



#plymplanning

**Oversight and Governance**

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Published 07 September 2021

## PLANNING COMMITTEE

Thursday 16 September 2021  
4.00 pm  
Council House, Plymouth

**Members:**

Councillor R Smith, Chair

Councillor Wakeham, Vice Chair

Councillors Corvid, Cresswell, Derrick, Dr Mahony, Morris, Nicholson, Partridge, Shayer, Stevens, Stoneman and Tuffin.

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

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**Tracey Lee**

Chief Executive

## Planning Committee

### 1. Apologies

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

### 2. Declarations of Interest

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

### 3. Minutes (Pages 1 - 4)

The Committee will be asked to confirm the minutes of the meeting held on 19 August 2021.

### 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. 27 Frogmore Avenue, Plymouth, PL6 5XH - 21/01235/FUL (Pages 5 - 12)

Applicant: Ms Patricia Small  
Ward: Eggbuckland  
Recommendation: Grant conditionally

#### 6.2. TPO 537 Land at Petersfield Close (Pages 13 - 24)

Ward: Compton  
Recommendation: To confirm TPO 537 with modifications.

**7. Planning Enforcement (Pages 25 - 26)**

**8. Planning Application Decisions Issued (Pages 27 - 40)**

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 41 - 42)**

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

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## Planning Committee

**Thursday 19 August 2021**

### **PRESENT:**

Councillor R Smith, in the Chair.

Councillor Wakeham, Vice Chair.

Councillors Corvid, Cresswell, Derrick, Dr Mahony, Nicholson, Partridge, Shayer, Stevens, Stoneman and Tuffin.

Apologies for absence: Councillors Morris.

Also in attendance: Kate Saunders (Area Planning Manager), Julie Parkin (Senior Lawyer), Jane Turner (Natural Infrastructure Officer), Jamie Sheldon (Senior Governance Advisor), Jake Metcalfe (Democratic Advisor) and Amelia Boulter (Democratic Advisor).

The meeting started at 4.00 pm and finished at 4.46 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.*

### 25. **Declarations of Interest**

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

<b>Name</b>	<b>Minute</b>	<b>Reasons</b>	<b>Interest</b>
Councillor Cresswell	Minute 30	The application sits within my ward but have no interest.	Personal

### 26. **Minutes**

Agreed the minutes of the meeting held on 22 July 2021.

### 27. **Chair's Urgent Business**

There were no items of Chair's urgent business.

### 28. **Questions from Members of the Public**

There were no questions from members of the public.

29. **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.

30. **TPO 536 Land at Fitzroy Road**

TPO 536 Land at Fitzroy Road

Decision:

Confirmed TPO 536 with modifications.

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

(The Committee heard from Jon Kiely, Agent).

31. **Planning Enforcement**

The Chair reported that the number of cases had decreased since the last meeting and gave thanks to the team. The Committee noted the Planning Enforcement Report.

32. **Planning Application Decisions Issued**

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

33. **Appeal Decisions**

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

**VOTING SCHEDULE 19 AUGUST 2021** (Pages 3 - 4)

**PLANNING COMMITTEE – 19 August 2021****SCHEDULE OF VOTING**

<b>Minute number and Application</b>		<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
6.1	TPO 536 Land at Fitzroy Road  Confirmed TPO 536 with modifications.	Councillors R Smith, Wakeham, Corvid, Cresswell, Derrick, Dr Mahony, Nicholson, Partridge, Shayer, Stevens, Stoneman and Tuffin.				Councillor Morris

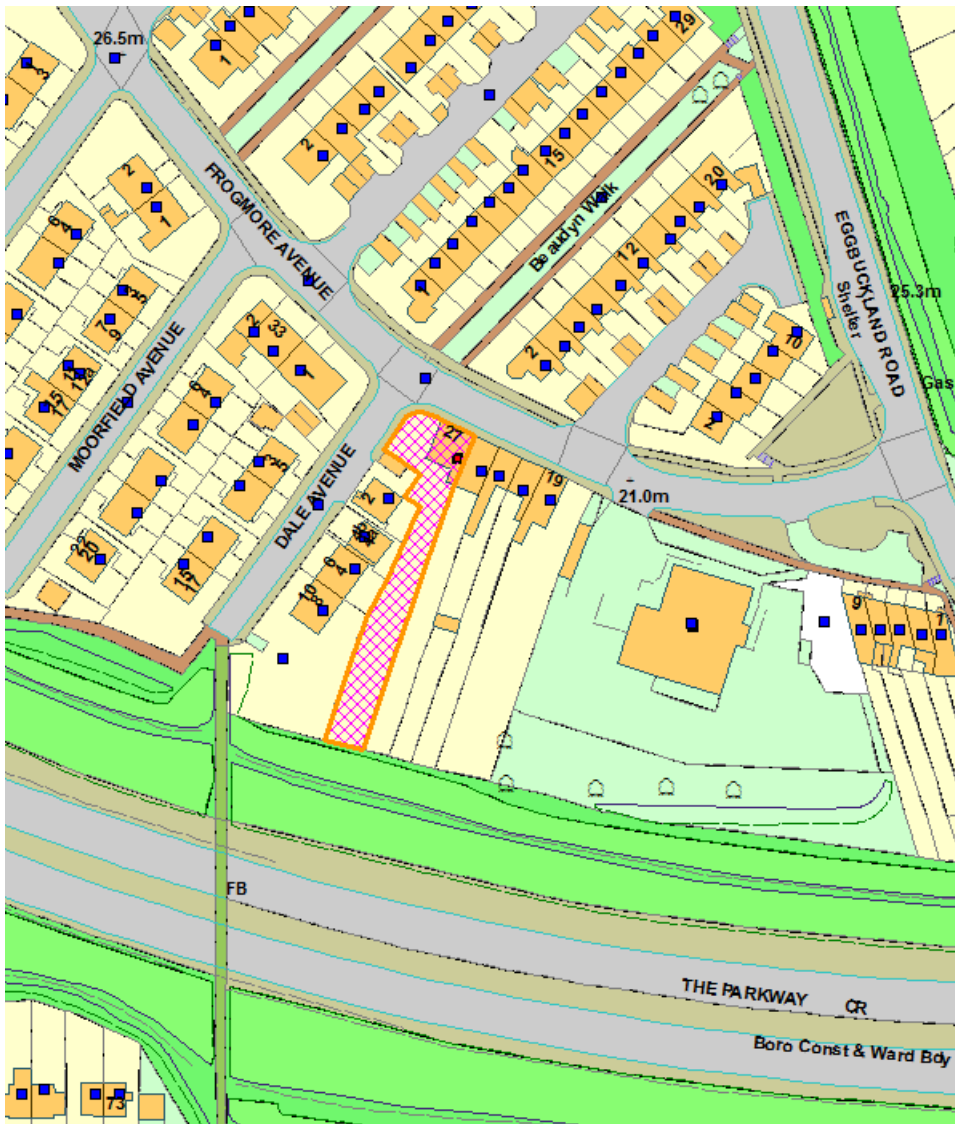
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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/01235/FUL	<b>Item</b>	<b>01</b>
<b>Date Valid</b>	16.07.2021	<b>Ward</b>	EGGBUCKLAND
<b>Site Address</b>	27 Frogmore Avenue Plymouth PL6 5XH		
<b>Proposal</b>	Side extension and wetroom as annex, rear extension and alterations		
<b>Applicant</b>	Ms Patricia Small		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>10.09.2021</b>	<b>Committee Date</b>	<b>16.09.2021</b>
<b>Extended Target Date</b>	<b>17.09.2021</b>		
<b>Decision Category</b>	PCC Employee		
<b>Case Officer</b>	Mr Paul McConville		
<b>Recommendation</b>	Grant Conditionally		



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

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

27 Frogmore Avenue is a two storey end terrace dwelling in the Egguckland ward of Plymouth. The side garden immediately west of the property is on the corner where Frogmore Avenue meets Dale Avenue.

### **2. Proposal Description**

Side extension and wet room as annex, rear extension (conservatory) and alterations.

The side extension (bedroom) is set back 2.75m from the principal elevation and measures 5m wide by 3.75m deep. The bedroom will have a hipped roof which will join the existing single storey side extension (kitchen).

The rear extension will join the neighbouring outbuilding of 25 Frogmore Avenue at the boundary. This part of the extension along the boundary is 4m deep and 2.45m wide.

The conservatory aspect of the rear extension measures 3.4m deep and 5.5m wide. This conservatory also joins the new walkway and wet room which measures 3.45m deep and 2.5m wide.

The rear extension and adjoining walkway/wet room have a flat roof which measures 2.9m in height.

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

No pre-application enquiry associated with this application.

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

87/02690/FUL- Two storey extension to dwelling house. Granted conditionally but development never carried out.

### **5. Consultation Responses**

Highway Authority- No objections.

Highways England- No objections.

### **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 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).

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. The application turns upon policies DEVI (Protecting health and amenity), DEVI0 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment) 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.

#### Site context

2. There is currently a single storey rear extension which joins a similar extensions associated with 25 Frogmore Avenue along the boundary. The rear extension measures 4m deep by 1.75m wide.
3. The property also has a single storey side extension with a mono pitched roof.

#### Principle of Development

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

#### Negotiations Undertaken

5. Officers requested amendments to the proposal to enhance the design of the development.

6. The original plans proposed vertical cedar boarding on the external walls. Officers considered this material to be out of keeping with the existing dwelling and this has subsequently been changed to render painted white to match the existing dwelling.
7. New windows were added to the front elevation of the new bedroom to break up the blank façade and add natural surveillance.
8. The revised plans are considered acceptable and the assessment has been based on the revised plans.

#### Functionality as an annex

9. When considering if the extension is capable of being occupied independently, the LPA will consider how the facilities of the main dwelling are shared. As per paragraph 4.130 of the JLP SPD, the Local Planning Authority expect an annex to:
  10. Be an extension to the existing dwelling, or an outbuilding sited within its garden.
  11. Be functionally related to the main dwelling, for example where the occupant is a dependent relative of the main dwelling's resident(s)
  12. Be used only in conjunction with the main dwelling; Be in the same ownership as the main dwelling.
  13. Be accessed via the main dwelling or its garden and not by means of an independent access.
  14. Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently.
  15. Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe.
  16. Be designed in such a way as to easily allow the annexe to be used as an integral part of the main dwelling at a later date.
  17. The annex is required by the applicant to provide care for her elderly father. Officers are satisfied that the annex meets each of the above criteria and will be used only in conjunction with the main dwelling and will be reliant on the facilities and floor space provided by the main dwelling.

#### Visual Impact

18. Officers have considered the visual impact of the development against the guidance in the JLP SPD and consider it acceptable.
19. Paragraph 13.37 of the JLP SPD states;
20. "In order to ensure that a side extension does not over-dominate the existing house or street-scene, it should generally be subordinate (smaller) in scale to the original dwelling and set back from the front of the property, especially in a street characterised by regularly spaced properties of similar design and scale."
21. The side extension is well set back from the main principal elevation fronting onto Frogmore Avenue and joins the roof of the existing single storey side extension. The development is considered to be subordinate and will not distract from the existing building line or character

of the area. Notwithstanding this, officers consider that the existing vegetation will screen the proposed development and as such, a condition has been added to retain and protect this vegetation.

22. The rear extension is considered to be in keeping with the main dwelling and the character of the area. Officers consider the flat roof of the rear extension to be acceptable as it is not in a prominent position.
23. The flat roof on the walkway/ wet room is considered acceptable as it is set back from the new bedroom and is therefore not visible from Frogmore Avenue. Although this flat roof is visible from Dale Avenue, officers do not consider this to have an adverse impact on the street scene.
24. The proposed materials match those of the existing dwelling; therefore officers consider the development to be in keeping with the existing dwelling and surrounding area and in accordance with policy DEV20 of the Joint Local Plan.

#### Amenity

25. Officers have considered the impact of the proposal on neighbouring amenity against the guidance in the JLP SPD with specific reference to loss of light, privacy and outlook and consider the proposals acceptable and in accordance with policy DEV1.
26. The proposed rear extension does not extend beyond the existing outbuilding associated with of No. 25 Frogmore Avenue. As such, the development will not result in a loss of available light to the neighbouring habitable windows.
27. The windows introduced on the front and side of the new bedroom offer natural surveillance onto both Frogmore Avenue and Dale Avenue.

#### Transport and parking provision

28. Following this development, the property will benefit from a total of three bedrooms. In line with the JLP SPD, a three bedroom property generates a car parking demand of two car parking spaces. This equates to no increase in car parking demand from the existing two bedroom property.
29. On the basis that the development does not increase parking demand for the property, the Local Highway Authority has no objections to the proposal. Officers consider the development to be in accordance with policy DEV29 of the Joint Local Plan and therefore acceptable.

#### Other Considerations

30. The development is not considered to have a demonstrable impact on surface water and flood risk. Surface water is to be drained via the soakaways detailed on approved plan P02/02.
31. Officers are satisfied that an appropriate drainage solution is in place, commensurate to the scale and nature of the development so that it will not conflict with policy DEV35 of the JLP.

### **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**

The proposed developments are considered to enhance the appearance of the existing dwelling without having adverse impacts on the street scene. The development does not pose any amenity issues or adverse highway concerns. Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, officers have 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 16.07.2021 it is recommended to Grant Conditionally.

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

#### **1 CONDITION: APPROVED PLANS**

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

Site Location Plan 09072021 - received 09/07/21

Existing and Proposed Ground Floor Plans and Elevations P02/02 - received 23/08/21

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 SOAKAWAY**

The development shall be carried out in accordance with the drainage plan on P02/02 and the approved details shall be maintained so as not to cause on or off site flooding.

Reason:

To ensure that the development does not result in adverse surface water conditions in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

### **4 CONDITION: EXISTING TREES/HEDGEROW TO BE RETAINED AND PROTECTED**

In this condition "retained tree/hedgerow" refers to the existing vegetation around the boundaries to the west of the property; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree/hedgerow shall be cut down, uprooted or destroyed, nor shall any trees 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/hedgerows are 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, replacement trees shall be planted at the same place and that hedging/ shrub 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.

Reason:

To ensure that the existing landscaping is retained, protected and properly maintained thereafter, and so as to screen the visual appearance of the proposed development in accordance with policies DEV20 and DEV28 of the Plymouth and South Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

### **5 CONDITION: RESIDENTIAL ANNEX**

The annex hereby approved shall only be used for purposes incidental to the enjoyment of 27 Frogmore Avenue, Plymouth, PL6 5XH; and shall at no time be severed to function as an independent residential dwelling.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development nor create living conditions which are unsatisfactory in accordance with Policies DEVI, DEVI0, DEV20 and DEV29 of the adopted Plymouth and South West Devon Joint Local Plan (2014-2034) 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, 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: PROPERTY RIGHTS**

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

## **4 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>

## **5 INFORMATIVE: SUPPORTING DOCUMENTS**

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

- Design and Access Statement
- Property Ownership Searches



# TREE PRESERVATION ORDER REPORT



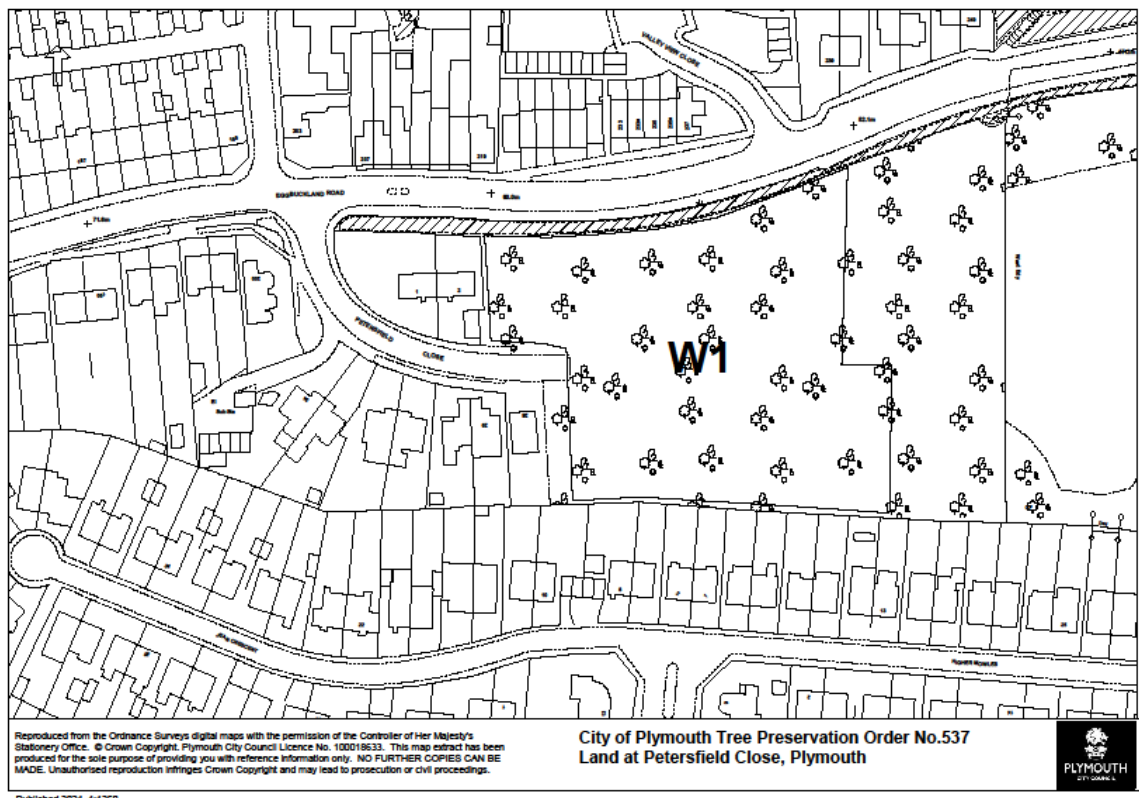
<b>Application Number</b>	<b>TPO 537 Land at Petersfield Close</b>	<b>Item</b>	02
<b>Date Valid</b>		<b>Ward</b>	<b>Compton</b>

<b>Site Address</b>	<b>Land at Petersfield Close, Plymouth</b>		
<b>Proposal</b>	<b>Objection to Tree Preservation Order no.537 Land at Petersfield Close.</b>		
<b>Applicant</b>			
<b>Application Type</b>			
<b>Target Date</b>		<b>Committee Date</b>	<b>16/9/21</b>
<b>Decision Category</b>			
<b>Case Officer</b>	<b>Jane Turner/Mike Oxford</b>		
<b>Recommendation</b>	To confirm TPO 537 with modifications		

<b>Click for documents</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>
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## I. Background and description of site

- I.1 Under delegated authority in March 2021 a woodland Tree Preservation Order (TPO) was placed on an area of woodland at the eastern end of Petersfield Close, Plymouth, TPO No. 537. The making of a TPO was initially considered following the clearance of adjacent land to the east in 2017. More recent planning applications have resulted in further concerns being raised by local residents about the future of the land which prompted the making of this provisional order.
- I.2 The site is unusual in that it has an historic extant planning consent for housing that appears, at least in part, capable of being implemented. Part of the estate was built and the infrastructure for the whole estate was installed (gas, electric, foul and surface water). Since the early 1970's no further work has taken place on the site, initially, as we understand it, due to a downturn in the economy, but it has remained undeveloped since then and has evolved over this time into a woodland with several species of trees including Oak, Ash, Sycamore, Hazel and Hawthorn present of varying ages. The area is bounded to the north by Eggbuckland Road, to the east by a cleared site which leads to a Council owned field, to the south by housing and to the west by housing in Petersfield Close.



### Tree Preservation Order No. 537 map showing location of woodland area

- 1.3 The site, with the exception of the cleared access track, is densely treed and the trees are a prominent feature of this side of the valley visible over a wide area and from Eggbuckland Road, Higher Mowles and Jean Crescent. A woodland order classification has been chosen to ensure any natural regeneration is also protected in the future.
- 1.4 The Government guidance states when it may be expedient to make an order:-  
*It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.*
- 1.5 Officers were aware that there was an extant planning consent on the woodland area but, after taking legal advice, considered that the making of the order would still be justified. Even though the owner could in theory complete their consent at any time, the presence of the TPO would only allow them to remove the trees that were necessary to implement their consent (as planning permission overrides a TPO) but not any other trees.
- 1.6 Since the making of the order further details relating to the extant planning permission have come to light including details of the location of infrastructure for the whole estate that were installed (gas, electric, foul and surface water) following submissions of documents from the owner and the owner of the adjacent land.

- I.7 Two letters of objection have been received, one from Aspect Tree Consultancy on behalf of the owner Mr Sellick and another from the owner of the adjacent land to the east, Mr Cottenham, which has an expired planning consent for 4 dwellings. Despite responses from both sides, the objections remain unresolved. Therefore, in accordance with the Planning Committees terms of reference this report has been prepared for the Planning Committee to decide whether or not to confirm the order, confirm the order subject to modifications or to let the order lapse.



Google aerial photo showing wooded area in red TPO 537



Photo taken from inside the wood



Photo taken from current end of Petersfield Close looking east into the site along line of cleared access



Photo of trees adjacent to Egguckland Road looking east



Photo showing cleared access road area from within the site



Photo of trees on the northern slope



View of wood from Jean Crescent

## **2. Pre-application enquiry**

N/A

## **3. Relevant correspondence/history**

Tree Preservation Order No. 537

E-mail/petition supporting the making of the Tree Preservation Order

2 Letters of objection to TPO

-Aspect Tree Consultancy on behalf of Mr Sellick

-Mr Cottenham owner of land to east of the TPO

Planning history

## **4. Consultation responses**

See below

## **5. Representations**

### **Objections**

**Aspect Trees Consultancy** on behalf of owner Mr Sellick raises the following objections:-

- a) The site has the benefit of an extant planning permission for residential use. Foundations and services were installed on the site, to action this permission, many years ago. This has been acknowledged by the Council.
- b) The order uses a Woodland designation but WI is not classified as woodland by Natural England. The Council does not have powers to change the use of land via the TPO system, therefore, the TPO goes beyond the scope of the Council's powers

**Mr Cottenhams** objection to the TPO on the land adjacent to the area he owns can be summarised as follows:-

- a) The presence of the TPO on the adjacent land and access track may preclude or hinder any planning application being renewed and may prevent permission being renewed.
- b) Need to establish that my area of land and the access to it will not form part of any order.
- c) A significant amount of household waste has been deposited into the woodland from residents in Higher Mowles and Jean Crescent.

### **Support**

An e mail and petition detailing the reasons why residents support the TPO signed by 40 local residents has been submitted which can be summarised as follows:-

- Biodiversity – the site hosts a range of mature trees, vegetation and wildlife such as bats, birds, amphibians, reptiles and mammals. Corridor for bats.
- Amenity – the trees provide amenity at street level complimenting dense residential surroundings and positive landscape feature.
- Responsible climate change action – Government policy requires Local Authorities to meet the requirements of the natural environment and the JLP DEV27 protects areas of greenspace in the City. We understand the status of the land is currently brownfield and the JLP cannot be changed until it is up for review.
- Potential impact on local neighbourhoods – residents are aware of the benefits of living close to woodland and are also concerned about impact of water runoff and flooding if trees are removed.

## **6. Relevant Policy Framework**

### **National Planning Policy Framework (NPPF) revised July 2021**

Paragraph 131 “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”.

### **DEV28** Trees, woodlands and hedgerows of the Joint Local Plan.

Development that would result in the loss or deterioration of the quality of:

Ancient woodland, aged or veteran trees or impact on their immediate surroundings;  
Other woodlands or high amenity trees including protected trees; important hedgerows including Devon hedgebanks; will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated.

Development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss of trees, woodlands or hedgerows, cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation to ensure they contribute

to a 'net gain'. Mitigation should be delivered on site, but if this is not achievable, offsite compensation will be required to provide a net gain in canopy cover in line with local standards.

### **Plymouth's Plan for Trees**

**Protect** – We will *protect* Plymouth's special trees and woods for future generations:

- Identify existing tree cover and its condition across the city to understand the variety, number and quality of trees within Plymouth
- Maintain an updated record of the extent and make-up of Plymouth's trees and woodlands;
- Update, review and create new strategies and guidance to ensure that trees are an important element of the sustainable growth of the city;
- Use all available planning and forestry legislation and powers to safeguard Plymouth's trees.

## **7. Analysis**

7.1 Below is the Natural Infrastructure Officers response to the reasons for objection raised:-

### a) Extant Planning

It is acknowledged that the owner received letters from officers in Plymouth City Council Planning Department in 1995 and 2018 stating that the site has extant planning permission for housing that is capable of being implemented.

What is not clear at present is how development would be implemented so as to be compliant with current planning legislation and policies and particularly with legislation protecting wildlife eg: bird and bats. Without adequate wildlife surveys and appropriate mitigation being agreed in advance of implementation, if trees are felled outside of the modified TPO boundaries, criminal offences may be committed under the Wildlife and Countryside Act 1981 and the Habitat Regulations 2017.

### b) Woodland Designation

The Council is satisfied that the majority of the area covered by the woodland designation is clearly woodland. It consists of a range of naturally established trees of different ages and species such as Oak, Sycamore, Ash, Hawthorn and Hazel. The Council acknowledges that the access track is not treed and there is evidence of services along the track (man hole cover).

The Council are not attempting to formally change the use of land by way of a TPO, they are simply using most appropriate classification described in the Government Guidance on Tree Preservation Orders and trees in conservation areas. It is legally not possible to change the use of land by way of a TPO. The Town and Country Planning Act 1990 does not define the term "woodland", however, in R (application of Brewer and others) v Three Rivers District Council [2007] the judge stated:

"The Claimants are entitled to their view that a woodland order was not appropriate because the trees on the south-western half of the site were not fairly described as a woodland in their view. But whether a number of trees do or do not constitute a woodland is pre-eminently a question of fact and degree for the local planning authority to decide."

The decision of a LPA to characterise an area as woodland for a TPO would have to be totally unreasonable in the circumstances of the case, as the judge stated "Wednesbury perverse".

We therefore consider that even if the woodland order is modified to a smaller area eg: excluding the infrastructure, access road/detailed approved housing area, the classification as woodland is still appropriate.



In addition the Tree Preservation Order Government Guidance states:

“The woodland category’s purpose is to safeguard a woodland as a whole. So it follows that, while some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.

The DEFRA habitat map identifies this and the wider area to be lowland broadleaf woodland.

The Local Planning Authority are satisfied in this case that this group of trees does justify being classified as woodland for the purposes of the order.

Mr Cottenham

*a) The TPO may preclude planning permission on my land being renewed*

This concern is understood. However, having met with Mr Cottenham and responded to his correspondence he has been reassured that the TPO does not cover any of the land in his ownership and the access track across Mr Sellick’s land is probably not appropriate to include in the order and the TPO could be modified to exclude the track.

*b) Need to establish that my area of land and the access to it will not form part of any order.*

It has been confirmed that the Woodland TPO does not cover Mr Cottenhams land, it is adjacent to it.

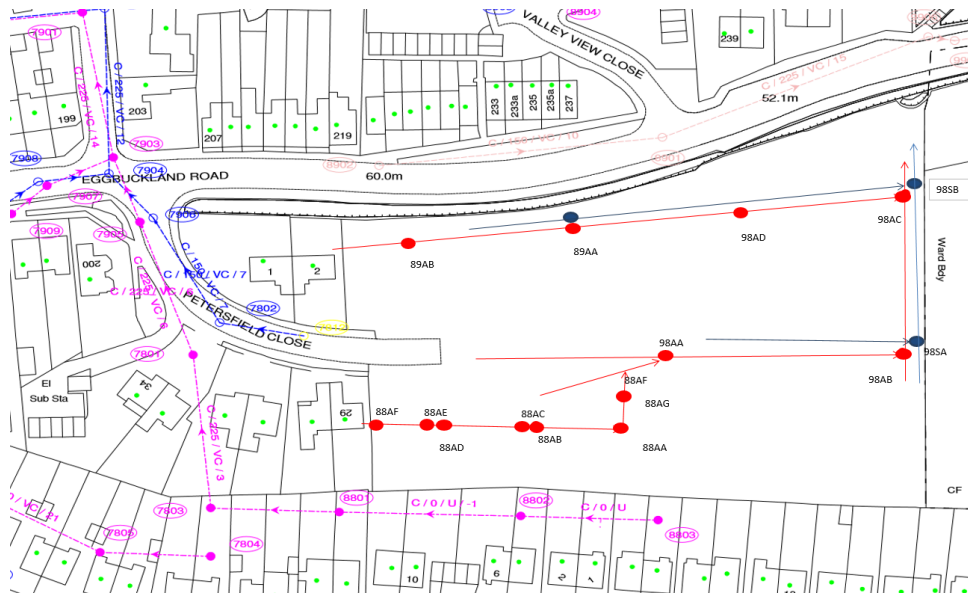
*c) Dumping of domestic waste in woodland by residents*

Sadly, it is acknowledged that fly tipping does sometimes occur on such areas of land located to the rear of residential properties. However, this lies outside of the scope of the matters relating to the TPO.

## 7.2 Area of agreement

Trees that would prevent the completion of the extant planning consent can be felled and removed as the extant planning permission overrides a Tree Preservation Order. However, trees that are not required to be removed to implement the consent cannot be removed without the required Tree Preservation Order application. Compliance with other regulations would still be required such as the Wildlife and Countryside Act 1981 and 2017 Habitat Regulations.

Mr Cottenham's record of foul and surface pipes located on site 2017 by Glanville Environmental Construction and Civil Engineers.



It is acknowledged that it is not appropriate to protect trees that are growing above or within a certain distance of services such as foul and surface water pipes. South West Water (SWW) guidance states that that no new trees/shrubs should be planted within anything from 2m -7m either side of a pipeline depending on the type of tree planted. Existing trees, as in this case, can be removed by SWW if they need access to repair or replace their pipeline. Officers were not aware of the location of these services when the order was first made.

7.4 In light of the information relating to existing infrastructure on site it is acknowledged that the extent of the woodland order should be modified, however the remainder of the trees can still be monitored and kept under review.

7.5 There are several options available to the Planning Committee:-

- i) To revoke the order – this would likely result in the total loss of trees in this area.
- ii) To confirm the provisional order without modifications – this is considered unreasonable in light of the details of the infrastructure that have come to light and extant planning history.

Tree preservation orders should not be made where they may have an impact on existing infrastructure or structures. It is not therefore appropriate to protect trees that are growing above or within a certain distance of services such as foul and surface water pipes. Officers were not aware of the actual location of these services when the order was first made.

- iii) To confirm the provisional order subject to modifications to the boundary of woodland area to exclude areas of infrastructure and extant planning permission. This will protect two strips of woodland to the north and south – this is recommended.

7.6 A TPO does not prevent the sensible management of a woodland and is not an onerous process. It gives the Council control over what works are carried out. It is acknowledged that significant modifications to the boundary of the woodland order should be considered in light of the complex planning history and installed infrastructure of the site. However, it is not accepted that this and the other matters raised justify the complete removal of the order from this woodland.

## 8. 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.

### 9. Local Finance Considerations

There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

### 10. 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.

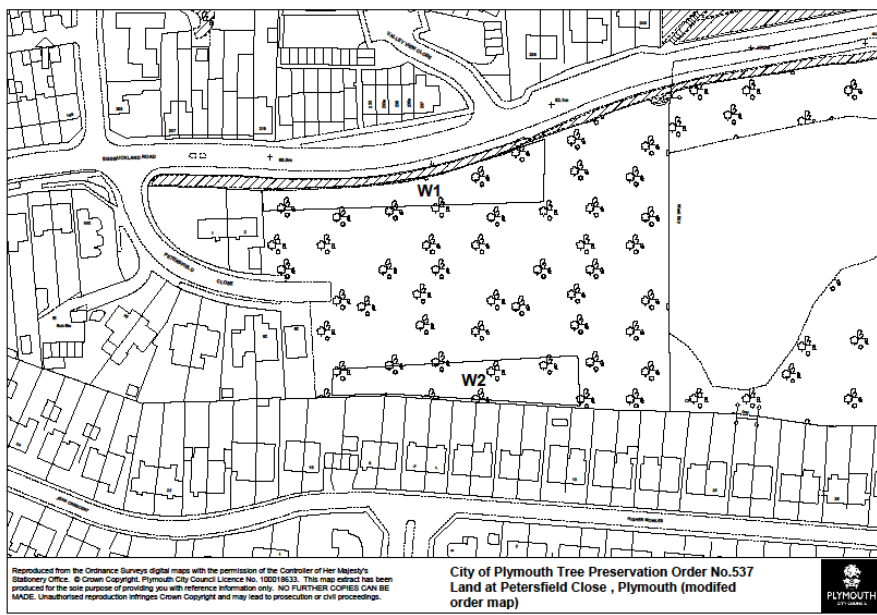
### 11. Conclusions

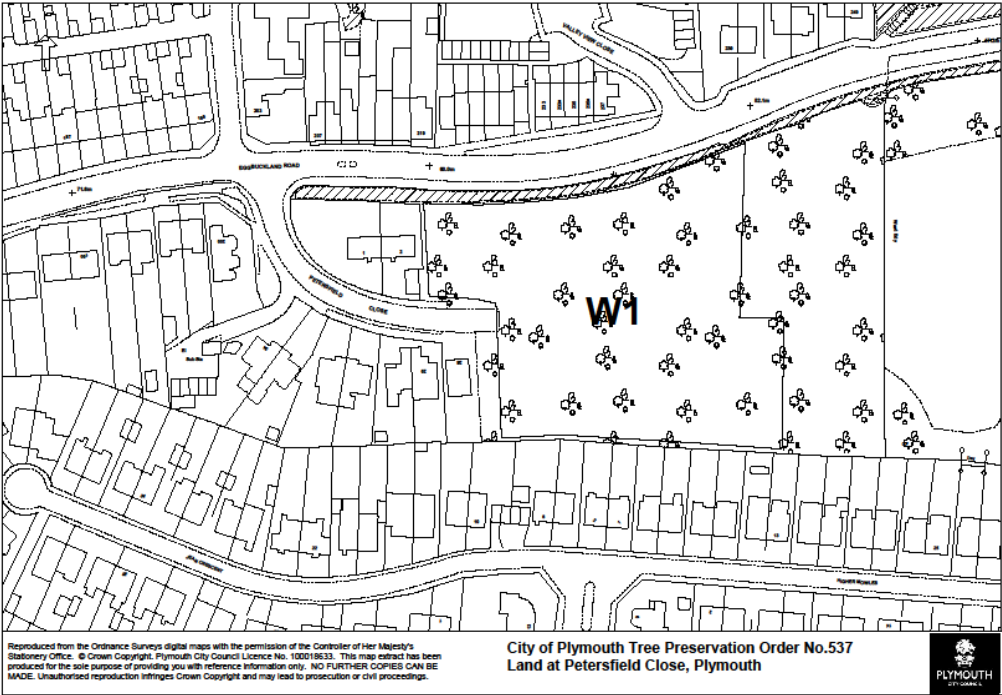
It is considered that the objections raised in relation to the TPO do not justify the removal of the woodland order. However, it is accepted that the area of the woodland should be modified to exclude the area affected by the installed infrastructure and extant planning permission. Although clearly reduced in size, the two strips of woodland will allow the protection of two linear sections of woodland which will provide benefits in terms of amenity, screening and wildlife habitat to the local area and protects approximately 0.2 hectares of woodland. Modifications are therefore recommended if the order is to be confirmed which are detailed in the recommendation below.

### 12. Recommendation

To confirm TPO 537 with the following modifications:

- To reduce the size of the woodland area to exclude the area affected by the installed infrastructure and extant planning permission and to create two smaller strips of woodland (W1 and W2) located to the rear of Jean Crescent/Higher Mowles and along Egguckland Road respectively.





Plymouth City Council  
 Planning Compliance Summary – to end of July 2021

Cases outstanding	354
Cases received this month	56
Cases closed this month	71
(No breach identified)	(30)
(Informal/formal action taken)	(41)
Planning Contravention Notices Issued	0
Planning Contravention Notices <u>Live</u>	0
Planning Enforcement Notices Issued	0
Enforcement Notices <u>Live</u>	2
Temporary Stop Notices (TSN) issued	0
Temporary Stop Notices (TSN) Live	0
Advertisement Removal Notice	0
Breach of Condition Notice	0
Untidy Land Notices Issued	2
Untidy Land Notices Live	10
Prosecutions Initiated	0
Prosecutions Live	0

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# Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/08/2021	Granted Conditionally	21/00970/S73	Mr Neil Williamson	Material change of the roof covering to the new extensions and the existing house	49 Trelawny Road Plympton Plymouth PL7 4LJ	Ms Bethany German
11/08/2021	Agreed	21/00602/CDM	Callum Rowe	Condition Discharge: Condition 3 of application 19/01585/FUL	Eurotech House Burrington Way Plymouth PL5 3LZ	Mr Chris King
11/08/2021	Agreed	21/01330/CDM	Alex Mitchell	Condition Discharge: Condition 3 of application 20/01370/S73	Ernesettle Battery Facility Ernesettle Way Plymouth PL5 2TS	Mr Simon Osborne
12/08/2021	Refused	21/01522/AMD	CO Agent	Non-material Amendment: To amend condition 7 for application 17/01166/FUL	Derriford Hospital Derriford Road Plymouth PL6 8DH	Mr Chris Cummings
13/08/2021	Granted Conditionally	21/00702/FUL	DPA (London) Ltd	Change of use of part of ground floor to car parking area and associated building alterations (retrospective)	66 - 68 New George Street Plymouth PL1 1RR	Mr Chris Cummings
13/08/2021	Granted Conditionally	21/00952/FUL	Mr McKenzie	Replacement rear entrance door	1 - 2 Victoria Cottages, George Lane Plymouth PL7 1LP	Mr Paul McConville
13/08/2021	Granted Conditionally	21/00953/LBC	Mr McKenzie	Replacement rear door	1 - 2 Victoria Cottages, George Lane Plymouth PL7 1LP	Mr Paul McConville
13/08/2021	Agreed	21/01251/CDMLB	James Sawyer	Condition Discharge: Conditions 3, 4, 5, 6, 7 & 8 of application 21/00384/LBC	The Coach House, Windsor Place Plymouth PL1 2HN	Mr Chris Cummings

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
13/08/2021	Agreed	21/01425/CDM	Mr Berat Veseli	Condition Discharge: Condition 12 of application 19/01859/S73	Bath Street Plymouth PL1 3LT	Mr Chris Cummings
16/08/2021	Granted Conditionally	21/01012/FUL	Mr & Mrs King	Two-storey side extension with front and rear dormers and internal alterations.	28 Goosewell Hill Plymouth PL6 5SX	Mr Paul McConville
16/08/2021	Refused	21/01030/FUL	Mrs Irina Jones	Retrospective outbuilding.	1 Mallard Close Plymouth PL7 2LF	Mr Macauley Potter
17/08/2021	Granted Conditionally	21/00659/FUL	Mrs Hazell	Two-storey side and single storey rear extension inc. removal of conservatory	33 Colebrook Lane Plymouth PL7 4BN	Mr Macauley Potter
18/08/2021	Granted Conditionally	21/00888/FUL	Ms Allison Thomas	Garage	16 Tretower Close Plymouth PL6 6BH	Mr Paul McConville
18/08/2021	Granted Conditionally	21/01084/LBC	Mr R Sarvaiya	Replacement of roof, windows and doors and general internal refurbishment. Change from mono pitch to flat roof on existing single storey rear extension. Creation of rear dormer to enlarge existing rear first floor opening.	1 - 3 Merafield Road Plymouth PL7 1TL	Mr Macauley Potter



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
18/08/2021	Granted Conditionally	21/01209/TPO	Mr Newman	19 Willow Walk - Oak (T1) - Crown raising on NE side by 4m. 1 Unity Close - Oak (T2) - Crown raising on SE side by 4m. 31 Rose Gardens - Oak (T3) - Fell due to tree being dead. 25 Sycamore Way - Macrocarpa (T4) - Crown raising to 5m on all sides. Overall Canopy reduction by 1.5m taking care not to go beyond green growth. 20 Valley Walk - Ash (T5) - Fell due to Ash dieback. 6 Sycamore Way - Silver Birch (T6 actually an Ash) - Trim back re-growth from previously pruned tree by 1m. 7 Unity Close - Oak (T7) - Trim back regrowth by 1m.	Glenholt Park Glenholt Plymouth PL6 7NJ	Mrs Jane Turner
18/08/2021	Granted Conditionally	21/01223/FUL	Mr Justin Coombes	Single storey side and rear extension inc. internal alterations	27 Cherry Park Plymouth PL7 1PF	Mr Macauley Potter
18/08/2021	Granted Conditionally	21/01262/TCO	Mr Peter Lake	Mimosa - Remove to ground level due to fungal infection.	Wychbury Fernleigh Road Plymouth PL3 5AN	Mrs Jane Turner
18/08/2021	Granted Conditionally	21/01270/TCO	Mrs Reaney	Leylandi (T1) - Remove. Torbay Palm (T2) - Remove. Magnolia (T3) - Reduce crown by 1m.	12 Albert Road Plymouth PL2 1AD	Mrs Jane Turner
18/08/2021	Granted Conditionally	21/01271/TCO	Mr Peter Stanton	Ash (T05) - Fell due to risk of damage to listed boundary wall and highway.	23 Wyndham Square Plymouth PL1 5EG	Mrs Jane Turner
18/08/2021	Granted Conditionally	21/01282/TCO	Butcher	Magnolia (T1) in front garden - Reduce whole crown by 1.5m to natural growth points.	38 Whiteford Road Plymouth PL3 5LX	Mrs Jane Turner
19/08/2021	Granted Subject to S106	20/00253/FUL	Platinum Developments South West Ltd	Erection of an apartment building to provide 17 units of accommodation, car parking and associated works	Site Of Former E Block, The Quadrangle, Craigie Drive The Millfields Stonehouse Plymouth	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
19/08/2021	Granted Conditionally	20/00254/LBC	Platinum Developments South West Ltd	Erection of an apartment building to provide 17 units of accommodation, car parking and associated works	Site Of Former E Block, The Quadrangle, Craigie Drive, The Millfields, Stonehouse, Plymouth	Miss Amy Thompson
19/08/2021	Agreed	21/01099/CDM	Mr. Mike Trathen	Condition Discharge: Conditions 3, 4, 5, 6, 7 & 9 of application 20/02036/FUL	Land Adj To Thorn Park Lodge Thorn Park Plymouth PL3 4TF	Ms Abbey Edwards
20/08/2021	Granted Conditionally	21/01243/S73	Mr Paul Thompson	Variation of Condition 1 (Approved Plans) of application 19/01066/FUL to amend unit 1 from a 2-bed to a 3-bed house	15 Frogmore Avenue Plymouth PL6 5XH	Miss Amy Thompson
23/08/2021	Granted Conditionally	21/01210/LBC	Plymouth City Council	Installation of an air source heat pump and associated building works	Pounds House Outland Road Plymouth PL2 3PX	Ms Abbey Edwards
23/08/2021	Refused	21/01236/S73	Mr & Mrs P Dowling	Removal of Condition 3 (Parking) of application 04/02165/FUL	106 Alexandra Road Ford Plymouth PL2 3BU	Mr Sam Lewis
23/08/2021	Granted Conditionally	21/01254/FUL	MB Motor Services Ltd	Erection of additional workshop space	35 Emma Place Plymouth PL1 3QT	Mr Sam Lewis
23/08/2021	Granted Conditionally	21/01260/FUL	Plymouth City Council	Installation of an air source heat pump and associated building works	Pounds House Outland Road Plymouth PL2 3PX	Ms Abbey Edwards
23/08/2021	Granted Conditionally	21/01331/S73	Mr Carl Barnett	Variation of Condition 3 (External Finish) of application 20/01382/FUL	The Law Courts Armada Way Plymouth PL1 2ER	Mr Mike Stone
23/08/2021	Granted Conditionally	21/01351/FUL	Mr Pete Frickleton	Single-storey rear extension inc. demolition of existing conservatory	66 Scott Road Plymouth PL2 3DX	Mr Sam Lewis

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
23/08/2021	Agreed	21/01471/CDM	Mr J Peacock	Condition Discharge: Condition 4 of application 21/00243/FUL	Staddon Heights Farm Staddon Lane Plymouth PL9 9SP	Ms Abbey Edwards
24/08/2021	Agreed	21/00822/CDM	Mr Nick Bishop	Condition Discharge: Conditions 3 & 5 of application 21/00194/FUL	Plymouth College Ford Park Road Plymouth PL4 6RN	Ms Abbey Edwards
24/08/2021	Granted Conditionally	21/01244/TPO	Mair	Ash (T1) - Remove due to suspected ash die back. Beech (T2) - Lowest lateral on North side reduce end weight by 2-3m and thin by 20% .	39 - 41 Cornwood Road Plymouth PL7 1AL	Mrs Jane Turner
24/08/2021	Granted Conditionally	21/01246/TPO	Ms Catherine Murphy	2x Cherry - reduce overhanging branches back to boundary line/fence to natural growth points.	114 Grantley Gardens Plymouth PL3 5BS	Mrs Jane Turner
24/08/2021	Granted Conditionally	21/01249/FUL	Mr Darrell Gulley	Single storey rear extension (part-retrospective)	21 Knapps Close Plymouth PL9 8UX	Ms Bethany German
24/08/2021	Granted Conditionally	21/01255/TPO	Mr Nigel Coles	London Plane (T1) - Prune back lateral branches on house side by 2m to natural growth points.	20 Conqueror Drive Plymouth PL5 3UT	Mrs Jane Turner
24/08/2021	Granted Conditionally	21/01283/FUL	Ms Sandra Lynch	Removal and replacement of existing rear decking and steps, replacement patio doors and window (retrospective)	83 Grantley Gardens Plymouth PL3 5BP	Miss Emily Godwin
24/08/2021	Granted Conditionally	21/01325/TPO	Skyrme	Cherry (T1983) - Fell as showing signs of dying. Cherry (T1985) - Fell as tree is dead. Red Oak (T1988) - Fell due to decay on lower stem. Elm (T1989) - Fell due to poor structural form and leans heavily over highway. NB: 2x Cherry and 1x Elm are too young to be covered by the TPO but we would ask that they are replaced if possible.	The Rise, 35 George Lane Plymouth PL7 1LJ	Mrs Jane Turner

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
24/08/2021	Agreed	21/01561/CDM	Mr & Mrs T Pearce	Condition Discharge: Condition 3 of application 21/00445/FUL	53 Wembury Road Plymouth PL9 8HE	Mr Mike Stone
25/08/2021	Granted Conditionally	21/00631/ADV	Star Pubs And Bars Limited	Illuminated signs, including fascia signs, signwriting, hanging sign and poster case.	Maritime Inn, 19 Southside Street Plymouth PL1 2LD	Mrs Karen Gallacher
25/08/2021	Granted Conditionally	21/00758/FUL	Darren Todd	Rear balcony and garden access	121 Grantley Gardens Plymouth PL3 5BP	Mr Sam Lewis
25/08/2021	Granted Conditionally	21/00829/FUL	Mr Jonathan Gliddon	Double hip-to-gable loft conversion with rear dormer and roof height increase	5 Hawkmoor Close Plymouth Plymouth PL7 1SU	Mr Macauley Potter
25/08/2021	Granted Conditionally	21/01023/FUL	Mrs Dawn Stallard-Jones	Front carport (retrospective)	70 Lanhydrock Road Plymouth PL4 9HQ	Miss Emily Godwin
25/08/2021	Granted Conditionally	21/01213/FUL	Mrs Vivienne Frost	Single storey side extension and single garage	6 St Edward Gardens Plymouth PL6 5PB	Mr Macauley Potter
25/08/2021	Granted Conditionally	21/01219/FUL	Mr & Mrs Drake	First floor front extension and internal alterations (re-submission of 21/00604/FUL)	18 Long Down Gardens Plymouth PL6 8SB	Mr Paul McConville
25/08/2021	Granted Conditionally	21/01226/FUL	Mr & Mrs Dooley	Single storey rear extension and side shelter	1 Cameron Way Plymouth PL6 5WB	Ms Isobel Fardon
25/08/2021	Granted Conditionally	21/01245/FUL	Mr Hutchinson	Extension to front dormer	26 Frensham Avenue Plymouth PL6 7JN	Ms Isobel Fardon

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
25/08/2021	Granted Conditionally	21/01266/FUL	Mr John Sloman	Replacement of existing 3no. defective sliders.	50 Blunts Lane Plymouth PL6 8BE	Mr Macauley Potter
25/08/2021	Granted Conditionally	21/01278/FUL	Mr James Foster	Single storey rear extension.	18 Farm Close Plymouth PL7 4QB	Mr Macauley Potter
25/08/2021	Granted Conditionally	21/01337/ADV	Emily Hyder-Smith	3no sets of faux neon 'Las Iguanas' letters and 1no projection sign	Unit 7, 11 Bretonside Plymouth PL4 0FE	Miss Emily Godwin
25/08/2021	Granted Conditionally	21/01388/ADV	Symbro Limited	1no. Starbucks roundal sign	1 William Prance Road Plymouth PL6 5ZD	Ms Isobel Fardon
25/08/2021	Refused	21/01472/AMD	Mr Luke Mcglinchey	Non-material Amendment: Alteration to extension roof for application 19/00476/FUL	27 Wensum Close Plymouth PL7 2YG	Mr Macauley Potter
25/08/2021	Agreed	21/01482/CDC	Zoe Clifford O'shea	Compliance with conditions of application 12/00255/REM	Unity Park, Efford Road Plymouth PL3 6NE	Mr Sam Lewis
26/08/2021	Granted Conditionally	21/00891/FUL	Mrs T Cummins	Increase to balcony size at first floor over flat roof	10 Admiralty Road St Budeaux Plymouth PL5 1NJ	Miss Josephine Maddick
26/08/2021	Granted Conditionally	21/00909/FUL	Plymouth City Council	Installation of an air source heat pump	Frederick Street Centre Frederick Street West Plymouth PL1 5JW	Miss Amy Thompson
26/08/2021	Granted Conditionally	21/00915/FUL	Plymouth City Council	Installation of an air source heat pump	Prince Rock Depot Macadam Road Plymouth PL4 0RZ	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
26/08/2021	Granted Conditionally	21/01055/FUL	Mr David Major	Single storey annexe in rear garden.	173 Beverston Way Plymouth PL6 7EG	Mr Macauley Potter
26/08/2021	Granted Conditionally	21/01088/FUL	Mr Wayne Jarvis	New roof over storage unit and pre-inspection bay (retrospective)	567 Wolseley Road Plymouth PL5 1UD	Mr Paul McConville
26/08/2021	Granted Conditionally	21/01201/FUL	Mr & Mrs Innes	Two storey rear extension	87 Looseleigh Lane Plymouth PL6 5HH	Ms Isobel Fardon
26/08/2021	Granted Conditionally	21/01230/FUL	Edwards	Retrospective single storey rear extension with roof terrace (re-submission of 20/00425/FUL)	76 Looseleigh Lane Plymouth PL6 5HH	Mr Macauley Potter
26/08/2021	Granted Conditionally	21/01256/TPO	Mr Nigel Coles	Sweet Chestnut (T1) - Pollard to a height of 6/7m as showing signs of decay at base and severe die back in crown.	64B Glenfield Road Plymouth PL6 7LN	Mrs Jane Turner
26/08/2021	Granted Conditionally	21/01257/TPO	Mr Nigel Coles	Macracarpa (T1) - Fell to ground level. Conifer Hedge (T2) - Reduce height by 3-4m to maintain.	Great Woodford House Great Woodford Drive Plymouth PL7 4RP	Mrs Jane Turner
26/08/2021	Granted Conditionally	21/01268/TPO	Mr Nigel Coles	Ash (T1) - Crown raise over road to height of 5m, reduce length of lateral growth over road by 3m. Sycamore (T2) - Crown raise to 5m. Ash (T3) - Reduce overextended limb over garden by 2m.	205 Beacon Park Road Plymouth PL2 2SH	Emily Browne
26/08/2021	Granted Conditionally	21/01296/TPO	Mr Fred Horley	Oak Tree - Reduce lowest branches only overhanging greenhouse to give 1.5m clearance above greenhouse roof.	11 Elmwood Close Plymouth PL6 7JY	Mrs Jane Turner

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
26/08/2021	Granted Conditionally	21/01339/TCO	Ms Xia Ming	Elm with Horse Chestnut beneath - Reduce crown to the level indicated in photo to natural growth points (amendment agreed by e-mail with owner 29/07/2021).	The Ferns Seymour Road Mannamead Plymouth PL3 5AT	Mrs Jane Turner
26/08/2021	Granted Conditionally	21/01364/FUL	Mr Lei Zijng	Single storey rear extension, loft conversion with hip to gable roof and rear dormer	33 North Down Road Plymouth PL2 3HJ	Ms Bethany German
26/08/2021	Granted Conditionally	21/01366/TCO	Mr John Dean	Cedar (T1) - Reduce crown spread over neighbouring property on the southeast aspect by 1.5-2m back to suitable growth points and remove deadwood.	6 Albemarle Villas Plymouth PL1 5QZ	Emily Browne
26/08/2021	Granted Conditionally	21/01372/FUL	Mr & Mrs Crawford	Side extension and raised patio	142 Springfield Road Plymouth PL9 8PT	Mr Mike Stone
26/08/2021	Agreed	21/01385/CDM	Mr Douglas Friend	Condition Discharge: Condition 17 of application 17/01134/FUL	Area D (Phase 3B) - Mount Wise Mount Wise Crescent Mount Wise Plymouth	Miss Katherine Graham
26/08/2021	Granted Conditionally	21/01395/FUL	Mr P Symons & Ms P Davis	Part two-storey, part single storey rear extension and internal alterations	17 Hartley Park Gardens Plymouth PL3 5HU	Ms Bethany German
26/08/2021	Granted Conditionally	21/01401/TCO	Mr Daniel Hill	Pittosporum (T1) - Reduce the vertical height by 2.5m.	37 Fore Street Plympton Plymouth PL7 1LZ	Emily Browne
27/08/2021	Granted Conditionally	21/01239/LBC	William Badenoch and Guy Servis	Change of use of office (Class E(g)) to small group personal training studio (Class E(d)), associated parking and building alterations	Lyster Court, 2 Craigie Drive Plymouth PL1 3JB	Ms Abbey Edwards

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
31/08/2021	Refused	21/01000/FUL	Mr Paul Davis	Vehicle hardstand.	4 Lakeside Drive Plymouth PL5 2QH	Mr Macauley Potter
31/08/2021	Granted Conditionally	21/01322/ADV	Dixons Carphone	2no. Internally illuminated flexface signs, 3no. non-illuminated retroframe signs and 1no. set of freestanding graphic panels	Unit B, Marsh Mills Park Plymouth PL6 8LX	Ms Isobel Fardon
31/08/2021	Refused	21/01369/AMD	Co-op Funeralcare	Non-material Amendment: Amendment to the louvre arrangement; reduction to size of car wash canopy and resulting increase in 1 no. parking space; change to cycle parking and installation of wall-mounted canopy for application 20/01973/FUL	Unit D3, Cot Hill Trading Estate Plymouth Plympton PL7 1SR	Mr Jon Fox
01/09/2021	Granted Conditionally	21/01027/FUL	Mr C. Veale	Two storey rear extension, extension of terrace, privacy fencing and alterations.	72 Austin Crescent Plymouth PL6 5QD	Mr Paul McConville
01/09/2021	Granted Conditionally	21/01047/FUL	Anna Pearce	Removal and replacement of perimeter fencing and gates, additional new perimeter fencing and associated internal remodelling with 2no. vehicle gates and 3 no. pedestrian gates.	Hooe Primary School Hooe Road Plymouth PL9 9RG	Mr Mike Stone
01/09/2021	Granted Conditionally	21/01097/FUL	Mr Green	Two-storey side extension and single storey rear extension (re-submission of 21/00535/FUL)	30 Colston Close Plymouth PL6 6AY	Mr Macauley Potter
01/09/2021	Granted Conditionally	21/01204/FUL	Mr & Mrs Hill	Single storey rear extension and re-construction of side store (Part-retrospective)	21 Brynmoor Park Plymouth PL3 5LA	Mrs Alumeci Tuima
01/09/2021	Granted Conditionally	21/01247/FUL	Mr Justo Amador	Change of use from guesthouse (Class C1) to residential dwelling (Class C3) (Retrospective)	18 Garden Crescent Plymouth PL1 3DA	Mr Mike Stone



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
01/09/2021	Granted Conditionally	21/01321/FUL	Mr Ben Wheeler	Single storey front/side extension and two-storey side extension	38 Latham Close Plymouth PL6 5PT	Mr Macauley Potter
01/09/2021	Granted Conditionally	21/01353/FUL	Mr Tim Barrow	Refurbishment and change of use to industrial/commercial for the manufacturing, storage and supply of glass products	31 - 32 Emma Place Plymouth PL1 3QT	Mrs Rebecca Boyde
01/09/2021	Granted Conditionally	21/01354/ADV	Mr Tim Barrow	Erection of 4 signs	31 - 32 Emma Place Plymouth PL1 3QT	Mrs Rebecca Boyde
01/09/2021	Granted Conditionally	21/01413/FUL	Mr Rich Quirk	Single storey rear extension inc. demolition of existing conservatory	219 Ladysmith Road Plymouth PL4 7NR	Mr Sam Lewis
01/09/2021	Granted Conditionally	21/01423/FUL	Rendell	Front porch	9 Perryman Close Plymouth PL7 4BP	Ms Isobel Fardon
02/09/2021	Granted Conditionally	21/00526/FUL	Mr & Mrs Bryan	Change of use from Estate Agents to a cafe/restaurant (Use Class E(b)) and associated building alterations	39 Mutley Plain Plymouth PL4 6JQ	Ms Abbey Edwards
02/09/2021	Granted Conditionally	21/01036/LBC	Ms Emily Handslip	Removal of front steps and replace with glazed door	Unit C, Slaughter House Royal William Yard Plymouth PL1 3GD	Mr Sam Lewis
02/09/2021	Granted Conditionally	21/01275/FUL	David Palmer	Porch extension	19 Laira Park Place Plymouth PL4 7HT	Ms Isobel Fardon
02/09/2021	Granted Conditionally	21/01338/FUL	Mr Christian Kent	Installation of new external opening/shutter for existing food/drink kiosk	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Sam Lewis

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
02/09/2021	Agreed	21/01357/CDM	Mr John Copp	Condition Discharge: Condition 3 of application 20/01971/FUL	9A Newnham Road Plymouth PL7 4AN	Mr Paul McConville
02/09/2021	Granted Conditionally	21/01382/FUL	Mr & Mrs Head	Single storey side extension	93 Lakeside Drive Plymouth PL5 2SL	Mr Macauley Potter
02/09/2021	Granted Conditionally	21/01440/FUL	Butterworth	Porch	330 Bodmin Road Plymouth PL5 4AX	Ms Isobel Fardon
03/09/2021	Granted Conditionally	21/01269/FUL	Mr Luke Lauri	Single storey rear and side extension and first floor balcony inc. minor internal works	63 Triumphal Crescent Plymouth PL7 4RW	Mr Paul McConville
03/09/2021	Granted Conditionally	21/01314/FUL	Mr Gary Graham	First floor side extension	Land Adjoining 10 Wanstead Grove Plymouth PL5 2LX	Ms Isobel Fardon
03/09/2021	Refused	21/01647/AMD	Carlos Toran Piquer	Non-material Amendment: Amend condition 3 to change obscure glazed screening to timber for application 19/01892/FUL	32 Kensington Road Plymouth PL4 7LU	Mr Paul McConville
06/09/2021	Granted Conditionally	21/00608/FUL	Mr Neil Vingoe	Perimeter fence around side garden (1.8m in height), replacement gate and fencing to front of property (part-retrospective)	58 Grantham Close Plymouth PL7 1UN	Mr Paul McConville
06/09/2021	Granted Conditionally	21/01373/FUL	Miss Karen Gillard	First floor rear balcony	6 Rutland Road Plymouth PL4 7BG	Mr Mike Stone
06/09/2021	Granted Conditionally	21/01389/LBC	Jackson Sprague	Installation of 8no projectors and associated works	40 Tavistock Place Plymouth PL4 8AX	Ms Bethany German

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
06/09/2021	Granted Conditionally	21/01474/ADV	Amsric	Internally illuminate fascia and projecting signage	33 Mutley Plain Plymouth PL4 6JG	Miss Emily Godwin

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# Appeal Decisions between 09/08/2021 and 07/09/2021

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
20/08/2021	20/01074/LBC	2021/0005	Appeal Dismissed	APP/N1160/Y/21/3268605
<b>Ward</b>				
St Peters & the Waterfront				
<b>Address</b>				
23 Clarence Place Stonehouse Plymouth PL1 3JW				
<b>Application Description</b>				
Replace existing windows to the the first floor kitchen and landing to double glazed sash windows side elevation and change the ground floor window to new entrance door to first floor flat in line with the 1961 grant aid application.				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Ms Abbey Edwards		
<b>Synopsis</b>				
Listed building consent was refused for internal and external alterations to 23 Clarence Place due to a lack of any detailed historic assessment of the building. The works were therefore considered contrary to Joint Local Plan Policy DEV21, the guidance contained within the Plymouth and SW Devon SPD and the National Planning Policy Framework. Having reviewed the information, the Inspector concluded that the works would have a negative impact on the Grade II listed building and would fail to preserve the character or appearance of the conservation area. The Inspector noted a lack of information making it difficult to assess the impact of aspects of the development. It was noted that whilst the proposal would result in no more than less than substantial harm, this would not be outweighed by the public benefits arising from the proposal regarding increased street surveillance and improved energy efficiency. No applications were made for costs by either side and no costs were awarded by the Inspector.				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
03/09/2021	20/01146/FUL	2021/0010	Appeal Dismissed	APP/N1160/W/21/3274064
<b>Ward</b>				
Plympton St Mary				
<b>Address</b>				
4 Stoggy Lane Plymouth PL7 2DL				
<b>Application Description</b>				
Change of use from dwelling (Class C3) to mixed use comprising of side extension as hairdressing salon (Class E(c)(iii)) and continued residential use of the rest of the house (Retrospective)				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Miss Josephine Maddick		
<b>Synopsis</b>				
<p>This application was refused due to harm to residential amenity and failure to pass the sequential test. The Inspector agreed that the development would be out of character with its quiet residential surroundings and that noise and disturbance generated by the use would be harmful to adjacent dwellings, contrary to Policy DEV1 of the Plymouth &amp; South West Devon Joint Local Plan (2014-2034) and in conflict with the Frameworks aim of achieving well-designed places with a high standard of amenity for existing and future users. The Inspector did not agree that the applicant had failed to demonstrate that the local centre options have been thoroughly assessed as sequentially preferable alternatives. Contrary to the Councils assessment the Inspector concluded that the sequential test was passed and the proposal would accord with Policies SPT5, SPT6, DEV16, DEV18 and DEV20 of the Local Plan, along with the Frameworks aims to ensure the vitality of town centres. It was also concluded that there would be no conflict with Policy PSM6 of the Plympton St Mary Neighbourhood Plan 2015-2034. Notwithstanding this the appeal was dismissed due to the harm to residential amenity.</p>				