carefully considered the submitted information, the Inspectors comments and the Historic Environment Officer comments. The Officer is mindful that the scheme has been amended in response to the previously refused scheme by removing the parking from directly in front of the house and along the drive. The previously refused scheme proposed 29 car parking spaces along the drive and on the open lawn that approaches the listed building and lined almost the entire length of the driveway. The proposed scheme has reduced the number of parking spaces from 45 to 34 and would now have 15 spaces on the lawn along the eastern boundary.
40. It is noted that the Planning Inspector stated within the appeal decision that at the time of their site visit, they saw that there were eight or nine vintage vehicles parked along the north-eastern boundary and that they did not consider them to be overly intrusive in public views, or when approaching the house along the drive.
41. The proposed parking along the eastern boundary is in a similar location as the eight or nine vintage vehicles the Inspector saw at the time of their site visit and concluded that they weren't overly intrusive in public views, or when approaching the house along the drive. It is therefore considered that parking along the eastern boundary is unlikely to be intrusive in the key views of the primary elevations of the listed building from Jennycliff Lane and when approaching it down the access. Therefore, it is considered that the proposal would not result in significant harm to the setting of the listed building. There would be a degree of harm that would be considered as less than substantial. Under such circumstances, paragraph 202 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. In this regard, income generated from the development could assist in helping to maintain the fabric of the listed building. The car parking area will benefit the applicants wedding and hotel businesses and job creation which would support the local economy. Established planning policies recognise the importance of supporting and strengthening the economy. When considering the level of harm it is considered at the lower end of harm and when balancing it up against public benefits it is considered that the benefits outweigh the harm to the setting of the listed building. It is therefore considered that the proposal would comply with JLP policy DEV21 and the NPPF.

#### Neighbours Amenity

42. The main concern about the impact on neighbours is the level of disturbance that would result from the proposal. The application is accompanied by a Noise Impact Assessment (NIA) which looked at the noise impact from people and vehicles on noise sensitive receptors.
43. The proposal seeks to host events and outdoor dining in the pool area and adjacent lawn. The submitted NIA states that the proposal would include up to 28 bookings a year, and planned wedding events will have a capacity of up to 100 people and run to no later than 23:00. Car parking areas are proposed to the north of St Annes House and along the eastern boundary, which will be in close proximity to the residential properties at Stamford Close. The submitted site plan shows dense planting to mitigate noise pollution along the eastern boundary between the car parking area and the residential properties at Stamford Close.
44. The NIA considered two aspects of noise from the proposed use of St Anne's House; people and vehicles and the closest noise receptors.

45. When considering the noise generated from people in the pool area, the noise assessment has calculated the worst-case scenario for events where there are 100 people in attendance and 1 in 3 people are talking at the same time.
46. The noise assessment calculated the noise levels for spoken and raised speech for events. The noise assessment states that "the spoken voice levels remain below the daytime background and ambient noise levels at all receptors. The raised voice levels exceed the daytime background noise level by 2 dB(A) at receptor C [noise sensitive receptor at Stamford Close], however we would consider this occurrence to be uncommon as the likelihood of a full capacity event occurring where all visitors speaking at a raised level, considering there is no music at the site, is low".
47. The NIA therefore concludes that the noise from people may be audible at the nearest receptors but is unlikely to be unreasonably intrusive inside the nearest receptors with windows open for ventilation. Noise from people on site is therefore unlikely to be significant.
48. The noise assessment considered the impact for vehicle noise and the impact from the proposed parking areas, which are adjacent to noise sensitive receptors. The noise assessment has calculated the worst-case scenario based on up to 30 cars arriving/leaving within a one hour period. The noise assessment has considered vehicle noise from driving on the driveway and parking areas and noise from car door closures.
49. When considering the impact from vehicle noise, the noise assessment states that "the predicted noise levels are similar to the measured background noise levels during the day and are at worst 2 dB(A) below the typical measured background noise level. In practice this means that noise from vehicles may be audible at the nearest receptors but is a familiar noise source against the soundscape of the area due to the proximity of Jennycliff Lane, and therefore is unlikely to be unreasonably intrusive inside the nearest receptors with windows open for ventilation".
50. The noise assessment concluded that the "cumulative impact from noise including people and vehicles would not cause more than a low impact (LOAEL) at the nearest noise sensitive receptors, which meets the expectations of national and local policies DEV2 & 29. Some additional mitigation measures have been proposed to minimise the disturbance caused as far as possible".
51. The mitigation measures proposed within the NIA are:
  - The screening by vegetation along the north and east sides of the site should be maintained. This will provide psycho-acoustic benefits, and some masking noise from leaves when the wind moves them.
  - A noise management plan should be written for the site which includes the details found in the NIA. The NIA states that the noise management plan should be sent to and agreed to via contractual agreement by the customers booking St Anne's House, so they understand that it is located within a quiet area and they should be respectful of neighbours, and that guests may be ejected by management if they do not comply.
52. The environmental health officer has considered the submitted details and has raised no objection to the proposal subject to a condition requiring the proposed development to be carried out in accordance with the submitted Management Plan. A condition has been added requiring the submission of an updated Management plan to be submitted and approved. Once approved the development will be required to comply with the approved Management plan.

53. The officer is mindful about the close proximity of the proposed parking area at the eastern boundary is to the residential properties at Stamford Close, with the public comments received raising noise and disturbance as a key concern in this case.
54. It is however noted that a previous application (20/01442/FUL) on this site proposed 12 car parking spaces in south-eastern part of the lawn, adjacent to the properties on Stamford Close. The application was refused due to an unacceptable disturbance to the neighbouring properties.
55. The decision was appealed and the Inspector did not agree with the Planning Authorities refusal reason stating that:  
*"...the overflow car parking would not be so large or too close to these neighbouring properties to cause any serious loss of amenity for those living alongside. Moreover, if permission was granted, a condition could be attached to an approval requiring this facility to operate in accordance with an approved management plan. Such a plan could limit the risk of disturbance to neighbouring residents, especially during evening and at night".*
56. While the proposal will increase the amount of parking in this location, the officer has carefully considered the submitted noise assessment and comments from the environmental health officer and the Inspector and does not consider the proposal would have a detrimental impact on neighbours amenity to warrant the refusal of this application. A condition is recommended requiring the submission and approval of a noise management plan and an updated management plan. With the recommended conditions and an acceptable noise management plan and management plan it is considered that the proposal would not have a detrimental impact on neighbour amenity, complying with policies DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019, the Supplementary Planning Document 2020 and the NPPF.

#### Proposed Use

57. The proposal seeks permission to be used as an events venue, holiday letting/hotel and restaurant/café (Sui Generis). St Annes House has permission to be used as a wedding venue and hotel and holiday accommodation under application 20/00418/FUL. The application therefore seeks to also use the site as a restaurant/ café and events venue in addition to the consented wedding use.
58. The submitted details state that the restaurant will be accommodated within the main house in the existing dining room and food will be served outside around the pool area and lawn. The restaurant will be open to public use but not available when private events are being held.
59. The café/ restaurant use is considered to be a main town centre use, therefore local policies such as DEVI6 seek to ensure that town centre uses are located in appropriate locations.
60. DEVI6 states that proposals need to be assessed in relation to their support for the spatial strategy of the JLP and the sequential hierarchy of centres. It also states that proposals for 'main town centre' uses outside of centres should be supported by a sequential test that demonstrates flexibility in its assessment and that there are no other sequentially preferable suitable and available sites within or on the edge of an appropriate centre within the hierarchy of centres or (in accordance with the NPPF) in accordance with an up-to-date plan.

61. Paragraph 95 of the NPPF states that "where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused".
62. Paragraph 94 of the NPPF states:  
When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:
  - a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and;
  - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)
63. In this case, St Annes House is not located within a defined 'centre' and is seeking permission for main town centre use, on this basis, a sequential assessment is required.
64. A Town Centre Uses Statement and Sequential Test was submitted to support the application. The statement concludes that:
65. "The proposal is a restaurant/café use at an existing hotel/holiday let site including wedding use. The restaurant/café use will largely be ancillary to the existing uses on site and will be utilised by holiday makers when the house is let through Airbnb and will be used for catering during the events. Events have exclusive use of the site so when there are weddings held, there are no non-ancillary holidaymakers renting the property.
66. In addition, the restaurant/café will be open to the general public when not used for weddings. This element of the proposal is the most relevant for the Sequential Test. However, the sequential test shows that there is no other site able to provide the uses and situation presented at the Applicant's property. The restaurant and café use are clearly linked to the existing approved uses of the site and it is not feasible or financially viable to separate those out and utilise a town centre site for a separate restaurant and café use. That is not the Applicant's business model or the intention of the proposal".
67. Having considered the submitted details the officer is satisfied that the proposed café/restaurant use would be used in connection with the consented uses on site and would therefore unlikely have a significant adverse impact on the existing designated town centres. The application is therefore considered to not conflict with policy DEV16 and the NPPF.

#### Highway Considerations

68. The Local Highway Authority originally raised concerns about the level of parking proposed however the applicant provided an amended plan which increased the level of parking and providing further justification for the level of parking.
69. An updated site layout plan was provided which confirms that a total of 34 car parking spaces will be provided. With 29 spaces allocated for use by guests, this leaves 5 spaces to serve 7 staff.
70. The Local Highway Authority consider such a level of parking for use by staff is considered to be acceptable and state that it is likely that when weddings are taking place, many staff are likely to arrive early in the day in order to help with setting-up. On this basis staff are likely to be able to park in the public car park at Jennycliff as this car park generally gets busier

throughout the morning. Were staff to arrive between 8 and 9am, its highly likely that they would be able to find a space or two available within this car park.

71. The applicant has also confirmed commitment to implementing travel plan initiatives for those staff who have no means of travel to and from the application site (taxi pick-up/drop-off, minibus collection etc). Whilst the limited size of the building (and number of staff) would not warrant the need for a Travel Condition per-se, the Local Highway Authority have recommended that reference to such is included within the site-wide Management Plan.
72. The Local Highway Authority previously raised a concern about the possibility of cars being parked outside the boundaries of the car parking spaces as they would not be physically marked-out on-site. This could lead to less cars being accommodated on those parking areas where grasscrete is proposed. The applicant has confirmed that this would be addressed through their being a parking attendant/marshall employed on weddings/events to ensure guests are parking in the correct locations, thereby ensuring the use of the car parking areas are maximised.
73. The Local Highway Authority therefore considered the additional information submitted along with the amended plan are now in support of this application subject to the recommended condition. The condition will require the on-site Management Plan being updated to include reference to the delivery of the sustainable travel initiatives proposed by the applicant relating to staff travel, and include reference to the use of parking marshalls when events/weddings are taking place.
74. Having considered the comments from the Local Highway Authority it is considered that the proposed development, subject to the recommended conditions, has overcome the previous concerns raised by the LHA. It is therefore considered that the submitted details have demonstrated that the proposal will provide sufficient provision of car parking and ensure safety of the highway network which would comply with policy DEV29 of the Joint Local Plan.

#### Landscape Setting, Biodiversity and Ecology

75. Natural Infrastructure Team has considered the submitted details and have raised no objection in principle to the change of use for St Annes House, however they have for further information regarding biodiversity net gain. The submitted information states that ecological enhancement are including bird boxes and additional planting to bring about a net gain in biodiversity for the site.
76. The Natural Infrastructure Team have asked that a DEFRA small sites metric is submitted showing a 10% gain in habitat units. It is however noted that the application was submitted prior to the mandatory which started on the 2nd April. It is therefore not a requirement for minor development to deliver 10% net gain. A condition will however be added requiring further details on the planting and bird boxes to ensure the proposal complies with policy DEV26 which seeks biodiversity net gain.
77. The site is within Landscape Character Area (LCA) Staddon Heights Coastal Farmland (CA17). The proposed site plan shows that additional dense planting along the eastern boundary and planting along the eastern edge of the driveway. A condition is recommended requiring soft landscaping details to ensure that the planting is in keeping with the LCA. The soft landscaping details should include planting species densities and be shown on a landscaping plan. The planting should consist of a mixed native Devon hedge bank. The Devon hedge bank should incorporate a mix of UK native planting such as Hawthorne, Hazel, Blackthorn, etc.

78. It is considered that the proposed development, along with the recommended conditions would result not have a detrimental impact when seen from the wider green space, undeveloped coast and coast path. It would not be visible enough to diminish the public perception and visual quality of this green infrastructure. The proposal would not therefore severely conflict with the aims of JLP policies DEV23 and DEV24 and the objectives of DEV27.

#### Drainage

79. Given the nature of the proposal and the fact that it is not in a flood zone 2 or 3 or in a critical drainage area it is not considered to be necessary to request flood risk information and it is considered that there would be no serious conflict with polices DEV35 and DEV2.

#### Habitats Regulations Assessment

80. The proposal was considered in light of the assessment regulations of Regulation 63(1) of the Habitat Regulations 2017 by the above officer of Plymouth City Council.
81. Having considered the nature, scale, timing, duration and location of the project, it was concluded that it be eliminated from further assessment because it cannot have a conceivable effect on a European site. The reason for this conclusion is that the project will not in itself impact, or the development is too far from the European site, and will not result in any pressures on the European sites.

#### Low Carbon

82. Having reviewed the submitted climate emergency compliance form and associated documents. The scheme entails seeking planning for the change of use of St Annes House to a mixed use as a wedding venue, holiday letting/hotel and restaurant/café (Sui Generis) with associated development including car parking.
83. It is acknowledged that this is a minor application and that the reuse of an existing building is far superior to the replacing the current building in terms of carbon emissions.
84. Given the limited nature of the scheme to request additional climate mitigation would be disproportionate in this case and is therefore considered acceptable.

#### Previous Conditions

85. As mentioned previously the applicant seeks to address the conditions imposed by the previous permission 20/00418/FUL, which restricted catering and music only to be within St Annes House, the number of guests and staff attending any function and the number of functions that can take place each year.
86. Amended conditions have been negotiated and catering will be allowed on the lawn outside of St Annes House and around the pool, however amplified music will not be permitted outside of St Annes House. The number of guests has been increased from 30 to 100 but the number of events a year will remain at 28 as the Noise Impact Assessment was based on 100 people attending an event with 28 events a year.

### **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 are not sought 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 proposal accords with policy and national guidance and is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 14.03.2024 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**

Proposed Site Plan 21276-PL-00-01 Rev A received 06/06/24

Location Plan 21508-PL-00-01 received 01/03/24

Block Plan 21508-PL-00-02 received 01/03/24

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: SCREENING/ SOFT LANDSCAPING PLAN**

#### PRE-USE

The proposed changes to the use of the building hereby approved shall not be implemented until full details of the proposed screening and soft landscaping throughout the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include full details of the proposed dense screening by vegetation along the north eastern boundary and planting along the edge of the drive. The soft landscaping details should include planting species densities and be shown on a landscaping plan. The agreed landscaping scheme shall then be implemented in full in accordance with the approved details prior to first occupation.

#### Reason:

To ensure that the proposed screening and landscaping is sufficient, noise mitigation is provided and biodiversity net gain is delivered on site in line with policies DEV1, DEV26, and DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

### **4 CONDITION: CAR PARKING DESIGN**

#### PRE-USE

The proposed changes to the use of the building hereby approved shall not be implemented until full details of the location and specification of the proposed grasscrete is submitted to and agreed in writing by the Local Planning Authority.

#### Reason:

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

### **5 CONDITION: EV CHARGING SPACES**

#### PRE- USE

The proposed changes to the premises hereby approved shall not be implemented until a minimum of 9 EV charging spaces have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

#### Reason:

To enable zero emission electric vehicles used by guests/visitors/staff to be charged on-site in the interests of sustainability in accordance with Policy DEV 29 of the Plymouth and South West Devon JLP 2019.

### **6 CONDITION: CYCLE PROVISION**

#### PRE- USE

The proposed changes to the use of the building hereby approved shall not be implemented until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a minimum of 9 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended

purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

## **7      **CONDITION: MANAGEMENT PLAN****

### PRE-USE

The proposed changes to the use of the building hereby approved shall not be implemented until an updated Management Plan is submitted and agreed by the Local Planning Authority. The management plan shall include:

- Details of the sustainable travel initiatives for staff and visitors;
- Measures to control the use of the permitted car parking areas and traffic including the use of parking attendant/ marshals;
- Details of staff parking;
- Contact details (including postal address, email address and telephone number) of the person to be contacted for external enquires and complaints about any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements

Reason:

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

## **8      **CONDITION: NOISE****

### PRE-USE

The development hereby approved shall accord with the noise mitigation measures included within the submitted Noise Impact Assessment, report number 21-0090-1 R03, dated 28th February 2024. This includes the submission and approval in writing of a Noise Management Plan to the Local Planning Authority prior to use the development hereby approved. The Noise Management Plan shall include:

- Detail of delivery times where appropriate, and steps taken to reduce the impact of these on local sensitive receptors.
- Procedures for management and/or security staff to manage people noise including during dispersal at closing
- Bottling out protocol (it should not take place during sensitive time periods, such as night-time after 23:00).
- Detail of a single point of contact for external enquiries and complaints, in case they should arise.
- Detail of plans for traffic management for the car parking areas, especially during dispersal.
- Detail of speed limits and signage for drivers, to ensure that the speed limit is known, reinforced and followed at all times by both guests and delivery/taxi drivers.

The development shall at all times be used in conjunction with the noise impact assessment and subsequent noise management plan, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area in accordance with policies DEV1 and DEV29 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **9 CONDITION: BIODIVERSITY NET GAIN**

### **PRE-USE**

The proposed changes to the use of the building hereby approved shall not be implemented until details of the bird boxes and planting have been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To deliver a net gain in biodiversity in order to comply with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2021).

## **10 CONDITION: CAR PARKING PROVISION**

No more than 34 vehicles can be parked on site at any one time and can only be parked within the designated parking spaces as shown on the proposed site plan 21508-PL-00-01 Rev A. Parking space numbers 20 to 34 shall only be used for parking of vehicles during events only.

Reason:

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

## **11 CONDITION: NO MORE THAN 100 PEOPLE**

No more than 100 guests shall attend any function held at the site at any one time.

Reason:

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

## **12 CONDITION: NO MORE THAN 28 EVENTS PER YEAR**

There shall be no more than 28 events in one calendar year at the site.

Reason:

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

### **13      CONDITION: HOURS OF OPENING**

The use hereby permitted shall not be open to customers or attendees of the events outside the following times: 0700 hours to 2300 hours Mondays to Sundays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at, using, and leaving the premises, and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

### **14      CONDITION: AMPLIFIED MUSIC AND FIREWORKS**

No amplified music shall be played outside of St Annes House at any time. There shall be no fireworks set off on the site.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

## **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, 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).