



#plymplanning

**Oversight and Governance**

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Published 05 February 2019

## PLANNING COMMITTEE

Thursday 14 February 2019

4.00 pm

Council House, Plymouth

**Members:**

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Corvid, Derrick, Mrs Johnson, Kelly, Loveridge, Morris, Nicholson, Mrs Pengelly, R Smith, Tuffin and Winter.

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

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

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**Tracey Lee**

Chief Executive

## **Planning Committee**

### **AGENDA**

#### **PART I – PUBLIC MEETING**

##### **1. Apologies**

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

##### **2. Declarations of Interest**

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

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

The Committee will be asked to confirm the minutes of the meeting held on 18 January 2019.

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

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

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

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

##### **6. Planning Applications for consideration**

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

1.1. Part Of Car Park, Coypool Retail Park, Plymouth Road, **(Pages 7 - 22)**  
Plymouth, PL7 4SS - 18/01853/FUL

Applicant:	Amsric Ltd
Ward:	Plympton St Mary
Recommendation:	Grant Conditionally
Case Officer:	Mr Oliver Gibbins

1.2. Kinterbury Point Hmad Bullpoint HMNB Devonport Plymouth **(Pages 23 - 32)**  
PL2 2BG - 18/01947/CDM

Applicant: Mr Steffan Shageer  
Ward: St Budeaux  
Recommendation: Agree to discharge condition 7  
Case Officer: Mr Chris King

1.3. Beechfield Grove to Venn Close - Addition of Public Footpath - **(Pages 33 - 38)**  
WCA.012

Applicant: Mr Bentley Bennett  
Ward: Peverell  
Recommendation: Approval  
Case Officer: Robin Pearce

**7. Planning Enforcement: (Pages 39 - 40)**

**8. Planning Application Decisions Issued (Pages 41 - 54)**

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

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

Please note that these Delegated Planning Applications are available to view online at:

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

**9. Appeal Decisions (Pages 55 - 58)**

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>

**10. Exempt Business**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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**Planning Committee****Friday 18 January 2019****PRESENT:**

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Corvid, Derrick, Mrs Johnson, Kelly, Dr Mahony, McDonald, Morris, Nicholson, Mrs Pengelly, R Smith and Tuffin.

Apologies for absence: Councillors Loveridge (Councillor Dr Mahony Substituting) and Winter (Councillor McDonald Substituting).

Also in attendance: Peter Ford (Head of Development Management), Mark Lawrence (Lawyer), Jamie Sheldon (Democratic Advisor), Amelia Boulter (Democratic Advisor) and Helen Prendergast (Democratic Advisor)

The meeting started at 14:00 and finished At 17:30.

*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.***68. Declarations of Interest**

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

<b>Name</b>	<b>Minute Number and Item</b>	<b>Reason</b>	<b>Interest</b>
Councillor Kelly	74 and item 6.2	Director and shareholder of the company which owns the freehold	Disclosable pecuniary interest.

**69. Minutes**Agreed the minutes of the meeting held on 13 December 2018.**70. Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

**72. 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.

73. **30 Dean Park Road Plymouth PL9 7NZ - 18/01955/FUL**

Mr & Mrs King

Decision:

Application granted

74. **Land At St Annes Road Plymouth PL6 7LW - 18/01935/FUL**

Mr S Larson

Decision:

Application REFUSED – It is considered that the development will provide an inadequate level of parking for the combined new and existing parking demand and the new parking layout will create a safety and amenity problem for the commercial users and existing and proposed residents. The proposal is therefore considered to cause:-

- (a) Damage to amenity;
- (b) Prejudice to public safety and convenience;
- (c) Interference with the free flow of traffic on the highway

Which were contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and DEV31 (2,3) of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

The Local Planning Authority considers the proposal would be an over intensive form of development by virtue of its layout, massing and siting within the context of the local area. The proposal would therefore be contrary to Policy CS34 (4) of the Plymouth Local Development Framework Core Strategy (2006 - 2021); the Design Supplementary Planning Document, policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 127 of the National Planning Policy Framework 2018.

Councillor Kelly was not present for this item due to declaration of interest declared.

(A Planning Committee site visit was held on 17 January 2019 in respect of this application).

(The Committee heard from Councillor Chris Mavin, Moorview Ward Councillor)

(The Committee heard from Councillor Maddi Bridgeman, Moorview Ward Councillor)

(The Committee heard a representation against this application)

(The Committee heard from the applicant's agent).

75. **Argosy House I Longbridge Road Plymouth PL6 8LS - 18/01210/FUL**

Mr Duncan Attwood

Decision:

Application GRANTED – to ensure that a maximum of two clients are receiving coaching at any one time.

The addition of an appropriate Parking Management Strategy condition  
The wording of the amendments to be delegated to the Service Director for Strategic Planning and Infrastructure in consultation with the Chair, vice Chair and lead opposition Member with delegated authority for the Service Director to refuse the application if the amendments are not agreed.

(A Planning Committee site visit was held on 17 January 2019 in respect of this application).

(The Committee heard from Councillor Mrs Bridgeman, Moorview Ward Councillor)

(The Committee heard from the applicant).

76. **43 North Hill Plymouth PL4 8EZ - 18/01598/FUL**

Mr & Mrs Hassan Laura & Mousa

Decision:

Application GRANTED

(The Committee heard a representation of support for this application.

77. **Planning Enforcement**

The Committee noted the report.

78. **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.

79. **Appeal Decisions**

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

80. **Exempt Business**

There were no items of exempt business.

**Voting Schedule** (Pages 5 - 6)

\*\*\* Please note \*\*\*

A schedule of voting relating to the meeting is attached as a supplement to these minutes



## PLANNING COMMITTEE – 18 January 2019

## SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	30 Dean Park Road Plymouth PL9 7NZ - 18/01955/FUL	Unanimous				
6.2	Land At St Annes Road Plymouth PL6 7LW - 18/01935/FUL		Councillors McDonald, Morris, Stevens, Tuffin, Tuohy, Nicholson, Mrs Pengelly, Corvid, Derrick and Cllr Rebecca Smith	Councillors Mrs Johnson and Dr Mahony	Councillor Kelly	
6.3	Argosy House I Longbridge Road Plymouth PL6 8LS - 18/01210/FUL	Unanimous				
6.4	43 North Hill Plymouth PL4 8EZ - 18/01598/FUL		Councillors McDonald, Morris, Stevens, Tuffin, Tuohy, Kelly, Nicholson, Mrs Pengelly, Derrick and Cllr Rebecca Smith, Mrs Johnson and Dr Mahony	Councillor Corvid		

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	18/01853/FUL	<b>Item</b>	01
<b>Date Valid</b>	01.11.2018	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	Part Of Car Park, Coypool Retail Park Plymouth Road Plymouth PL7 4SS		
<b>Proposal</b>	Erection of Coffee Shop (Class A1/A3/Sui Generis) with drive-thru facility and associated car parking, access, landscaping and servicing		
<b>Applicant</b>	Amsric Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>27.12.2018</b>	<b>Committee Date</b>	<b>14.02.2019</b>
<b>Extended Target Date</b>	<b>28.01.2019</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Oliver Gibbins		
<b>Recommendation</b>	Grant Conditionally		



This planning application has been referred to Planning Committee by Councillor Patrick Nicholson

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

The application site forms part of the car park for the Coypool Retail Park. The site is located to the north of the Plymouth Road and to the east of Coypool Road.

The application site was the subject of planning application 16/02106/FUL for the alterations and extension to the former B and Q building to form 4 retail units.

The site is currently laid out as a car park to serve the retail park.

To the north east and east of the site is an established residential area, with properties on Woodford Crescent and Woodford Avenue backing on to the Retail Park, the majority of these properties are set at a higher level than the retail park however and along the junction of Woodford

Avenue and Plymouth Road, the properties are level with the retail units. The properties have a landscaping area separating them from the retail park which includes a range of landscaping including planting but it is principally trees within this area which screen the development site. To the south of the site is Plymouth Road with Coypool Road to the west.

Access and egress into the Retail Park is via Coypool Road; a central access point provides access in to the site and also the three retail units. A separate entrance to the site is provided on the west bound side of Plymouth Road (entrance only). The site is relatively flat although it is higher to the south west in relation to the Coypool Road where it passes under the Plymouth Road. The site contains limited landscaping which is focused to the south and west boundary of the site.

As the site adjoins the southern boundary of the site adjacent to the Plymouth Road the site will appear visible from views along Plymouth Road but because of the change in ground levels the prominence of the site is reduced.

The site is not located in a Conservation Area or within the setting of a listed building.

## **2. Proposal Description**

This application is for full planning permission for a new A1/A3 café with drive through facility, associated car parking, access, landscaping and servicing. The development will provide 167sqm of new floor space.

A combination of land uses such as this results in the development not falling within a single use class. The development is therefore a Sui Generis use.

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

17/01621/MIN - Proposed coffee shop (Class A1/A3) with drive-thru facility and associated car parking, access, landscaping and servicing – The principle needs to be established through a Sequential Test, consideration needs to be given to the operation of the highway in terms of justifying the loss of parking and stacking arrangements, in terms of urban design it was advised that dead frontages would need to be avoided and that landscaping would be required ensure the development does not have a harmful impact on the street scene

## **4. Relevant Planning History**

16/02106/FUL - Alteration & extension to former B&Q building to form 4 retail units (Class A1) including recladding of the building – Approved

1252/95 Variation of condition 8 of 3608/85- Approved

3608/85 Erection of DIY store and Garden Centre – refused – allowed on appeal

## **5. Consultation Responses**

Public Protection – No objection;

South West Water – Applicant is advised to contact SWW to ensure that assets are protected;

Highways – The applicant has demonstrated, by way of number of surveys, that the traffic generation of the proposal will not be significant and the wider retail site has sufficient parking to cater for the demand. Sufficient queuing is provided, as evidenced, and further amendments are requested to ensure that the absolute amount of stacking can be provided to prevent vehicles queuing back onto the highway. Therefore, subject to conditions there are no objections to the proposal.

Plymouth Lead Local Flood Authority: No objection subject to conditions;

Natural Infrastructure Team – Additional information is required to demonstrate a net gain in bio diversity;

Urban Design: The scale is low in relation to the scale of adjacent streets, including Plymouth Road. The scheme fronts to the north as opposed to the street and this results in a largely blank rear elevation that cannot be supported. The refuse and plant store is in a prominent location. The building is not place specific, locally distinctive materials will be sought. The scheme could be improved to link with pedestrian and cycle links.

Plympton St Mary Neighbourhood Forum – Object to the application as there are traffic problems in the area, the vicinity is well served by drive through outlets and it will have a detrimental impact on the Ridgeway outlets.

Plympton Civic Society – Object to the application, as well add to the already high volumes of traffic in the area, there are sufficient outlets in the immediate vicinity, and it will take trade away from the Ridgeway.

## **6. Representations**

2 site notices were displayed, following this 18 letters of representation, 14 of these were objections and 4 were letters of support.

The following material planning consideration were identified:

### Objections

Too many drive through uses in the local area.

Highway capacity;

Litter;

Queuing vehicles back to Plymouth Road;

Impact on public health;

Impact on the Ridgeway District Centre.

### Support

Attract new visitors and investment to the area;

Support the new jobs;

## **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.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007) and Development Guidelines SPD and Planning Obligations and Affordable House SPD, Shopping Centres SPD.

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex I of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Also:

The Development Guidelines Supplementary Planning Document (SPD) 1st Review 2013  
Shopping Centres SPD 2012

## **8. Analysis**

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

### Principle

- 8.2 This development will provide 167 sq.m of a purpose built coffee shop with drive through lane. As previously discussed this is a combination of A1 retail and A3 café uses.
- 8.3 Given that there is a combination of uses this development does not fall within a single use class and in planning terms is categorised as 'Sui Generis' land use, which means of its own type.
- 8.4 As both A1 retail and A3 café are defined by Town Centre Uses by the National Planning Policy Framework 2018 the development needs to be considered against retail planning policy considerations.
- 8.5 Policies CS08 Retail Development Considerations and CS09 Marsh Mills Retail Parks of the adopted Core Strategy (2007) (CS), together with the Shopping Centres SPD 2012, and Policies SPT6 Spatial provision of retail and main town centre uses DEVI6 Providing retail and town centre uses in appropriate locations and DEVI8 Protecting local shops and services of the emerging Plymouth and South West Devon Joint Local Plan (JLP) form the key policies that development needs to be assessed against when considering the principle of the land uses proposed.
- 8.6 The application site is an out of centre location as Coypool Retail Park is not identified as a retail centre within Retail Hierarchy as defined in both the Shopping Centres SPD 2012 and Policy SPT6 of the emerging JLP.
- 8.7 Both Policies CS08 and DEVI6 requires that developments for main town centre uses in edge of centre locations and out of centre locations, such as this proposal, should be supported by a sequential test that also demonstrates flexibility in its assessment. The test needs to demonstrate that there are no other sequentially preferable suitable and available sites within or on the edge of centre location.

- 8.8 This application has been submitted with a sequential test which has reviewed the centres within the catchment, this has been defined as Plympton. Given the limited size of the unit and the function it fulfils the catchment is considered reasonable.
- 8.9 The submitted information has identified the market and locational requirements which were needed to be met and the level of flexibility provided. These were identified as enabling access for vehicles, cyclists and pedestrians, be well connected to the local road network, be visible from the street, have a good catchment population, enough space for vehicle circulation, drive through lane, customer parking and servicing, and be suited to the proposed design model.
- 8.10 The market and locational requirements were reviewed by the Local Planning Authority. The requirements identified were not accepted and a degree of flexibility identified was not considered sufficient in order to meet the tests of the development plan. As a result the 167sqm floor space requirement was reviewed and a plus or minus 10 to 15 % change floor space was applied. In addition the characteristics of the Ridgeway District Centre with available car parking and access was considered to provide the flexibility required for the operator.
- 8.11 Based on the flexibility identified by Officers the requirements for the new use would require a unit size of 145-200sqm. Officers undertook a review of sequentially preferable sites in December 2018 and concluded that there were no suitable or available sites, considering a reasonable degree of flexibility, in the catchment.
- 8.12 It can therefore be concluded that, although the Council does not support the market and locational requirements identified by the applicant on applying its own flexibility, there are no sequentially preferable sites in the retail hierarchy for this use in this catchment. The proposal will therefore comply with Policy CS08 (5) and Policy DEV16 (2) of the JLP.
- 8.13 The National Planning Policy Framework sets out that where proposals provide more than 2500sqm of new floor space of retail development an impact assessment is required. This considers the impact of the proposal on existing, committed planned public and private investment in a centre or centres in the catchment; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment. Policy DEV16 reduces this threshold to 500sqm in the Plymouth Policy Area.
- 8.14 As the proposal is under both thresholds the application is not required to be submitted with an impact assessment. As a result it can be concluded that the development is in accordance with Policy CS08 and Policy DEV16 of the development plan and the principle is therefore established.
- 8.15 It is also noted that this development will result in 20 new jobs, which will be split 50:50 between full and part time posts. It is anticipated, where possible, that the staff will be recruited from the local area.

#### Design

- 8.16 The new development will be positioned in the south west corner of the car to the retail park, with the Plymouth Road forming the southern boundary to the development. The site is set down at lower ground level from the Plymouth Road with a fall of between 2 and 3 metres. This together with the planting on the boundary provides natural screening from the public realm along Plymouth Road.



- 8.17 In terms of the design the development will consist of a steel portal frame construction with timber cladding and insulation panels. The front elevation, which will front onto Coypool Retail Park will mainly consist of glass allowing views of the activity inside the building. A brick built vertical parapet adds vertical emphasis to the design.
- 8.18 The Council's Urban Designer has advised that the design and layout could be improved through increasing the scale of the building and improving its frontage onto Plymouth Road. It has also been identified that locally distinctive and improved materials could be used and the layout changed so that linkages are improved.
- 8.19 The applicant has reviewed these comments and advised that careful consideration has been given to the layout. This is because the layout allows for vehicles to loop behind the building preventing from cars from causing congestion. The proposed layout also allows an entrance to front onto the retail park providing an attractive entrance and a focal point to attract customers. Should the orientation be changed then the building would front onto a retaining wall and bank, given the changes in ground levels.
- 8.20 The layout has been designed so that vehicular access to the service hatch is behind the building, this results in the change in levels providing natural screening. This limits the impact of the development on the public realm. The fact that the building fronts onto the retail park will allow for customers to access the building and provides an improved seating area.
- 8.21 In terms of the materials the applicant has advised that the materials proposed are a similar operational model to Starbucks. The change in materials would not be acceptable to the applicants as it would not fit with the brand.
- 8.22 Overall whilst the Urban Design Comments are noted the characteristics of the area need to be considered. The site is located on a busy route into Plympton. There are other commercial and retail uses located in the area and in this context it is considered, on balance, that the development is compatible with this character.
- 8.23 In terms of hard and soft landscaping the layout plan identifies that some trees will need to be removed at the entrance of the site along Plymouth Road, namely 3 Silver Birch trees. None of these trees are identified as having Tree Preservation Orders placed on them, and the loss of the trees has been justified through an Arboricultural Impact Assessment. This was reviewed by the Council's Natural Infrastructure Officer and the loss accepted as the trees were identified as being of poor quality. Furthermore the retention of all of the trees located on the frontage is supported. Although the loss of the trees is accepted a condition will be required to deliver 3 replacement trees to ensure canopy net gain in accordance with Policy DEV30.
- 8.24 In terms of the Ecological Mitigation and Enhancement Strategy the site does provide some biodiversity value, and it is identified as being a Bio Diversity Network Feature and a stepping stone site. Although the development will largely take place on an area of car parking land it is important that some mitigation is delivered through planning condition.
- 8.25 Given the nature, scale, timing, duration and location of this development it was concluded that the site was eliminated from further assessment under the Habitat Regulations 2017.

#### Amenity

- 8.26 A number of letters of representations have identified the concentration of this use in the locality, with two other drive through uses located at the Plymouth Gateway site and the Longbridge retail site, as well as two restaurant/takeaway uses located at Coypool Retail Park

and the Plymouth Gateway site. Whilst these representations are noted the site is located next to retail uses and the closest residential property is located on Woodford Avenue approximately 57m to the east of the site. In addition Council's Public Protection Service have raised no objection to this proposal as regards to loss of amenity as a result of the concentration of uses operating in this location. Although servicing and opening hours will need to be carefully conditioned and condition appropriately for the locality.

- 8.27 In terms of the physical impact of the development on residential amenity, given the separation distances achieved no significant loss of outlook or privacy will occur, nor will there be any over bearing impact as a result of this development.

#### Highway Impacts

- 8.28 Since the initial submission of the planning application the applicant has produced car park surveys and also some queue length surveys from nearby Costa drive-thru restaurants, to overcome further comments provided to them and justify both the design and the loss of parking.
- 8.29 The proposed coffee shop will be located in an area of car parking allocated to the Coypool Retail Park. It will result in the loss of 22 parking spaces. Access is achieved by the entry only from Plymouth Road and via Coypool Road, through the retail park car park.
- Initial concerns were raised with regard to the potential for cars to queue and potentially give rise to issues of blocking back on to the highway, Plymouth Road. The applicant has designed the internal layout to offer maximum queue potential and as such up to 14 vehicles can be accommodated within the drive thru lane without impacting on the access road. This is still some distance from the highway in any event.
- 8.30 The survey carried out at a nearby Costa gives comfort that the proposed internal stacking arrangement is sufficient. A further survey was carried out at a Starbucks (The proposed occupier), with a drive thru in Exeter. The Exeter site has similar characteristics as the proposed so provides some comfort that the survey data provides reasonable assessment for comparison purposes.
- 8.31 The maximum number of vehicles in the queue at either of the aforementioned surveyed sites was 4 vehicles. Therefore, the evidence suggests that the proposed drive thru is fit for purpose. As such there are no objections in terms of the potential for vehicles to block back on to the highway.
- 8.32 As noted the site is currently used for car parking. The application suggests that the site is currently fenced off and blocked for use but it is known that this has only occurred recently. This does not render the parking area surplus to requirements.
- 8.33 As such the applicant was advised to conduct a parking survey of the entire retail park to demonstrate the existing demand for parking against the proposed. They were required to demonstrate that the existing parking provides sufficient spaces to cater for the demand of the retail park and also to justify that the 22 spaces are not required, which will be lost due to the proposed coffee shop. Furthermore, the proposal may generate additional parking demand, above that provided.
- 8.34 The survey, carried out on a Saturday, which was accepted as capturing the highest likely demand profile and therefore the worst case scenario, concluded that the existing car park had a highest demand of 63 cars being parked. This means that 156 spaces are available, not including an additional area which can accommodate approximately 16 cars.

- 8.35 Although the retail park has consent for an additional unit the car park is considered to be suitable to meet all known existing, committed and proposed demands. It is therefore accepted that the loss of the 22 parking spaces, on the subject site, is justified and warranted.
- 8.36 The proposed development includes 10 parking spaces (including 2 disabled spaces) and one order waiting bay. In accordance with the City Council Development Guidelines SPD a proposal of this scale should provide up to 19 parking spaces. Although the actual provision is less than this there will be an element of linked trips between customers to the retail park and furthermore the retail park offers sufficient capacity to cater for any over spill demand. Therefore, the number of proposed spaces is considered to be acceptable.
- 8.37 The level of traffic generation has been assessed by way of comparing the traffic generation of the Exeter branch. This demonstrated that the unit generated in the region of 30 – 40 cars during the busiest hours. In the instance of the proposed unit some trips will be linked to the use of the retail park, suggested up to 25% which is considered a reasonable assumption, and others will be diverted pass-by trips already on the network.
- 8.38 The proposal is therefore unlikely to generate a high level of new trips and as such the 30-40 is likely to be a very worst case scenario. However, assuming the worst case of 30-40 vehicles, the proposal is unlikely to give rise to any noticeable changes to traffic and does not therefore require any traffic modelling.
- 8.39 Although not subject to this planning application in terms of use classes it is worth noting that the assessment would not be suitable to justify a hot food takeaway establishment at the site. Therefore, a condition to restrict the use as a hot food takeaway would be appropriate to prevent such changes in the future.
- 8.40 Access to the proposed car park will be made via the retail park or by way of using the one-way link from Plymouth Road. As noted above the internal queuing capacity of the proposed drive thru is sufficient to prevent overspill of cars onto the access road. However, should this occur any vehicle entering the retail park from the direction of Plymouth Road will be blocked by any vehicle waiting to enter the driver through.
- 8.41 The Highways Officer suggests that the design must ensure that all exiting movements use the retail park to exit and not the one-way access. Also that signing and road markings will be required as part of the design solution. Conditions will be used to ensure that this is achieved should planning permission be granted.
- 8.42 The Highways Officer advises that the cycle parking should be provided for staff members and visitors to the unit. Also that the staff provision should be secure and covered whilst Sheffield type hoops would be appropriate for visitors. The provision can be agreed by way of a planning condition.
- 8.43 Deliveries will make use of the parallel parking bays to the west of the building. This will require a reversing manoeuvre so the applicant should ensure that any such deliveries do not coincide with the busiest times. A Construction and Environmental Management Plan will ensure that the development is constructed in a efficient and safe manner to minimise any local distribution that could occur during the building phase of the development.
- 8.44 Due to the close proximity of the site to the highway and the retail park access road it is suggested that it will be necessary for the developer / applicant to provide a Code of practice

during construction. This will need to include details of peak hour embargo (in accordance with the City Council Guidelines) on deliveries and show detail of contractor parking and compounds etc.

- 8.45 The applicant has demonstrated, by way of a number of surveys, that the traffic generation of the proposal will not be significant and the wider retail site has sufficient parking to cater for the demand. Sufficient queuing is provided, as evidenced, and further amendments are requested to ensure that the absolute amount of stacking can be provided to prevent vehicles queuing back on to the highway. Therefore, subject to conditions there are no objections to the proposal from a local highways perspective.

#### Other Impacts

- 8.46 Lead Local Flood Authority have identified that the site is located in a Flood Zone I, where there is a low risk from flooding. However the site is located in a Critical Drainage Area. As a result it has been requested that a drainage strategy is secured by planning condition.

### **9. Human Rights**

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

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

This development will deliver in the region of 10 full and 10 part time jobs. The development will also have a rateable value. This development is not Chargeable Development under the Council's adopted Community Infrastructure Charging Schedule.

### **11. Planning Obligations**

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

Planning obligations not required due to the nature and size of proposal, notably the Section 7 and Table 3 of the Planning Obligations and Affordable Housing SPD 2012 identifies that commercial developments under 500sqm will not normally attract planning obligations.

### **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. A level threshold will be provided into the building and two disabled parking spaces will be provided. These measures will help ensure that the development does not result in any discrimination to future people who will use the development.

### **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. The applicant has demonstrated that there are no sequentially suitable or available sites in the catchment, no significant

loss of amenity will occur and that the development is compatible with the character and appearance of the area. The application is therefore recommended for conditional approval.

#### **14. Recommendation**

In respect of the application dated **01.11.2018** 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 2018/51/01 Rev D – received 26.10.2018

Proposed Hard & Soft Landscaping Plan 2018/51/02 Rev D – received 26.10.2018

Proposed Starbuck Shell Plan 2018/51/03 Rev A – received 26.10.2018

Proposed Starbucks Roof Plan 2018/51/04 Rev A – received 26.10.2018

Proposed Starbucks External Elevations - Sheet 1 2018/51/05 Rev B – received 26.10.2018

Proposed Starbucks External Elevations - Sheet 2 2018/51/06 Rev B – received 26.10.2018

Proposed Site Signage Plan 2018/51/08 Rev D – received 26.10.2018

Site Location Plan 26102018 – received 26.10.2018

Topographic Survey & Floor Plans BS2359/09.16/01/JRR Rev A – received 26.10.2018

Indicative Drainage Layout 15343-202 Rev PI – received 22.01.2019

##### **2      **CONDITION: SPECIFIED USE RESTRICTION****

The premises shall be used for a Sui Generis A1 (d) and A3 use and purposes (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 80, 82, 85, 86, 89 and 102 of the National Planning Policy Framework 2018.

**3      CONDITION: DETAILS OF NEW JUNCTION**

**PRE-COMMENCEMENT**

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

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 91, 102, 108, 110 and 111 of the National Planning Policy Framework 2018.

Justification: To ensure that safe access can be appropriately accommodated within the design of the development.

**4      CONDITION: CAR PARKING PROVISION**

**PRE-OCCUPATION**

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 91,102, 105, 108 and 110 of the National Planning Policy Framework 2018.

**5      CONDITION: CYCLE PROVISION**

**PRE-OCCUPATION**

The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for staff (secure and covered) and customer bicycles (Sheffield type stands or similar) 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 CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 91, 102, 108 and 110 of the National Planning Policy Framework 2018.

## **6 CONDITION: CODE OF PRACTICE**

### PRE-COMMENCEMENT

Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 170, 178-183 of the National Planning Policy Framework 2018.

Justification: The measures will be required to ensure no impact on the local road network.

## **7 CONDITION: DRAINAGE**

### PRE-COMMENCEMENT

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Details of the existing drainage for the site should be submitted in order to confirm whether the proposed connection is an existing or new connection.  
Any new connection to the culverted watercourse will require landowner or riparian owner approval, Flood Defence Consent for Ordinary Watercourses and the construction details of the new connection submitted to the LLFA for approval.
- b) Pollution control methods and methods to protect the water environment and manage surface water run off during the demolition and construction phases should be included in the CEMP. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual.
- c) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take from the point of surcharge both on and off site, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is

reasonably practicable and safe to do so, ensuring that flows are directed away from property and public access areas.

- d) Details should be submitted of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan.

Justification: Because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

## **8 CONDITION: SOFT AND HARD LANDSCAPE WORKS**

Soft landscape works shall be carried out in accordance with drawing 2018/51/02 REV2 to include numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection. The landscaping plan shall be maintained in perpetuity unless otherwise agreed by the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 124, 127, 130, 170, and 175 of the National Planning Policy Framework 2018.



**9 CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY (EMES)**

PRE-OCCUPATION

Notwithstanding the submitted information prior to the occupation of the development hereby approved a Ecological Mitigation and Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. The submitted EMES shall detail the mitigation measures for the loss of habitat, and enhancement measures and also provide mitigation for the loss of 3 Silver Birch trees. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter, unless otherwise agreed by the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 124, 127, 130, 170, and 175 of the National Planning Policy Framework 2018.

**10 CONDITION: EXTERNAL MATERIALS**

PRE-COMMENCEMENT

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 124, 127, and 130 of the National Planning Policy Framework 2018.

Justification: To ensure that the materials are of a high enough quality for this location.

**11 CONDITION: HOURS OF OPENING**

The use hereby permitted shall not be open to customers or accept deliveries outside the following times: 06.00 hours to 22.00 hours Mondays to Saturdays inclusive and 06:00 hours to 22.00 hours on Sundays and Bank or Public Holidays. There shall be no deliveries before 07.00hrs.

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 and leaving the premises,

and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 170, 180-183 of the National Planning Policy Framework 2018.

## 12 **CONDITION: REFUSE STORE**

### PRE-OCCUPATION

Notwithstanding the approved details prior to the occupation of the development hereby approved full details of the refuse store shall be submitted and approved in writing by the Local Planning Authority. The details shall include details of screening and how refuse will be stored and collected. The development shall be carried out in accordance with the approved details and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development is compatible with the character and appearance of the area and does not cause any harmful impact on the street scene. In accordance with Policy CS34 of the Core Strategy and Policies DEV20 of the emerging Plymouth and South West Devon Joint Local Plan.

### **INFORMATIVES**

#### **1 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraph 38 of the National Planning Policy Framework (2018) the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

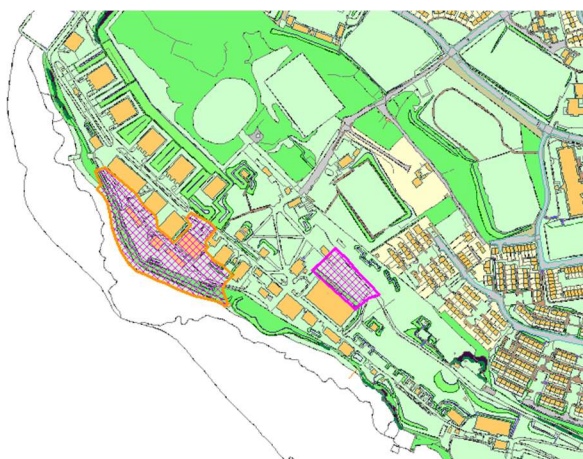
#### **2 INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION}**

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

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	18/01947/CDM	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	15.11.2018	<b>Ward</b>	ST BUDEAUX
<b>Site Address</b>	Kinterbury Point Hmad Bullpoint HMNB Devonport Plymouth PL2 2BG		
<b>Proposal</b>	Condition Discharge: Conditions 3, 4, 5 & 7 of application 15/01271/FUL		
<b>Applicant</b>	Mr Steffan Shageer		
<b>Application Type</b>	Condition Discharge Request		
<b>Target Date</b>	<b>10.01.2019</b>	<b>Committee Date</b>	<b>14.02.2019</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Service Director of SPI		
<b>Case Officer</b>	Mr Chris King		
<b>Recommendation</b>	Agree to discharge Condition 7		



The Condition Discharge Application has been referred to Planning Committee by the Service Director for Strategic Planning and Infrastructure (SP&I) due to public interest reasons following the inclusion by members of Condition 7 by Planning Committee in the planning consent for application 15/01271/FUL

Members will note that this Condition Discharge Application relates to multiple conditions attached to planning permission 15/01271/FUL. However, this Condition Application has been referred to Planning Committee for consideration of Condition 7 – Noise Monitoring Scheme at Riverside Primary School only.

This report does make reference to Conditions 3, 4 and 5 however these are not the subject to consideration in this report. The information submitted in relation to them is either considered satisfactory or still being negotiated. The Local Planning Authority has not received any 3rd party objections to their discharge.

### **I. Relevant Planning Permission**

This Condition Discharge Application refers to following planning permission:

#### 15/01271/FUL

Proposed helipad and forward operating base to service the Fleet Helicopter Support Unit, comprising construction of helicopter landing site, demolition of three existing buildings, modification of part of an existing building, relocation of security fencing, construction of a new building to replace those demolished, and construction of a fuel bowser park.

#### Other Relevant Applications

#### 18/02099/AMD

Non-material Amendment application for 15/01271/FUL to amend the wording of Conditions 3, 4, 5 and 7.

Planning application 15/01271/FUL expired on the 4th February 2019 and although the applicant has submitted an application to discharge the pre-commencement conditions (18/01947/CDM), it is unlikely that they will be discharged in time to allow the development to commence before it expires.

The purpose of the Non Material Amendment (NMA) is to allow demolition of buildings BP003, BP004 and BP044 which can be reasonably undertaken in the timeframe thus allowing the development to commence and remain extant whilst the pre-commencement conditions are resolved satisfactorily.

No other works relating to the development will be able to take place until the conditions are formally discharged.

Officers have reviewed the NMA to vary the wording of Condition 3, 4, 5 and 7 of planning permission 15/01271/FUL to allow demolition and consider this acceptable on the following grounds:

- A Construction Environment Management Plan (CEMP) has been submitted and approved by the Lead Local Flood Authority meaning the water environment will be protected during the demolition phase
- The works are fairly limited and have Scheduled Monument Consent
- Officers will monitor the demolition and any works other than that required for the purposes of the demolition will result in enforcement action by the Local Planning Authority.

## **2. Description of Condition Discharge Application**

This Condition Discharge Application seeks formal discharge of the Conditions 3, 4, 5 & 7 of application 15/01271/FUL, and following the approval of application 18/02099/AMD (outlined above) they are worded as follows:

### **CONDITION 3: SURFACE WATER DISPOSAL**

No development other than the demolition of buildings BP003, BP004 and BP044 shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first brought into use.

Disposal of surface water details shall include, but not be limited to:-

- A Flood Risk Assessment for the site should provide evidence that the proposed drainage system including attenuation, can provide a 100 year return period (1% AEP) standard of protection plus a 30% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the drainage system is designed to the required standard
- As a brownfield site, the PCC Local Flood Risk Management Strategy (LFRMS) requires that rate of discharge from the site is limited to greenfield rates for a 1 % AEP (1 in 100 year return period) event with a 30% allowance for climate change. An un-attenuated surface water discharge to tidal waters maybe considered subject to controls and Environment Agency approval.
- The owner/manager (I would highlight that this maybe a public sewer and SWWW will need to be consulted) of the existing surface water and combined sewerage system should be consulted regarding any final proposal to connect surface water into the existing surface water/combined system. Evidence of agreement to connect to the existing surface water system should be submitted before the drainage proposals are accepted.
- A CCTV condition survey of the existing drainage system should be undertaken where it is being utilised.

Details are required of exceedance flow routes and how these flows are to be intercepted and contained on site within the proposed system. Exceedance flows should be directed away from public access areas.

- Opportunities to eliminate pollution from surface water run off should be taken. To minimise pollution being discharged into the sewer network, separate systems for roof and highway drainage is recommended. Surface water runoff from areas exposed to vehicles and fuel storage should be discharged via an interceptor or other method to remove potential pollutants.
- A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.
- The surface water drainage system including manholes and pipes should be designed in accordance with Sewers for Adoption 7th Edition (WRc 2012) where appropriate.
- A drainage pipe and manhole schedule will be required confirming pipes and materials.
- Details should be provided of the proposed silt traps and interceptors and the interconnecting drainage pipe material.
- As built record information will be required for the proposed drainage system including attenuation and interceptor systems.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure.

**CONDITION 4: EXTERNAL MATERIALS**

No development other than the demolition of buildings BP003, BP004 and BP044 shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can reasonably accommodate external materials those are acceptable to the local planning authority.

**CONDITION 5: PROGRAMME OF ARCHAEOLOGICAL WORK**

No development other than the demolition of buildings BP003, BP004 and BP044 shall be commenced until the applicant (or their agent or successors in title) has completed a programme of archaeological work, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification: To ensure that important archaeological features are properly protected / recorded before construction commences.

**CONDITION 7: NOISE MONITORING AT RIVERSIDE COMMUNITY PRIMARY SCHOOL**

No development other than the demolition of buildings BP003, BP004 and BP044 shall take place until a scheme for monitoring and reporting noise from the Helicopter Landing Site is submitted to and approved in writing by the Local Planning Authority. The focus of the noise monitoring shall be at Riverside Community Primary School, whereby noise levels shall not exceed 58dBLAeq (30min) during normal school term-time opening hours of 8.40am to 3.20pm Mondays to Fridays (excluding school break and lunch periods) when measured at the approved monitoring location.

The scheme shall include how noise will be recorded, and subsequently reported to the Local Planning Authority. The scheme will also state the frequency and duration of the monitoring scheme. The noise monitoring equipment shall be positioned in a suitable location, either at the School, or at a location deemed representative of the School, to accurately record noise associated with helicopter movements that have derived from the development hereby approved.

Furthermore, the scheme shall identify what methods for mitigation will be implemented if noise tolerances are exceeded on a regular basis to protect Riverside Community Primary School.

**Reason:**

To protect and reduce harm to Riverside Community Primary School caused by the helipad operations in accordance with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007; and paragraph 17 of the National Planning Policy Framework 2012.

**Justification:** To implement a suitable and robust noise monitoring programme to adequately protect the Riverside Community Primary School from any harmful effects of noise associated with the approved development

**3. 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.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007)

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex I of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. On 15 August 2018 the JLP Councils received a Post Hearing Advice Note from the Planning Inspectors. The inspectors state that "at this stage we consider that the JLP is a plan which could be found sound subject to main modifications" and, provided their views on further work and potential main modifications needed. The Council have prepared a schedule setting out the proposed Main Modifications and these are available for consultation until 3rd December 2018. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision, particularly if there are no substantive unresolved objections.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG).

**4. Analysis**

**Introduction**

I. 22. Planning permission 15/0271/FUL was presented to Planning Committee on 17th December 2015. Following a deferral by the Committee to add an additional Noise Monitoring Condition the Local Planning Authority was able to issue planning permission on the 4th February 2016.

2. The MOD has applied to discharge the pre-commencement planning conditions so that the helipad can be brought forward. Following the approval of the NMA application (18/02099/AMD) members are advised that contractors are on site and two of the three buildings earmarked for demolition have been demolished, with the third to be demolished in due course once a bat licence has been granted. The Local Planning Authority can confirm a material start on site therefore the planning permission is now extant.

#### Noise Monitoring Proposal

3. Condition 7 requires the submission of a scheme for monitoring and reporting noise from the Helicopter Landing Site. The primary focus of this condition is to protect Riverside Community Primary School to ensure that noise levels associated with the helipad Landing Site do not exceed 58dDLAeq (30min).

4. Public Protection has advised officers that current acoustic design standards for a new school building sets the limit at 60dDLAeq (30min) when measured externally, which exceeds the tolerances set by this planning permission.

5. The school is located south east of the Helicopter Landing Site however due to its elevated position it could be adversely impacted by flight activity. The flight path, as set out in the approved Environment Statement (ES) is along the Tamar River heading southwest towards Wilcove and Millbrook in Cornwall.

6. Since the submission of the application the Local Planning Authority has sought to negotiate a scheme that is acceptable to all interested parties. The current scheme that has been submitted proposed the following measures:

7. Noise monitoring shall be undertaken on a continuous basis throughout the first two years of opening.

8. In addition to the monthly reporting the results of this monitoring shall be reviewed at the following stages, and meetings held to discuss the findings:

- One month after the commencement of operations at the facility. Subject to agreement of all parties (the operator, school and Plymouth City Council), this meeting may be postponed by one month to allow collection of more representative data should operations during the first month not be considered representative.
- Six months after the commencement of operations at the facility;
- One year after the commencement of operations at the facility;
- eighteen months after the commencement of operations at the facility; and
- At the end of the second year of operations.

9. The applicant has added that 'If noise exceedances occur 10 times during the second year of operations at the facility, then continuous noise monitoring will continue for an additional year.'

10. The submitted report states that 'Noise monitoring shall be carried out by a suitably qualified, independent acoustic specialist. Monitoring will be carried out in accordance with the methodology specified in British Standard BS 7445 'Description and Measurement of Environmental Noise'. Good acoustical practice will be followed, care being taken to avoid the effects of local acoustic screening and acoustic reflections (i.e. at least 3.5 metres from any reflecting surface apart from the ground).'

11. It adds further that 'The instrumentation will log the LAeq parameter in 30 minute contiguous periods, whilst also logging shorter period time-history data (such as LAeq,1s) to aid in the identification of sound sources. The instrument should also record audio, triggered when high levels of sound are logged. The level of this trigger will need to be set by the acoustic specialist so that



suitable data to identify helicopter passbys is recorded whilst minimising unnecessary recording of spurious events.'

12. Following a meeting at the site with relevant stakeholders it was agreed that the noise monitoring equipment is to be located on the West facing side of the school buildings. The precise location of the monitoring equipment would be agreed in discussion with Riverside Community Primary School upon its installation and availability of a suitable power supply.

#### Mitigation

13. Condition 7 requires a mitigation strategy to be put forward. Section 7 of the submitted Noise Monitoring Scheme (Version 4) states that:

14. "Where the results of the monitoring indicate that the noise limit is exceeded and analysis indicates that this was due to operations from the Fleet Helicopter Support Unit, the Fleet Helicopter Support Unit will be notified and efforts shall be made to identify the causal factor(s). These factors and any remedial actions shall be discussed between the Fleet Helicopter Support Unit, the Local Planning Authority and the Riverside Community Primary School, with the aim of identifying operational changes which could be made to avoid future exceedances. Such remedial actions taken to avoid future exceedances shall be logged and reported to the Local Planning Authority.

Should the noise limit be exceeded after the initial monitoring period, a complaints procedure (as is conditioned by Condition 8 Pre-Operation Complaints Procedure planning permission 15/01271/FUL), will be in place. The procedure will be submitted and agreed by all stakeholders prior to operation of the helipad. This complaints procedure will have a mechanism for determining the need for further monitoring.

In the case that the condition has been breached more than 10 times in a calendar year and noise has exceeded 58 LAeq (30min), a monitoring and reporting regime similar to the regime for the initial year will be instigated for a period of 1 year, if during this year there are less than 10 breaches then the requirement for continuous monitoring will cease, however the complaints procedure will be in place for the operation life of the scheme. Based on the monitoring results, appropriate mitigation will be agreed upon between the Fleet Helicopter Support Unit, the Local Planning Authority and the Riverside Community Primary School and implemented."

#### Officer Assessment

15. As part of this Condition Discharge Application process Public Protection (PPS) has reviewed the submitted documentation. PPS were involved in the original planning application and provided advice at that stage to planning officers.

16. PPS have been involved throughout this Condition Discharge process including attending meetings with the applicant and have formally written notifying the Local Planning Authority that they do not object to the proposed Noise Monitoring Scheme that has been submitted.

17. Condition 7 does not set a minimum or maximum period for monitoring. There have been numerous versions of the Noise Monitoring Scheme submitted for review, and at this point officers have managed to negotiate a 2 years continuous monitoring, with fall-back positions for following years.

18. Ultimately the best scenario is that Noise Monitoring at Riverside Primary School continues in perpetuity. However, there is a cost associated with this and the longer this goes on the greater the expense. Officers have been advised in conversation that a scheme for 2 years of continuous monitoring as set out in the Noise Monitoring Scheme will cost the MOD approximately £45,000.

19. Officers have been advised that the equipment cannot be left sitting idle collecting data in the event that a complaint needs investigating after the 2nd year. The equipment will need to be maintained and calibrated; as if it is not calibrated the data cannot be relied upon. As has been set out under separate cover, the LPA has been advised that each subsequent year of monitoring would cost approximately £30,000 and the MOD is unable to commit to such an expense in perpetuity. Offices are mindful that this could have an adverse, counter-productive impact on the Flag Officer Sea Training (FOST) programme.

20. In the event that complaints are made of excessive noise following the 2 year period further monitoring will be required. This is set out in Section 7 of the Noise Monitoring Scheme (Version 4) and will be further bolstered when the applicant seeks discharge of Condition 8 – Complaints Procedure. Members are advised that the Helipad cannot become operational until condition 8 is successfully discharged.

21. Officers therefore need to consider what is ‘reasonable’ within the parameters of the imposed condition and the planning permission. Protecting amenity, health and wellbeing is a fundamental part of the planning process and during the planning application this was considered fully. However the ongoing viability of the Dockyard and its economic impact is a consideration given its importance locally, regionally and nationally.

22. The purpose of this condition is to ensure that when operational the tolerances are not exceeded. The planning permission restricts the number of flights to 100 per month/1000 per annum. Two years of monitoring is considered a reasonable time frame to assess the impact of the helipad in terms of noise levels at the school. Officers, in consultation with PPS are of the view that this period is likely to capture any particular intensive periods when the navy are training or on exercise.

23. The fall-back position following two years is the complaints procedure which is yet to be discharged, and will focus on the requirement to carry out further monitoring should a justified complaint be made. For clarity, and as set out in the report, a justified complaint refers to one or more helicopter movements at the time of the alleged occurrence where the noise limit (58 dBLAeq (30 min)) is exceeded. This can be verified by the LPA who will be supplied with all relevant data.

24. Officers are aware of the concerns raised by the School in relation to the proposal put forward. However, officers consider that the two year scheme, coupled with the mitigation and forthcoming complaints procedure, suitable safeguards are in place to ensure that the School and its pupils are not adversely impacted by this important military facility.

## **5. 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.

## **6. 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. Officers consider that local residents and users of Riverside Community Primary School are not discriminated against due to the monitoring imposed through condition 7 coupled with the complaints procedure required through condition 8.

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

In assessing this Condition Discharge Application, a balance has had to be found to protect Riverside Community Primary School and its students but also allow the MOD to effectively operate one of its many, nationally important roles. Officers have taken account of the relevant information submitted, the advice of Public Protection Officers and the concerns of Riverside Community Primary School and have concluded that the submitted Noise Monitoring Scheme (Version 4) is acceptable. Therefore, the recommendation is to 'Agree to the Discharge of Condition 7' of planning permission 15/01271/FUL.

Officer can confirm that Conditions 3, 4 and 5 are discharged (either in full or in part) in line with usual officer delegation process.

### **8. Recommendation**

In respect of the application dated 15.11.2018 it is recommended to Agree to discharge Condition 7.

### **9. Conditions / Reasons**

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

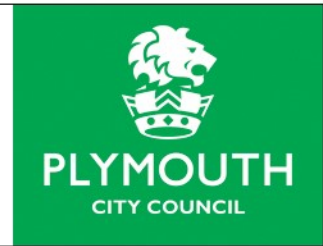
#### **I      CONDITION 7: NOISE MONITORING SCHEME - DISCHARGE AGREED**

The Local Planning Authority has been provided with a Noise Monitoring Scheme (Version 4) with respect to Condition 7 of planning permission 15/01271/FUL. Both the Public Protection Service and Planning Officers have reviewed this document which sets about a clear scheme for recording and monitoring noise, as well as outlining the methods for mitigation in the event that Helipad operations do not comply with set noise limit of 58dBLAeq (30 mins). The details are considered a satisfactory and reasonable approach therefore the Local Planning Authority can confirm that Condition 7 is discharged. The development shall therefore be carried out in strict accordance with the following document:

NOISE MONITORING SCHEME - VERSION 4 - 1ST FEBRUARY 2019

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# PLANNING COMMITTEE REPORT



<b>Application Ref</b>	WCA.012	<b>Ward</b>	Peverell
<b>Site Location</b>	Beechfield Grove to Venn Close		
<b>Proposal</b>	Addition of a public footpath		
<b>Applicant</b>	Mr Bentley Bennett		
<b>Committee Date</b>	14 February 2019		
<b>Case Officer</b>	Robin Pearce		
<b>Recommendation</b>	Approval		
<b>Click for documents</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>		



## 1. Description of site

- 1.1 The route being claimed is located in the Peverall Ward of Plymouth and runs from Beechfield Grove running along the western edge of Kings School to meet with Venn Close to the north. The path is open at both ends where it meets the public highway. The southern section has recently been upgraded and adopted due to development of the former Plymouth Preparatory School by Linden Homes.

## 2. Proposal description

- 2.1 Mr Bennett (the Applicant) has applied to have the Definitive Map and Statement modified on the basis he believes it to be currently incorrect. Mr Bennett's case is that the public record can be corrected by the addition of a public footpath from Beechfield grove to Venn Close. Mr Bennett provides the evidence of a number of local people who have also used the route as a useful pedestrian route to and from the nearby Morrison's supermarket and who say they have used the route to access a local school.

## 3. Background papers

- 3.1 Attention is drawn to the accompanying background papers which should be read in conjunction with, and are deemed to form part of, this report. Due to the size of those papers they are available online at <http://www.plymouth.gov.uk/parkingandtravel/walkingandrightsway/publicrightsway/changesrightsway>

## 4. Legislative Framework

- 4.1 This is a report of an application for an Order to be made under section 53 of the Wildlife and Countryside Act 1981 to modify the definitive map and statement of public rights of way by the addition of a public footpath. The definitive map and statement is a legal record held and maintained by the City Council in its capacity as surveying authority under the 1981 Act.
- 4.2 The test that applies to such an application is whether or not the evidence shows that a public right of way exists, or is reasonably alleged to exist: the Committee's role is therefore a quasi-judicial one. Factors such as the desirability of the route being a public footpath or the impact on landowners and occupiers are not relevant to the decision on the application.
- 4.3 If the Committee decides to make an order, it has to be publicised: if any objections are received, the order and objections have to be referred to the Secretary of State for Environment, Food and Rural Affairs on whose behalf the Planning Inspectorate makes the final decision on the order.

- 4.4 If the Committee decides not to make an order, the applicant has a right of appeal to the Secretary of State for Environment, Food and Rural Affairs on whose behalf the Planning Inspectorate decides whether or not to allow the appeal. If the appeal is allowed the City Council will be directed to make an order, although it is not then obliged to support such an order if there are objections.

## 5. The Application

- 5.1 An application was received on 28 January 2014 from Mr Bennett for the making of a Modification Order under section 53 of the Wildlife and Countryside Act 1981.
- 5.2 At the time the application was made the applicant certified that the requirements of paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981 had been complied with in that he had requested that notice to the landowner may be served by serving notice on the land, no landowner having been identified.

## 6. Summary of the evidence relied upon by the applicant

- 6.1 The applicant relies upon the evidence of other users of the route he is attempting to claim to make out his case. That evidence shows use to a varying extent by 14 users, including the applicant, going back to the 1960's. The applicant also included historic Ordnance Survey maps to support his case.

## 7. Summary of the landowners' views and any evidence they provided

- 7.1 The claimed route is unregistered land and no response to the notice served on the land was received by any person claiming to be the landowner

## 8. Summary of the views of those consulted as part of informal consultations

- 8.1 The usual consultations have been undertaken with interested parties, such as the emergency services and user groups and no adverse comments have been received.

## 9. The date that public rights were brought into question

- 9.1 If section 31 of the Highways Act 1980 is to be used for the grounds of the application it is necessary to establish a date that public rights were first challenged so that retrospective evidence of 20 or more years use, as of right and without interruption, may be considered

to determine whether or not public rights have accrued and become established by presumed dedication.

- 9.2 There is no clear evidence in the user evidence forms which suggest that there has been an overt attempt to prevent public access. The catalyst for the application appears to be a fear of the loss of the path due to development of the adjacent land. Primarily a boundary wall facing collapse and the temporary closure of the path for the adjacent landowner to facilitate repairs brought the matter of the footpath to the public's attention. Without an effective date of challenge the date the application was received is the end of the relevant 20 year period. It is considered, therefore, that the date on which the right of the public to use the way was brought into question was 2014, and the relevant period (which, under section 31 of the Highways Act 1980, has to be counted back from the date of challenge) is 1994 - 2014. Evidence of use prior to the earlier date, although not directly relevant for the purposes of section 31, is relevant to the extent that it provides evidence of the reputation of a way used over a long period of time, with the use during the relevant period being seen as a continuation of that use.

## 10. Analysis of the evidence in support of the application

- 10.1 The applicant relies on the evidence of users of the claimed route to support his case. There is no relevant documentary evidence submitted. Therefore the relevant tests for consideration by Members are set out under section 31(1) Highways Act 1980. If an Order were to be made it would be made under section 53(3)(b) Wildlife and Countryside Act 1981.
- 10.2 The test under section 31(1) Highways Act 1980 is a two part test. Firstly it is necessary for the applicant to provide evidence that the claimed route, which must be a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years. If the applicant can meet that test the rebuttal applies which is a matter for the owners and occupiers of the land over which the alleged route subsists to engage. This is a section of the Highways Act which has helpfully been tested by the courts and so we can offer the committee clear guidance on how they should interpret the evidence before them.
- 10.3 Firstly the applicant must satisfy the committee that the claimed route has been actually enjoyed. This simply means that there must have been sufficient use of the claimed route and will vary depending on the circumstances of each case. What might constitute sufficient use in remote Dartmoor might not be considered sufficient use in urban Plymouth.
- 10.4 Secondly use must have been 'by the public' which is to say the public at large rather than a particular class of the public such as employees of a particular company or customers of a particular shop.
- 10.5 Thirdly use must have been 'as of right' the meaning of which was helpfully clarified by the House of Lords in *R v Oxfordshire County Council ex parte Sunningwell Parish Council* (Sunningwell). Before Sunningwell it was held that use which was as of right was use which was open, not by force and without permission and in addition users were required to hold an honest belief that they had a right to use the way in question. It was therefore necessary to prove the state of mind of the user. Sunningwell confirmed that the state of mind of the user is an irrelevant consideration.



10.6 Finally it is necessary for the applicant to prove that use of the claimed route occurred over a full period of 20 years without any interruption in that use. An interruption can be nothing more than the closing of the claimed route for a single day but may also include isolated acts of turning users back etc.

10.7 Taking the above into account we aid committee by offering our summary of each of the users evidence in turn: -

Mr B. Bennett (applicant), 1984 - 2014, up to 200 times a year using the path twice weekly upto the point the application was made.

Ms P. Bassett, 1980 - 2013, used the path at least weekly.

Mr. N. Palmer-Still, 1984-2013, 186 times a year

Mrs.B. Watson, 1967-2013, approx. 365 times a year

Mr. C. Woodman, 1968 - 2013 , approx 500 times per year to and from school, work and local shops

Mrs. J. Woodman., 1968 – 2013. Used daily during the 1970's when her children were at school and three times a week following that.

Mr. A. Sutton, 1984-2013, 200 times a year

Dr. P. Robinson, 1984-2014, 300+ times a year

Mrs. M. Edwards, 1990-2014, at least 50 times a year

Mr. R. Cole, 1984-2014, 200 times a year

Mr. T. Evans, 1974 – 2014, approx 6 times a year

Mr. K. Loze. 1980 – 2014, used weekly

Mr. D. Pawley, 1985 – 2014, used 100+ times a year

Mr. R. Atkin, 1991 – 2014, used 6 times a year

10.8 Given the quality of the evidence in the context of the application site this is considered to be sufficient evidence to give rise to a presumption of dedication

## 11. Analysis of the evidence against the application

11.1 No evidence against the application was received.

## 12. Officer Recommendation

12.1 Members must be satisfied that two tests have been met. The first relates to the case made out by the applicant in establishing use, by the public, as of right and without interruption for a full period of 20 years. I conclude that on the basis of the written evidence, this part of the test has been met in respect of the application route.

- 12.2 I further conclude that there is no evidence that any landowner took sufficient steps to prevent a public right of way accruing and that the application therefore succeeds in respect of this test.
- 12.3 The officer recommendation to Committee is that an Order be made to add to the definitive map a public footpath along the route applied for.

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

Cases outstanding	307
Cases received this month	38
Cases closed this month	27
(No breach identified)	(14)
(Informal/formal action taken)	(13)
Planning Contravention Notices issued	1
Planning Enforcement Notices issued	0
Temporary Stop Notices (TSN) issued	1
Untidy Land Notices issued	0
Prosecutions initiated	0

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# Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
07/01/2019	Agreed	18/01864/CDMLB	Mr Vince Rosson	Condition Discharge: Condition 3 of application 17/01771/LBC	16-20 Duke Street Plymouth PL1 4EA	Mr Chris King
08/01/2019	Agreed	18/01755/CDM	Taylor Wimpey (Exeter)	Condition Discharge: Condition 3 (Highways Phasing Plan) of application 18/00011/REM	Parcel M, Phase 1.1, "Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road	Mr Tom French
08/01/2019	Agreed	18/01756/CDM	Taylor Wimpey (Exeter)	Condition Discharge: Condition 3 (Highways Phasing Plan) of application 15/00517/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road Elburton Plymouth PL9 8DD	Mr Tom French
08/01/2019	Granted Conditionally	18/01903/FUL	Mr Kevin Buckley	Conversion of garage into residential annexe	40A Colesdown Hill Plymouth PL9 8AE	Mr Sam Lewis
08/01/2019	Granted Conditionally	18/01980/FUL	Mr & Mrs Preece	Revised application for deletion of dormer including raised gable to pitched roof (revision to approval 17/00253/FUL)	116 Fort Austin Avenue Plymouth PL6 5NP	Mrs Alumecci Tuima
08/01/2019	Refused	18/02107/AMD	M Colin Salisman	Non-material Amendment: Changes to south elevation to show revised wall arrangements and retention of existing stonework at junction with adjoining existing property to application 17/01997/FUL	23 How Street Plymouth PL4 0DB	Mr Chris King
08/01/2019	Granted Conditionally	18/02136/ADV	Ms Anna Navas	Internally illuminated signage to corner of theatre block.	Plymouth College Of Arts Tavistock Place Plymouth PL4 8AT	Mr Mike Stone
09/01/2019	Granted Conditionally	18/01884/FUL	Mrs N Phillips	Raised balcony deck and replacement of existing window with French doors	13 Fore Street Plympton Plymouth PL7 1LZ	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/01/2019	Granted Conditionally	18/01281/FUL	Mr Trevor Nelder	Single storey side and rear extension	Telegraph Cottage Drunken Bridge Hill Plymouth PL7 1UG	Mr Mike Stone
10/01/2019	Granted Conditionally	18/01282/LBC	Mr Trevor Nelder	Single storey side and rear extension	Telegraph Cottage Drunken Bridge Hill Plymouth PL7 1UG	Mr Mike Stone
10/01/2019	Refused	18/01825/FUL	Mr Milan Patel	Change of use from dwelling (Class C3) to 5-bed HMO (Class C4) (retrospective)	47 Ford Park Road Plymouth PL4 6NU	Mr Chris Cummings
10/01/2019	Granted Conditionally	18/01863/FUL	Mr Paul Willerton	Erection of new Merchant Navy & Fishing Fleet memorial	The Promenade The Hoe Plymouth	Mrs Alexandra Pickstone
10/01/2019	Granted Conditionally	18/01917/FUL	Plymouth Community Homes	Removal of existing concrete panels and windows and installation of new cladding panels and windows.	Residential Blocks Frankfort Gate (West End Gables)	Mr Mike Stone
10/01/2019	Granted Conditionally	18/01939/TPO	Mr Alan Pearson	2 x Leylandii - fell.	131 Looseleigh Lane Plymouth PL6 5HW	Mrs Jane Turner
10/01/2019	Granted Conditionally	18/01941/FUL	Plymouth Community Homes	Removal of existing concrete panels and windows and installation of new cladding panels and windows.	Residential Blocks Frankfort Gate (East End Gables)	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/01/2019	Granted Conditionally	18/01949/TCO		Reduce/crown lift 9 trees within graveyard section in Wantage Gardens: 4x trees (3 Sycamore and 1 Horse Chestnut) next to the block of flats in the corner directly behind front stone wall - reduce down to 1 metre high. 1x tree the other side behind the wall - reduce to 1 metre to prevent further damage to the stone wall foundations. 4x Cherry Blossom trees planted in a square around the centre - raise the crowns to 2.4 metres.	Wantage Gardens Plymouth PL1 5DN	Ms Joanne Gilvear
10/01/2019	Granted Conditionally	18/01950/TPO	Mr Masson	(T1) Lime - Re-pollard to original pollard points.	2 Collingwood Villas Collingwood Road Plymouth PL1 5NZ	Mrs Jane Turner
10/01/2019	Granted Conditionally	18/02000/TCO	Mr Terrance Higgins	Conifers - trim back 1.5m to fence line Lime tree (near gate) - trim back stray branches to suitable growth points by 2m from entrance. Pine tree - clear stray branches to suitable growth points from house by 2 to 3m sever ivy Holm Oak - trim back to suitable growth points by 2 to 3m from house and roof Lime trees - re-pollard to previous pollard points Oak (at rear of house) - trim back to suitable growth points from house by 3m.	Wingfield Mansions 137 Wingfield Road Plymouth PL3 4ER	Ms Joanne Gilvear
10/01/2019	Granted Conditionally	18/02043/FUL	Mr Colin Marshall	Single storey rear extension and decking.	41 Woodway Plymouth PL9 8TR	Mr Mike Stone
10/01/2019	Granted Conditionally	18/02050/FUL	Mr & Mrs Hockings	Two-storey and single storey rear extension, front porch and alterations to existing detached garage roof	37 Greenacres Plymouth PL9 7EW	Mr Chris Cummings
10/01/2019	Granted Conditionally	18/02051/FUL	Mr Paul Lees	Re-cladding and internal alterations	Fire Station Ferndale Road Plymouth PL2 2EL	Mr Chris Cummings

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/01/2019	Granted Conditionally	18/02070/FUL	Mr Philip Richman	Front porch	22 Furland Close Plymouth PL9 9NG	Mr Chris Cummings
10/01/2019	Granted Conditionally	18/02077/FUL	Nasos and Joanna Chatziagynou and Mikus	Single storey rear extension	6 Catalina Villas Plymouth PL9 9XQ	Mr Mike Stone
10/01/2019	Granted Conditionally	18/02089/FUL	Mr Matt Chubb	Change of use to include Use Classes B1, B2 and B8 in addition to existing permitted Use Class D2 (gymnasium).	Unit 19, Bell Park Bell Close Plymouth PL7 4TA	Mr Chris Cummings
11/01/2019	Granted Conditionally	18/01659/FUL	Mrs Michael Stonehouse	Proposed new dwelling within the garden (Resubmission of 18/00555/FUL)	19 Chaddlewood Close Plymouth PL7 2HR	Mr Mike Stone
11/01/2019	Granted Conditionally	18/01943/FUL	66 Ganges Road Ltd	Installation of external steps to access pavement and boundary fence	Flat 1, 66 Ganges Road Plymouth PL2 3AZ	Miss Carmell Thomas
11/01/2019	Granted Conditionally	18/02005/FUL	Mr Rick Gannon	Part two-storey and part single storey rear extensions including garage and mezzanine over	6 Wellington Street Stoke Plymouth PL1 5RT	Mrs Alumeci Tuima
11/01/2019	Granted Conditionally	18/02009/TCO	Mr Andy Potter	Willow tree at the service lane end of our garden - pollard the tree (reduce it's height by about 5 metres and bring the branches below the cables.)	31 Thorn Park Plymouth PL3 4TE	Ms Joanne Gilvear
11/01/2019	Refused	18/02128/AMD	Sutton Harbour Services Ltd	Non-material amendment for application 17/02323/FUL to reduce the height of the approved building	Harbour Arch Quay Sutton Harbour Plymouth PL4 0HN	Mrs Janine Warne



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
15/01/2019	Granted Subject to S106	17/02091/FUL	Mr R Pillar	Alterations & extension to comprise 66 student bed spaces and A1, A2, A3 and/or B1 ground and lower ground floor use with part retention of existing private members club	41 North Hill Plymouth PL4 8EZ	Mrs Karen Gallacher
15/01/2019	Granted Conditionally	18/02001/FUL	Mr & Mrs Broadway	North and south dormer extensions, front porch and hardstanding	2 Mena Park Close Plymouth PL9 8QB	Mrs Alumeci Tuima
15/01/2019	Granted Conditionally	18/02016/FUL	Mr Sathiyamoorthy Krishnakumar	Change of use and conversion of 1st and 2nd floors from a single residential unit to two self-contained flats with, garage parking spaces and bike/bin store	45 Mutley Plain Plymouth PL4 6JQ	Mr Mike Stone
15/01/2019	Granted Conditionally	18/02020/FUL	Mr Michael White	Rear extension	1 Kirkdale Gardens Plymouth PL2 2RQ	Mrs Alumeci Tuima
17/01/2019	Granted Conditionally	18/00995/REM	English Cities Fund	Reserved matters following outline application 14/01448/OUT for 58 residential dwellings, hotel, ground floor retail/leisure uses & associated works	Plot C1 Millbay Plymouth	Miss Katherine Graham
17/01/2019	Granted Conditionally	18/00996/FUL	English Cities Fund	Temporary surface car park	Isambard Brunel Way Millbay Plymouth	Miss Katherine Graham
17/01/2019	Granted Conditionally	18/01956/TPO	Hi-Line Contractors SW LTD	T1 Sequoia - a) Crown lift branch overhanging conservatory 3m b) Reduce lower 2 or 3 branches overhanging neighbouring property by 2m. c) Crown lift branch growing into Yew by 2m as illustrated in photos contained in email of 15/1/19.	Flat 3 4 Woodside Plymouth PL4 8QE	Ms Joanne Gilvear
17/01/2019	Granted Conditionally	18/01970/TPO	Mrs Stokes	3x Beech - Raise crown to 5.2 metres over highway and footpath; and to 3 to 4 metres over garden. Reduce over-extended spikes by 1 to 2 metres. As agreed in email of 15/1/19.	1A Dolphin Court Road Plymouth PL9 8RS	Ms Joanne Gilvear

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
17/01/2019	Granted Conditionally	18/02040/TCO	Mr Timothy Lambie	2x Yew Trees - reduce branches overhanging,no.18 by 1 to 1.5 m back to boundary wall. 1x Magnolia - reduction crown by 1 to 1.5 m	18 Thorn Park Plymouth PL3 4TG	Ms Joanne Gilvear
17/01/2019	Granted Conditionally	18/02055/TCO	Mrs Mary Wilson	Sycamore (T1) - Crown raise to 7m above street level. Monterey Cypress (T2) - Crown raise to 7m above street level. Monterey Cypress (T3) - Crown raise to 7m above street level. Bay (T4) - Reduce height by 3m and crown raise to 6m above street level. Sycamore (T5) - Crown raise to 7m above street level.	Windsor Lodge Mannamead Avenue Plymouth PL3 4SP	Ms Joanne Gilvear
18/01/2019	Granted Conditionally	18/01998/TCO	Mr Micah Faure	Tree - reduce lowest overhanging branches only by 2 to 3 metres to natural growth points (do not go beyond the boundary without the permission of the owner of the tree).	Tops Day Nursery Bretonside 30 Looe Street Plymouth PL4 0EA	Mrs Jane Turner
21/01/2019	Refused	18/01927/AMD	Ms Gerran McCrea	Non-material Amendment: Improvements to the Operational Odour Dust and Litter Management Plan for planning application 11/00750/FUL	Land At North Yard, H. M. Naval Base Devonport Close To Weston Mill Creek And Viaduct Plymouth PL2 2DQ Plymouth PL2 2DQ	Mr Alan Hartridge
21/01/2019	Granted Conditionally	18/01964/S73	Mr Jason Ellicott	Variation of condition 2 and 6 of application 17/01967/FUL to remove trees on site and alter the levels of garden area and retaining wall.	Land Beside 1 Great Woodford Cottages Great Woodford Drive Plymouth PL7 4RP	Miss Amy Thompson
21/01/2019	Refused	18/02003/AMD	Drake Circus Leisure Ltd	Non-material amendments to planning permission 17/01409/S73M, including the introduction of opening glazing facing Bretonside to Units 3 (first floor) and 15 (rooftop unit).	Bretonside Bus Station Bretonside Plymouth PL4 0BG	Mr John Douglass
22/01/2019	Agreed	18/01566/CDM	Becton Dickinson Vacutainer Systems	Condition Discharge: Conditions 3 & 4 of application 18/00486/FUL	Becton Dickinson Vacutainer Systems Belliver Way Plymouth PL6 7BP	Mr Simon Osborne

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
22/01/2019	Granted Conditionally	18/01598/FUL	Mr & Mrs Mousa & Laura Hassan	Change of use from Class A1 to Class A3 (restaurant/cafe)	43 North Hill Plymouth PL4 8EZ	Mr Chris Cummings
22/01/2019	Granted Conditionally	18/01748/FUL	Mr Richie Healy	Creation of 10no. Supported Living dwellings	Rockville 2A Rockville Park Plymouth PL9 7DG	Mr Oliver Gibbins
22/01/2019	Granted Conditionally	18/01955/FUL	Mr & Mrs King	Front porch, single storey side and rear extension and rear garden summer house	30 Dean Park Road Plymouth PL9 7NZ	Mrs Alumeci Tuima
22/01/2019	Granted Conditionally	18/02002/FUL	Mr & Mrs Robson	Two storey rear extension	7 Springfield Avenue Plymouth PL9 8PZ	Mr Mike Stone
22/01/2019	Granted Conditionally	18/02017/FUL	Mr Jasper Oliver	Proposed Private Motor Garage	128 Ladysmith Road Plymouth PL4 7NN	Mrs Alumeci Tuima
22/01/2019	Granted Conditionally	18/02018/FUL	Mr & Mrs Luke and Donna Mousley	Two-storey side extension	10 Thornyville Drive Plymouth PL9 7LF	Mrs Alumeci Tuima
22/01/2019	Granted Conditionally	18/02036/FUL	Mr Martin Newman	Erection of external cafe and WC and new pedestrian access to Outland Road	207 Outland Road Plymouth PL2 3PF	Mr Chris Cummings
22/01/2019	Granted Conditionally	18/02039/FUL	Mr & Mrs Paul Benney	Extension to existing detached garage for use as storage	81 Underlane Plymstock Plymouth PL9 9LA	Mr Mike Stone
22/01/2019	Granted Conditionally	18/02047/FUL	Mr Kevin Herbert	Single storey front extension	5 Ashleigh Close Plymouth PL5 4PY	Mrs Alumeci Tuima

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
22/01/2019	Granted Conditionally	18/02093/FUL	Mr Mark Hannaford	Single storey front/entrance porch extension	12 Totnes Close Plymouth PL7 2RN	Mr Mike Stone
23/01/2019	Granted Conditionally	18/01775/FUL	Mr Sam Milden	Two storey side extension	25 Lotherton Close Plymouth PL7 1QQ	Mr Mike Stone
23/01/2019	Refused	18/01935/FUL	Mr S Larson	Erection of 4 bed detached dwelling with integral garage, parking and amenity areas	Land At St Annes Road Plymouth PL6 7LW	Miss Amy Thompson
23/01/2019	Granted Conditionally	18/02090/FUL	Mr & Mrs Knapman	Rear extension	44 Torridge Road Plymouth PL7 2DQ	Mrs Alumeci Tuima
23/01/2019	Granted Conditionally	18/02106/FUL	Mrs Melanie Redding	Part single and part two storey rear extension.	31 Mount Gould Avenue Plymouth PL4 9HA	Mr Mike Stone
24/01/2019	Granted Subject to S106	17/02306/S73	Rotolok (Holdings) Ltd	Amend wording for conditions 7, 9, 10, 11, 12, 18, 23 & 28 of application 17/00336/FUL	Drakes Island Hoe Road Plymouth	Miss Katherine Graham
24/01/2019	Granted Conditionally	18/01701/FUL	Mr A Woodcock	Raise roof height and change from hip to gable roof, front and rear dormers and rooflights, part 2 and part 3 storey side extension.	112 Furzehatt Road Plymouth PL9 9JT	Mr Chris Cummings
24/01/2019	Granted Conditionally	18/01969/TPO	Mr Norman Aitken	1x Monterey Pine - Fell. 3x Monterey Pine - Raise crown to maximum of 3m above ground level to clear sheds (no end weight reduction required agreed with agent 22/1/19).	61 Southway Lane Widewell Plymouth PL6 7DL	Mrs Jane Turner

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
24/01/2019	Agreed	18/01975/CDM	Mr Errol McKinon	Condition Discharge: Conditions 3, 5 & 11 of application 17/01246/FUL	Land Off Barton Road Turnchapel Plymouth	Mrs Karen Gallacher
24/01/2019	Granted Conditionally	18/02007/TPO	Dr C Michael Gillett	Lime - overall crown reduction of 2-3m to natural growth points (amendment agreed with owner on 16/1/19).	91 Looseleigh Lane Plymouth PL6 5HH	Mrs Jane Turner
24/01/2019	Granted Conditionally	18/02056/TPO	Mr John Warren	Common Ash Tree T28 re-pollard to previous pruning points. Yew T27: trim low level branches where they overlap neighbours fence (23 Burleigh).	24 Burleigh Manor Plymouth PL3 5NT	Ms Joanne Gilvear
24/01/2019	Granted Conditionally	18/02058/TPO	Mr Sid Remmer	Continue coppicing regime for 2018 and 2019	88 Grantley Gardens Plymouth PL3 5BS	Ms Joanne Gilvear
25/01/2019	Granted Conditionally	18/02063/FUL	Mr Paul Moxham	Side and rear extension	20 Longcause Plymouth PL7 1JB	Mrs Alumeci Tuima
28/01/2019	Granted Conditionally	18/02029/FUL	Mr A McCallien And Mrs R Martinez Alvarez	Loft conversion, rear extension with rear terrace and internal alterations	17 Birch Pond Road Plymouth PL9 7PG	Mrs Alumeci Tuima
29/01/2019	Granted Conditionally	18/01974/FUL	Mr J Guthrie	Raise ridge line of roof, hip-to-gable ends, and rear dormer.	11 Church Road Plymstock Plymouth PL9 9AJ	Mr Macauley Potter
29/01/2019	Granted Conditionally	18/01994/FUL	Miss Nicola Horley	Proposed single storey rear extension	4 Elmwood Close Plymouth PL6 7JY	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
29/01/2019	Granted Conditionally	18/01996/FUL	Mr Neil Cumming	Single storey rear conservatory and utility extension.	20 Dunstone Road Plymstock Plymouth PL9 8RQ	Mr Macauley Potter
29/01/2019	Granted Conditionally	18/01997/FUL	Mr & Mrs Osborne	First floor extension above existing garage and double height side extension.	15 Austin Crescent Plymouth PL6 5QD	Mr Macauley Potter
29/01/2019	Granted Conditionally	18/02015/FUL	Mr Brian Couch	No.3 industrial units (Class B1(b) & (c) and Class B2)	1 Lister Close Plymouth PL7 4BA	Mr Chris Cummings
29/01/2019	Agreed	18/02025/CDM	Mr John Henley	Condition Discharge: Condition 8 & 9 of application 18/00234/S73	Land North Of Cliff Road (Formerly Quality Hotel) Leigham Street Plymouth PL1 3BE	Mr Tim Midwood
29/01/2019	Granted Conditionally	18/02037/FUL	Mr & Mrs Richardson	The creation of ancillary accommodation in the garden of 84 Holne Chase to provide additional living and sleeping space, that is still dependant on the main dwelling.	84 Holne Chase Plymouth PL6 7UB	Mrs Karen Gallacher
29/01/2019	Granted Conditionally	18/02057/FUL	Mrs Kim Houghton	First floor extension above detached garage to form home office	7 Billacombe Villas Plymouth PL9 8AL	Mrs Alumeci Tuima
29/01/2019	Granted Conditionally	18/02102/FUL	Mr Tony Lane	Part two-storey front and side extensions, replacement front porch with balcony over	3 Ramage Close Plymouth PL6 8SQ	Mrs Alumeci Tuima
29/01/2019	Agreed	19/00067/CDM	Mr Lee Dunn	Condition Discharge: Condition 3 of application 16/02091/FUL	680 Wolseley Road Plymouth PL5 1JL	Mr Oliver Gibbins

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
30/01/2019	Granted Conditionally	18/01924/FUL	Plymouth City Council	Construction of approx. 200m of pedestrian / cycle path on former railway line using porous asphalt and geotextile mattress sub base method for root protection. Path to include a small deck structure at location of former railway overbridge. Path will connect Broxton Drive and existing off-road route from city centre to proposed new roundabout on Billacombe Road.	Railway Line Adjacent To Entrance Of Broxton Drive Plymouth	Mr Alan Hartridge
30/01/2019	Agreed	18/02045/CDM		Condition Discharge: Discharge condition 11 (Building Construction Details) for application 18/00011/REM	Parcel M, Phase 1.1, "Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road	Mr Tom French
31/01/2019	Agreed	16/01321/CDM	Mr M Davey	Condition Discharge: Conditions 3, 4, 5 & 12 of application 16/00129/FUL	Boringdon Park Golf Course, 55 Plymbridge Road Plymouth PL7 4QG	Mr Mike Stone
31/01/2019	Granted Conditionally	18/00287/ADV	Plymouth City Council	To display images on hoardings in association with the restoration of the Elizabethan House.	Land Near The Strand Tea Room Barbican Plymouth	Mr Mike Stone
31/01/2019	Granted Conditionally	18/01887/FUL	Miss Julie O'Brien	Conversion from offices (Class A2) into a 5-bed HMO (Class C4)	116 Albert Road Plymouth PL2 1AF	Mr Mike Stone
31/01/2019	Granted Conditionally	18/02010/FUL	Mrs Judy Hughes	Single storey rear extension (kitchen/dining area) with veranda	21 Plymbridge Road Plymouth PL7 4LQ	Mr Macauley Potter
31/01/2019	Granted Conditionally	18/02012/FUL	Mr Colin Jones	Sub-division of existing SPAR retail unit to form two retail units: unit A 170m2, unit B 104m2. Renewal of application	7 Wolseley Road Plymouth PL2 3AA	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
31/01/2019	Granted Conditionally	18/02042/TPO	Mr Darren Wotton	Hornbeam (T2) - Reduce lower branches overhanging garage of 19 Reservoir Rd back to boundary to a height of approx 10m above ground level. Hornbeam (T3) - Reduce lower branches overhanging garage of 19 Reservoir Rd back to boundary to a height of approx 10m above ground level. Hornbeam (T4) - Reduce lower branches overhanging garage of 19 Reservoir Rd back to boundary to a height of approx 10m above ground level (amendment agreed on site with owner 11/12/18)☒	4 Coach House Mews Plymouth PL9 8FS	Mrs Jane Turner
31/01/2019	Granted Conditionally	18/02067/FUL	Ms Hannah Shead	Change of use from a residential dwelling (Class C3) to a Training Centre (Class D1)	29 Sutherland Road Plymouth PL4 6BW	Mr Mike Stone
01/02/2019	Agreed	18/00100/CDM	CDS Superstores (International) Ltd	Condition Discharge: Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 of application 17/01288/FUL	Land On Seaton Hill (East Of Future Inn) William Prance Road Plymouth PL6 5ZD	Mr Alistair Wagstaff
01/02/2019	Granted Conditionally	18/02084/FUL	Mr & Mrs Turner	Rear loft conversion	15 Doddridge Close Plymouth PL9 9UP	Mrs Alumecci Tuima
04/02/2019	Granted Subject to S106	17/02505/FUL	Cartfield Ltd	Change of use and alterations of vacant unit to provide 2no. units inc a clinic (Class A1-A3 & Class D1), public house (Class A4) & gym (Class D2)	59 The Broadway Plymouth PL9 7AF	Mr Simon Osborne
04/02/2019	Granted Conditionally	18/01913/FUL	Mr Marcin Slowik	Alterations and two storey side extension	27 Roberts Road Plymouth PL5 1DL	Mr Macauley Potter
04/02/2019	Agreed	18/01951/CDM	Mr Jon Back	Condition Discharge: Condition 15 of application 17/01684/OUT	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Chris King



Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
04/02/2019	Granted Conditionally	18/02034/FUL	Mr Dale Mullen	Two storey front extension.	37 Smallack Drive Plymouth PL6 5EB	Mr Macauley Potter

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# Appeal Decisions between 06/01/2019 and 04/02/2019

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
24/01/2019	18/01016/FUL	2018/0021	Appeal Dismissed	APP/N1160/D/18/3214367
<b>Ward</b>				
Devonport				
<b>Address</b>				
14 Bakers Place Richmond Walk Plymouth PL1 4LX				
<b>Application Description</b>				
Dormer balcony extension				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mrs Alumeci Tuima		
<b>Synopsis</b>				
<p>Planning permission was refused for the construction of two large balcony/dormer additions to the front-facing roof slope. The balcony/dormer extensions were considered to be contrary to policies CS02 (Design) and CS34 (4 and 6) (General Considerations) of the adopted Core Strategy of the Local Development Framework (April 2007), policies DEV20 of the emerging Plymouth and South West Devon Joint Local Plan, the Development Guidelines Supplementary Planning Document (2013) and paragraph 64 of the NPPF. Having reviewed the application, and visited the site, the Inspector agreed with the Council and dismissed the appeal as he considered the proposed balcony/dormer extensions would be out of keeping with the property by virtue of their large size and visual prominence. The resulting dwelling would look unusual, and would not contribute positively to the streetscene. Furthermore, the Inspector noted that there were no similar large balcony/dormers in the street of a similar scale and design. An application for award of costs were submitted by the appellant who claimed that the Council had unreasonably refused the planning application, and that in their view the Council should have allowed time for the application to be amended. The Inspector disagreed with the applicant pointing out it was not unreasonable of the Council to determine the application as it stood, given the scale of changes that would have been required to make the development acceptable, particularly as it had already communicated its concerns to the applicant, and offered the opportunity to withdraw the application, and engage in negotiations on an amended scheme. No appeal costs were therefore awarded.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
24/01/2019	18/01017/FUL	2018/0022	Appeal Dismissed	APP/N1160/D/18/3214369
<b>Ward</b>				
Devonport				
<b>Address</b>				
12 Bakers Place Richmond Walk Plymouth PL1 4LX				
<b>Application Description</b>				
Dormer balcony extension				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mrs Alumeci Tuima		
<b>Synopsis</b>				
<p>Planning permission was refused for the construction of two large balcony/dormer additions to the front-facing roof slope. The balcony/dormer extensions were considered to be contrary to policies CS02 (Design) and CS34 (4 and 6) (General Considerations) of the adopted Core Strategy of the Local Development Framework (April 2007), policies DEV20 of the emerging Plymouth and South West Devon Joint Local Plan, the Development Guidelines Supplementary Planning Document (2013) and paragraph 64 of the NPPF. Having reviewed the application, and visited the site, the Inspector agreed with the Council and dismissed the appeal as he considered the proposed balcony/dormer extensions would be out of keeping with the property by virtue of their large size and visual prominence. The resulting dwelling would look unusual, and would not contribute positively to the streetscene. Furthermore, the Inspector noted that there were no similar large balcony/dormers in the street of a similar scale and design. An application for award of costs were submitted by the appellant who claimed that the Council had unreasonably refused the planning application, and that in their view the Council should have allowed time for the application to be amended. The Inspector disagreed with the applicant pointing out it was not unreasonable of the Council to determine the application as it stood, given the scale of changes that would have been required to make the development acceptable, particularly as it had already communicated its concerns to the applicant, and offered the opportunity to withdraw the application, and engage in negotiations on an amended scheme. No appeal costs were therefore awarded.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
29/01/2019	18/00853/FUL	2018/0023	Appeal Dismissed	APP/N1160/D/18/3214444
<b>Ward</b>				
Peverell				
<b>Address</b>				
3 Venn Way Plymouth PL3 5PN				
<b>Application Description</b>				
Demolition of conservatory and construction of new conservatory with room-in-roof and basement				
<b>Appeal Process</b>		<b>Officers Name</b>		
Written Representations		Mr Mike Stone		
<b>Synopsis</b>				
<p>Planning permission was refused for a two-storey rear extension as it was considered to appear dominant and overbearing when viewed from the neighbours garden. This would have been contrary to Local Development Framework Core Strategy policy CS34.3 and 6 and emerging Plymouth and South West Devon Joint Local Plan policies DEV1 and DEV20. It was also felt to be contrary to paragraph 2.2.30 of the Development Guidelines SPD and paragraph 130 of the NPPF (2018). The application was the third attempt by the appellant to gain approval for a two-storey extension, all previous versions were refused. Having reviewed the application, and visited the site, the Inspector supported the Councils view that the combination of the extent, proximity to the boundary, and height of the extension would result in it having an overbearing impact on the occupants of 5 Venn Way. It was therefore contrary to policy CS34. The inspector noted that the appellant could have built a large outbuilding under permitted development but the bulk of this would have been less than the proposed scheme. He also commented that the appellant could have allowed a high hedge or tree screen to grow up. This would have been closer to the appellants property and it would have been in their interests to keep it at a reasonable height to protect their own living conditions, so again, it would not have had the same dominant impact. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

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