



#plymplanning

Oversight and Governance

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PLANNING COMMITTEE

Thursday 18 July 2019
4.00 pm
Council House, Plymouth

Members:

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Mrs Bridgeman, Corvid, Davey, Derrick, Loveridge, Morris, Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin 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

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 27 June 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.

6.1. 8 Birch Pond Road, Plymouth, PL9 7PG - 19/00524/FUL

(Pages 7 - 14)

Applicant:	Mr Shaun Bow
Ward:	Plymstock Radford
Recommendation:	Grant Conditionally
Case Officer:	Mr Chris Cummings

6.2. 2E Pemros Road, Plymouth, PL5 1ND - 19/00788/FUL **(Pages 15 - 22)**

Applicant: Ms Andrea Glanville
Ward: St Budeaux
Recommendation: Grant Conditionally
Case Officer: Mr Chris King

6.3. 646 Wolseley Road, Plymouth, PL5 ITE - 19/00644/FUL **(Pages 23 - 32)**

Applicant: Mrs Johanne Honey
Ward: St Budeaux
Recommendation: Grant Conditionally
Case Officer: Mr Jon Fox

7. Planning Enforcement (Pages 33 - 34)

8. Planning Application Decisions Issued (Pages 35 - 46)

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

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- 3) Applications withdrawn;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

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

9. Appeal Decisions (Pages 47 - 52)

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:

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

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Planning Committee

Thursday 27 June 2019

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Bridgeman, Corvid, Derrick, Loveridge, Lowry (Substitute for Councillor Davey), Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin and Winter.

Apologies for absence: Councillor Davey.

Also in attendance: Peter Ford (Head of Development Management, Strategic Planning and Infrastructure), Chris Cummings (Planning Officer), Macauley Potter (Planning Officer), Jon Fox (Planning Officer), Mark Lawrence (Lawyer), Helen Rickman (Democratic Adviser) and Helen Prendergast (Democratic Adviser).

The meeting started at 4.00 pm and finished at 5.20 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

14. **Declarations of Interest**

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

15. **Minutes**

Agreed the minutes of the meeting held on 30 May 2019 as an accurate record.

16. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

18. **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.

19. **60 Wain Park, Plymouth, PL7 2HX - I9/00831/FUL**

Mr and Mrs Anderson

Decision:

Application GRANTED conditionally.

20. **8 Birch Pond Road, Plymouth, PL9 7PG - I9/00524/FUL**

Mr Shaun Bow

Decision:

Application DEFERRED to enable officers to negotiate revised plans with the applicant, specifically with regards to consideration around the amendments to, or removal of the balcony and to consider whether permitted development rights should be removed for any amended balcony proposal.

(Councillor Maddi Bridgeman's proposal to defer the application, seconded by Councillor Winter, was put to the vote and agreed)

(A Planning Committee site visit was held on 26 June 2019 in respect of this item)

21. **Speedway Track, Plymouth Road, Plymouth - I8/02083/S73**

Mr Phillips

Decision:

Application GRANTED conditionally.

(The Committee heard from the applicant's agent)

22. **Planning Enforcement**

Members noted the Planning Enforcement report.

23. **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.

24. **Appeal Decisions**

The Committee noted the schedule of appeal decisions made by the Planning Inspectorate however highlighted the following:

- Planning application I8/00201/ENF (9-10 Ermington Terrace Plymouth). The Chair, Vice Chair and Shadow Lead for Planning would be provided with a briefing note providing more detail on the circumstances that led the Inspector to consider that the requirement for a manager's office was not enforceable.

- Planning application 17/02456/FUL (White Lady Road Plymouth). Peter Ford highlighted the Inspector's decision to dismiss the appeal and not to agree the costs claim against the council.

25. **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.

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PLANNING COMMITTEE – 27 June 2019

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	60 Wain Park, Plymouth, PL7 2HX – 19/00831/FUL Vote to grant.	Councillors Stevens, Tuohy, Bridgeman, Loveridge, Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry, Derrick, Corvid and Winter.				Councillor Morris Councillor Davey (Councillor Lowry substituting)
6.2	8 Birch Pond Road, Plymouth, PL9 7PG – 19/00524/FUL Vote to defer	Councillors Stevens, Tuohy, Bridgeman, Loveridge, Nicholson, Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry, Derrick, Corvid and Winter.				Councillor Morris Councillor Davey (Councillor Lowry substituting)
6.3	Speedway Track, Plymouth Road, Plymouth – 18/02083/S73	Councillors Stevens, Tuohy, Bridgeman, Mrs Pengelly, Rebecca Smith, Ms Watkin, Lowry, Derrick, Corvid and Winter.	Councillors Loveridge and Nicholson.			Councillor Morris Councillor Davey (Councillor Lowry substituting)

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PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00524/FUL	Item	01
Date Valid	03.04.2019	Ward	PLYMSTOCK RADFORD
Site Address	8 Birch Pond Road Plymouth PL9 7PG		
Proposal	Single storey rear extension and first floor rear balcony (part retrospective)		
Applicant	Mr Shaun Bow		
Application Type	Full Application		
Target Date	29.05.2019	Committee Date	18.07.2019
Extended Target Date	14.06.2019		
Decision Category	Councillor Referral		
Case Officer	Mr Chris Cummings		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Mike Leaves

The application was deferred at Planning Committee on 27 June 2018 to allow for discussions with the applicant on amending the proposal to limit amenity impacts on neighbouring properties. The applicant agreed to extend the privacy screen on the north elevation to extend the entire length of the roof, 4.6 metres. It will have a height of 1.8 metres for the first 1.75 metres length, with the remainder sloping downward to a height of 1.1 metres where it meets the rear elevation. This will create an increased visual impact from the balcony, however due to the sloped nature of the extended aspect and lack of any further screening along the rear elevation of the building this level of harm is not considered significant enough to warrant a refusal.

The applicant also agreed to a condition restricting the installation of any fixed external lighting on the first floor rear elevation or balcony to protect neighbour amenity from light pollution.

Concerns were raised by Councillors regarding the level of development due to the rear extension at the site and whether further extensions allowed under permitted development would create overdevelopment of the site. As such, it is considered reasonable to remove the permitted development rights for extensions and alterations to the dwelling under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

1. Description of Site

8 Birch Pond Road is semi-detached dwelling in the Plymstock Radford ward of Plymouth. There is an attached dwelling to the south-east and a detached dwelling to the north-west. The site has a long rear garden.

2. Proposal Description

Single storey rear extension (retrospective) and first floor rear balcony

The original application was for a first floor rear balcony positioned on top of an existing single storey rear extension. Following examination of the rear extension it was determined that it did not fall within permitted development and planning permission was required. The proposal was then varied to include the extension, which was constructed in 2017.

During the resubmission of plans to include the rear extension the width of the balcony was also reduced to alleviate concerns over neighbour amenity.

3. Pre-application Enquiry

None

4. Relevant Planning History

None for application site. There are a number of relevant planning applications in the surrounding area:

10 Birch Pond Road - 19/00249/FUL - Proposed single storey side extension - Granted conditionally

14 Birch Pond Road - 98/00855/FUL - Two storey rear extension including first floor verandah - Refused

22 Birch Pond Road - 82/04010/FUL - Extension to dwelling house - Granted conditionally

24 Birch Pond Road - 94/00393/FUL - Single storey side extension and formation of balcony above - Granted conditionally

30 Birch Pond Road - 10/00466/FUL - Retention of single-storey rear extension incorporating roof balcony (variation to planning permission 06/02068) - Granted conditionally

5. Consultation Responses

None requested

6. Representations

Eight letters of representation have been received objecting to the proposal for the following reasons:

- Loss of privacy to neighbouring gardens
- Loss of privacy to habitable rooms
- Overlooking rooflight of recently approved extension of neighbouring property (19/00249/FUL).
- Overlooking from west (rear) window of extension
- Installation of French doors to allow access to balcony area
- Against Human Rights legislation to enjoy right to property
- No objection to the extension but against the balcony
- Loss of property value

Property value is not a material planning consideration. The other material planning considerations raised will be discussed in the analysis section of this report.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by Plymouth City Council on March 26th 2019.

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

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

- Development Guidelines Supplementary Planning Document

8. Analysis

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

The original proposal was solely for the first floor balcony. When assessing the proposal it was found that the rear extension was not permitted development and as such the proposal was revised to include this element within it.

The original balcony stretched the entire width of the single storey extension roof. This was considered by officers to be unacceptable and was reduced in size when the revised plans for the extension were submitted.

Single Storey Rear Extension

Design

The single storey extension is 'L-shaped', with the dog-leg element connect towards the set-back single storey garage. The surrounding properties have a variety of single storey extensions of different designs and the extension is not considered to be out of character with the surrounding street scene, with the extension replacing a single storey conservatory that was at the rear of the property.

The extension has a length of 4.6 metres at the shortest and 8 metres on the dog-legged section, with a width of 9.05 metres. The topography of the site is sloping and the dwelling is set above the garden level at a height of 0.43 metres on the southern side and 0.55 metres on the northern side. This gives a total height of the rear elevation of the extension of 3.43 metres on the southern side and 3.55 metres on the northern.

The rear extension element is not considered to be excessive in size and is clearly subordinate to the existing dwelling, there are a number of other rear extensions in the surrounding area and there is a clear precedent for single storey extensions in the area, of varying design.

The proposal is therefore considered acceptable in terms of design and is in accordance with Policy DEV20 of the Joint Local Plan and Paragraph 2.2.51 of the Development Guidelines SPD

Amenity

The extension is positioned close to the boundary with no.10 Birch Pond Road, to the south. There are no windows on this elevation and although the extension extends above existing fencing the northern position of the structure will limit any loss of daylight and sunlight to the small adjacent area. This adjacent area of the neighbouring property has a current planning permission for an extension in this affected area (Approval 19/00249/FUL) which would further reduce any amenity impacts on the neighbouring dwelling.

To the rear of the site there are large windows overlooking the long rear garden. Although there are views into parts of the rear gardens of neighbouring properties, these are areas of mutual overlooking, with similar views from the previous conservatory, first floor windows and rear elevation windows of neighbouring properties. There are therefore not considered to be any significant amenity impacts to the rear.

To the north the property is separated from no.6 by a driveway, fencing and bushes. There is not considered to be any significant loss of light to the north. There is a side window on the northern elevation and there is an element of overlooking generated of the neighbouring dwelling, with a distance of 10.85 metres between the two properties. The Development Guidelines SPD does not state a preferred distance between single storey extension windows and neighbouring property windows. The SPD does recommend a 21 metre distance for two-storey developments, however it notes in Paragraph 2.2.23 that an exception may be allowed where the extension is single storey and there is a boundary wall between the two properties.

In this instance there is fencing and hedges, with further separation by the driveway between the two dwellings. There is also a more pronounced level of overlooking from an unobscured first floor side window which, although serving a hallway, allows clear views into the side elevation of the neighbouring dwelling. In addition, permitted development does not place any restrictions on ground floor side windows as such if this window was to be removed a window could be placed adjacent to the existing side door that would have the same level of impact.

Although it is accepted that there is a level of privacy impacts to the north, the single storey nature of the extension, separation of the two dwellings, existing overlooking and permitted development

rights that create a less than significant level of harm to the neighbouring property.

The proposal is considered acceptable in terms of amenity impacts and accords with Policy DEV1 and Policy DEV2 of the Joint Local Plan.

Intentional Unauthorised Development

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

The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.

Balcony

The original proposal for the balcony was for it to be the width of the rear extension, 9.05 metres. Following discussions with the applicant regarding impacts on neighbouring properties it was reduced in size to 6.85 metres width, with a length of 1.75 metres.

Design

The majority of the balcony will be screened from public view by the existing dwelling, with the only visible element from the public highway being the privacy screen on the northern elevation. There are a number of rear balconies in the surrounding area, including at nos. 30, 24 and 22 Birch Pond Road and officers consider the proposal would not be out of character with the surrounding rear street scene.

The balcony will be constructed of glass and stainless steel, with 1.8 metre privacy screens at the each side elevation. This choice of materials is similar to many balconies throughout the city and is considered to be suitable. The materials are not listed on the plans and a condition is recommended on any approval to ensure the materials stated in the application form are used.

The proposal is considered acceptable in terms of design and complies with Policy DEV20 of the Joint Local Plan.

Amenity

Paragraphs 2.2.26 and 2.2.27 of the Development Guidelines SPD offer guidance on balconies, advising that the degree of overlooking must be considered and they should not impinge on neighbour privacy to an unacceptable extent.

The Planning Officer visited the site and the applicant had erected posts to signify the privacy screens, allowing a visible assessment of the potential privacy impacts on neighbouring properties and the mitigation offered by the screens.

To the north, the existing dwelling is already overlooked by the first floor side window. This window serves a hallway and not a habitable room, but the view is clear into all glazed windows of the side elevation of no.6 Birch Pond Road. There is also an existing overlooking element of the rear garden from the first floor windows and the rear extension (and previous rear conservatory).

No.6 has large glazed windows on the southern, side, elevation of the dwelling, however the use of a privacy screen would prevent any users of the balcony from viewing them. There will be a view over the rear garden of no.6, however this area is already overlooked from the existing rear windows of the application dwelling. A Juliet balcony at the application site, which could be constructed under permitted development, would also offer a similar level of privacy impact to no.6. It is therefore considered that although there is some privacy impacts to the neighbouring property it is not significant enough, due to the existing overlooking and the mitigation through the privacy screen, to refuse the application on these grounds.

To the south no.10 Birch Pond Road has a narrow horizontal window looking into a single storey extension. In addition, there is a proposed single storey extension that, if built, would have a clear roof lantern. The proposed privacy screen would obscure any views of either of these windows and is considered adequate mitigation to prevent any overlooking of the dwelling itself. The balcony will allow views over the rear garden of no.10, however due to the reduction in width, this has been reduced by being stepped back from the site boundaries. The overlooking is now similar to that of a Juliet balcony and that of the existing first floor rear elevation windows. There is also existing overlooking of the garden of no.10 from neighbouring properties to the south.

Due to the reasons discussed above, the amenity impacts are not considered to be significant increases on the current situation and the proposal is considered acceptable.

A condition is proposed on any approval to ensure the privacy screens are installed prior to first use and are retained at all times.

As outlined above the privacy screens offer suitable mitigation, and the level of impact on neighbouring dwellings is not considered to be significant due to the existing overlooking of neighbouring dwellings from both the application site and other neighbouring properties. The proposal is therefore considered acceptable in terms of amenity impacts in line with Policies DEV1 and DEV2 of the Joint Local Plan.

9. Human Rights

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

10. Local Finance Considerations

No charge under current schedule

11. Planning Obligations

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

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

12. Equalities and Diversities

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

13. Conclusions and Reasons for Decision

The extension is considered to be subservient to the existing dwelling and will not generate significant design or amenity impacts. The proposed balcony is primarily screened from view and, due to other balconies on Birch Pond Road, is not considered out of character for the area. Although there will be a level of amenity impacts the existing overlooking from the application dwelling and neighbouring properties, alongside the mitigation of the privacy screens, means this is not significant enough to warrant a refusal.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 03.04.2019 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

1 CONDITION: APPROVED PLANS

Site Location Plan 01042019 - received 01/04/19

Existing and Proposed Floor Plans and Elevations 02072019 received 02/07/19

Pre-extension elevations 10052019 - received 10/05/19

General Arrangement 10052019 - received 10/05/19

Reason:

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

2 CONDITION: COMMENCE WITHIN 3 YEARS - BALCONY

The first floor rear balcony hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: PRIVACY SCREENS

PRE-USE

Prior to first use of the balcony hereby approved the privacy screens on the north and south (side) elevations shall be installed. These privacy screens shall be as shown on the approved plans and shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5). The privacy screens shall then be retained in this manner in perpetuity.

Reason:

To protect the amenity and privacy of neighbouring dwellings in accordance with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019.

4 CONDITION: BALCONY MATERIALS

The balcony hereby approved shall be constructed of glass and stainless steel in accordance with the materials listed in the submitted application form.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019.

5 CONDITION: EXTERNAL LIGHTING

No fixed external lighting shall be installed on the approved balcony or the first floor rear elevation of the existing dwelling at any time.

Reason:

To protect the amenity of neighbouring properties from light pollution in accordance with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

6 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, shall be constructed to 8 Birch Pond Road without an application for planning permission and approval from the Local Planning Authority.

Reason:

In order to prevent overdevelopment of the application site in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

INFORMATIVES

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

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

2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

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

PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00788/FUL	Item	02
Date Valid	28.05.2019	Ward	ST BUDEAUX
Site Address	2E Pemros Road Plymouth PL5 IND		
Proposal	Change of use to tattoo studio (Sui Generis) (retrospective)		
Applicant	Ms Andrea Glanville		
Application Type	Full Application		
Target Date	23.07.2019	Committee Date	18.07.2019
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Chris King		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Sally Haydon

1. Description of Site

2A Pemros Road has been split into three parts, two being commercial for Business Rates known as 2D & 2E and the Flat above being 2C. 2E Pemros Road, the application site, is a modest ground floor commercial space located in the St Budeaux Ward of the City. The premises occupies half the ground floor of the building, with the adjoining half of the building operating as a Legal Practice (Class A2). The first floor provides 1.no C3 dwelling.

2. Proposal Description

The application seeks retrospective planning permission for the Change of use from Class A2 (Financial and Professional Services) to Sui Generis, to be used specifically as a Tattoo Studio.

3. Pre-application Enquiry

No pre-application enquiry with respect to this application

4. Relevant Planning History

16/02341/ADV - New shopfront signage - Permitted

16/01895/FUL - Replacement shopfront - Permitted

05/01691/FUL - Change of use of ground floor from shop (Class A1) to offices (Class A2) - Permitted

5. Consultation Responses

Local Highway Authority - No Objections

Public Protection Service - No Objections to proposal and have not suggested or required any specific opening hours.

6. Representations

The Local Planning Authority has received 38 letters of representation. Of these, 15 support the application and 19 object to the application. The letters are summarised as follows, and the material and non-material planning matters have been separated for clarity:

Support - Material

- o Bringing an empty unit back into use which has seen so many changes in the past few years
- o Supports the economy and creates jobs
- o Unlikely to result in parking or traffic issues
- o Clustering of uses is not unusual
- o Small businesses should be encouraged
- o Doesn't result in loss of amenity

Support - Non Material

- o Well run, hygienic business
- o Unlikely to harm established business

Object - Material

- o Will result in a loss of amenity and increases rubbish in the street
- o Harmful to the character of the area
- o Will result in parking and traffic issues
- o Inappropriate unit for the use
- o Could adversely impact children on their way to and from school
- o Not enough demand

Object - Non-material

- o Unhygienic
- o Poorly run, unprofessional business
- o Staff and clients congregate in the street smoking
- o Not needed as there is a tattoo studio across the road

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

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

the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

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

- o Retained Development Guidelines Supplementary Planning Document First Review (2013)
- o Retained Shopping Centres Supplementary Planning Document (2012)

8. Analysis

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

2. This application turns upon policies SPT1 (Delivering sustainable development), DEVI (Protecting health and amenity), DEVI6 (Providing retail and town centre uses in appropriate locations); DEVI8 (Protecting local shops and services); DEV20 (Place shaping and the quality of the built environment) and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

3. The principle issues are considered to be the impact of the change of use towards the function and vitality of the St Budeaux District Centre, residential amenity and parking and highways demands.

Intentional Unauthorised Development

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

5. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

6. It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this

aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

7. Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.

Principle of Development

8. The retained Shopping Centres Supplementary Planning Document (SPD) identifies the site as falling within the St Budeaux district centre but not within the primary shopping frontage. However, and following the review of the centres produced as part of the evidence base of the adopted Joint Local Plan, it no longer identifies the site as part of, or within the district centre. Given the change of the status of the site and the fact that the proposed use would attract people into the area in a way which isn't dissimilar to the previous A2 use, officers do not wish to raise any policy concerns regarding the change of use.

9. Whilst the proposed use may not be to everyone's taste it does not result in the loss of an A1, A2 or A3 use within the adjusted district centre boundary, instead providing a complimentary town centre use, which could enhance the wider area as encouraged by policy DEV18(3.3). A number of contrasting views on the acceptability of the use have been submitted to the Local Planning Authority for consideration however in essence there appears to be no solid or fundamental reason to suggest that the proposal will result in a detrimental impact to existing businesses or the vitality of the centre.

10. Therefore, and on balance the proposal is considered not to conflict with policies SPT1, DEV16 and DEV18, rather achieving the aims of the plan to boost the economy and create jobs in a sustainable location.

Residential Amenity

11. A number of concerns have been raised over residential amenity, suggesting that the proposed use will result in demonstrable harm to the area in terms of noise, nuisance and litter. There have been no formal complaints or reports to the Council of antisocial behaviour and upon the site visit officers did not observe anything untoward. There are a whole range of uses in the area, including another Tattoo studio which also has residential above and nearby. In officer's view, and subject to suitable hours of operation restricted by condition, the proposed use is unlikely to result in a loss of amenity.

Parking

12. Matters surrounding the parking and highway conditions have been raised, once again with varying views on the potential impact of the proposed use. The existing A2 use is not afforded a dedicated parking space like many of the commercial units in this area. The application does not, by virtue of the site constraints, propose to provide off street parking which is not considered a cause for concern by the Local Highway Authority.

13. In assessing the potential impacts of the use, it is important to consider the nature of the service being provided. Some uses, such as hot food takeaways or shops generate a high number of visits of varying lengths, in some cases, for very brief periods of time which leads to informal and unauthorised parking that can interfere with the free flow of traffic. In this case, it is anticipated that persons visiting the Tattoo studio are likely to spend longer amounts of time which reduces the risk or likelihood of unauthorised parking and the number of traffic movements, similar to the adjacent hair salon.

14. In any case, and notwithstanding these concerns, officers note that there are numerous measures in place such as double yellow lines and short term parking bays which will adequately enforce street parking. Finally, the application site is considered a highly sustainable location meaning customers have alternative means of accessing the site through a number of public transport modes.

15. The application property has an established business use and is located in the local shopping centre, where similarly many of the businesses are unable to offer any off-street car parking. Therefore in this case for all of the reasons given, the proposed 'Change of Use' would be expected to maintain the existing parking 'status quo'. Therefore, and without clear evidence that the proposal would result in a significant or demonstrable adverse impact on the highway, officers consider that the proposal will not conflict with policy DEV29.

9. Human Rights

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

10. Local Finance Considerations

None to consider

11. Planning Obligations

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

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

12. Equalities and Diversities

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

13. Conclusions and Reasons for Decision

The proposed change of use would not adversely impact the character of the area, or harm the vitality of the adjacent St Budeaux District Centre. Furthermore, the proposed use is unlikely to result in a significant or demonstrable loss of amenity or highway safety. Therefore, having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, officers have concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 28.05.2019 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**

Floor Plan I5052019 - received 15/05/19
Site Location Plan I5052019 - received 15/05/19

Reason:

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

2 **CONDITION: WINDOW DISPLAY AND SIGNAGE**

Within six months of the date of this permission a ground floor window display relating to the use of the site and/or the services provided shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained at all times.

Reason:

To maintain the character and appearance of the street scene. in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

3 **CONDITION: HOURS OF OPENING**

The use hereby permitted shall not be open to customers outside the following times: 0900 hours to 1800 hours Mondays to Sundays and Bank or Public Holidays.

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 DEVI and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

INFORMATIVES

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

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

2 **INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy

Framework 2019, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: ACTIVE WINDOW

For the purposes of condition 2 an active window is one where the activities within the property can be seen through a substantial proportion of the glazed area. It may also incorporate a subservient changeable display area to showcase the goods sold or services provided at the property.

4 INFORMATIVE: ADVERTISING

This permission does not give or imply any consent for advertising related to the business. Advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

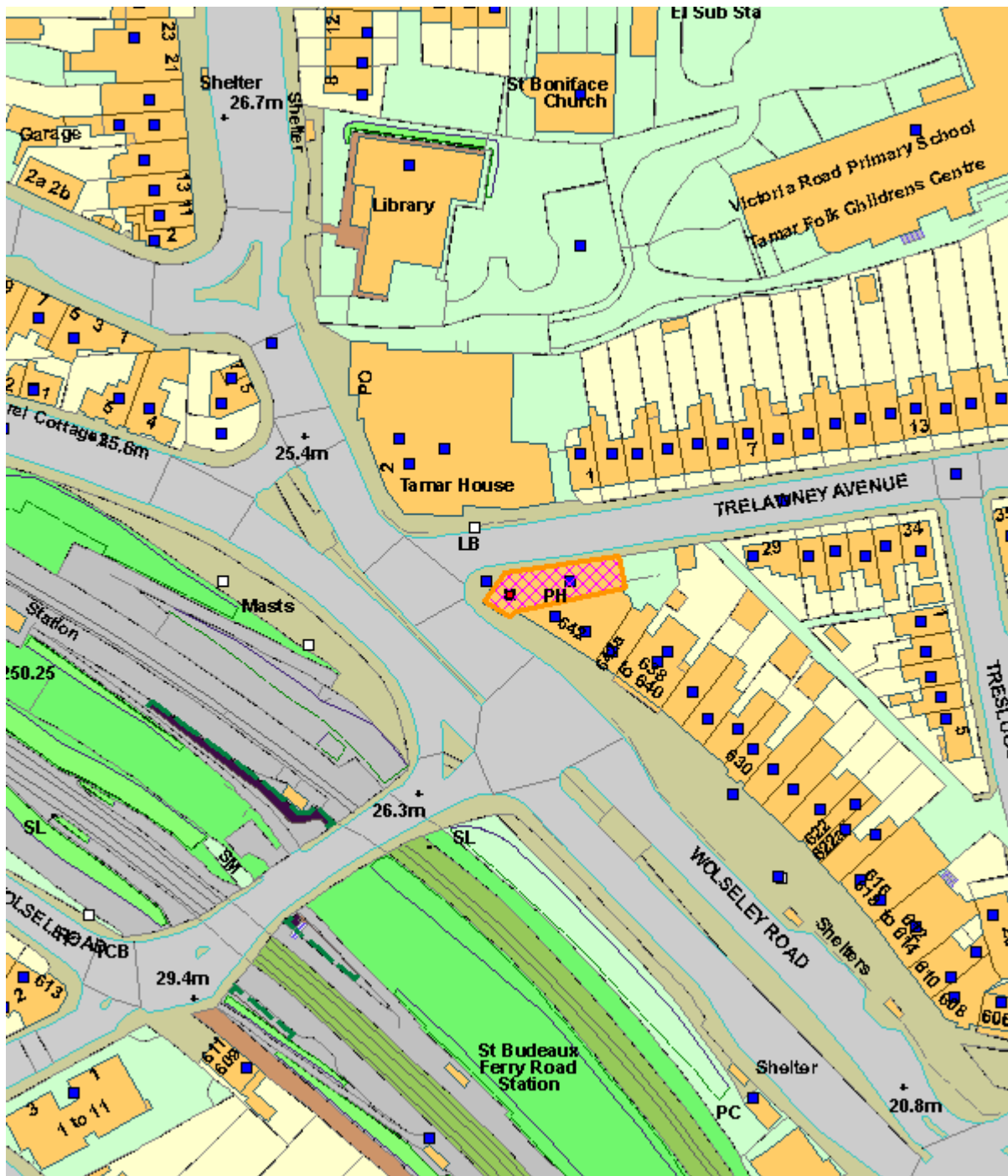
5 INFORMATIVE: NOTIFICATION OF APPEAL

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.

PLANNING APPLICATION OFFICERS REPORT



Application Number	19/00644/FUL	Item	03
Date Valid	14.05.2019	Ward	ST BUDEAUX
Site Address	646 Wolseley Road Plymouth PL5 ITE		
Proposal	Change of use of retail unit (Class A2) to restaurant/cafe (Class A3)		
Applicant	Mrs Johanne Honey		
Application Type	Full Application		
Target Date	09.07.2019	Committee Date	18.07.2019
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



This application has been referred to the Planning Committee by Councillor George Wheeler and by Councillor Sally Haydon.

1. Description of Site

The site comprises an irregular shaped, flat roofed, single storey building situated on the corner of Wolseley Road and Trelawney Avenue. The site is within the St. Budeaux District Centre, although not within the primary or secondary shopping frontages.

2. Proposal Description

The description of development has been changed to: Change of use of retail unit (Class A2) to restaurant/cafe (Class A3). The change of description (deleting the A5 use) has been advertised by the posting of new site notices on the 2nd of July, for 10 days, which means that the consultation period expires on the 12th of July.

Originally the description read: Change of use of retail unit (Class A2) to restaurant/cafe and hot takeaway (Class A3/A5).

Approximately 60% of the floor area is taken up with seating for 36 customers. The remainder of the floor area comprises a servery and WC. The servery includes glass covered units, a hob/extraction unit and sink.

3. Pre-application Enquiry

None.

4. Relevant Planning History

19/00649/ADV - External signage proposals for cafe. Pending decision.

12/00456/FUL - Change of use, conversion and alteration of unit 1 to café (Class A3) and hot food takeaway (Class A5), including installation of extract flue enclosed by proposed chimney. Granted conditionally.

11/02027/FUL - Variation of condition 19 of planning permission 11/00729 to allow the A5 use to open between 10:00 and 00:00 Mondays to Saturdays inclusive and 10:00 and 23:00 on Sundays, and Bank Holidays. Granted conditionally.

11/01805/FUL - Change of use, conversion and alteration of unit 1 to café (Class A3) and hot food takeaway (Class A5). Refused.

11/01010/FUL - New shop front (Unit 4 - hot food takeaway). Granted conditionally.

11/00729/FUL - Change of use, conversion and alteration of public house to form three commercial units (1x A2 'financial and professional services', 1x solarium - 'sui generis' and 1 x A5 'hot food takeaway') and three self contained flats at first floor. Granted conditionally.

10/01969/FUL - 1 x A5 'Hot Food Takeaway') and three self contained flats at first floor. Granted conditionally.

10/01351/FUL - Change of use, conversion and alteration of public house to form four commercial units (2 x A4 - 'drinking establishment'; 1 x A3 - 'Restaurants and cafes' and 1 x A5 - 'Hot food takeaway') and three self contained flats at first floor. Refused.

5. Consultation Responses

Local Highway Authority (HA)

The HA would object to the A5 element of the proposals, on the basis that this is a mixed use and if granted permission the A5 part could, in the future, become a more significant traffic generator thereby leading to disruptive and hazardous short term parking. The HA would not object to an A3 use with ancillary A5 type use, on the basis that the A5 element would always be subservient and therefore unlikely to lead to parking and highway problems.

Public Protection Service (PPS)

The PPS are concerned that takeaway food is generally unhealthy and that given the deprivation in the area, and the high rates of obesity, including among children in the ward, the use is inappropriate. PPS are aware that policy DEV6 of the JLP (which seeks to prevent such uses in close proximity to secondary schools) does not apply as the site is only within 400m of two primary schools and three pre-schools. However, PPS are of the view that proximity to primary schools should also be taken into account. There is concern, too, at the number of similar uses in the shopping centre and the

potential for noise associated with the comings and goings from a takeaway as well as noise from associated plant.

However, the main issue relates to the domestic style catering appliances and extract that would be provided at the premises. The design of the premises and lack of suitable extraction systems make the premises unsuitable for A5 hot food takeaway use. The operation as such will likely result in odour complaints and may cause a work environment unconducive to the health of employees. There is also potential for heat, smoke, grease and condensation build-up to damage the structure of the building over time as no suitable systems for the withdrawal of products from combustion are proposed.

PPS is not opposed to the application with respect to a restricted use of the proposed A3 restaurant/café, but an A5 Hot food Takeaway use is not supported.

Police Architectural Liaison Officer (PALO)

From a designing out crime perspective the Devon and Cornwall Police have no comments to make with regards to this application. However, given the location of the site, if this application is to include a full takeaway service, the PALO foresees issues with regards to parking and highway obstruction with customers potentially arriving by vehicle. Outside of the premises is a bus lane and neighbouring streets have parking and yellow line restrictions. Failure to comply with these restrictions will place a further burden on the enforcement agencies who will have to deal with indiscriminate parking and breaches of traffic regulations. Therefore from an enforcement perspective, the PALO would suggest this application be restricted to a café / restaurant only use which should alleviate these concerns.

6. Representations

Eight letters were received, which raise objections on the grounds of:

1. There are too many food outlets on the Square, which affect business and the balance of retail food outlets to shops.
2. Parking problems; inconsiderate and dangerous parking.
3. Litter and vermin problems.
4. Food smells and poor extraction facilities.
5. Nuisance to adjoining residential properties. No hours of operation are given.
6. Impact on public health.
7. St. Budeaux needs more retail outlets for local needs.
8. The take-away element is also small scale and the implication is that it will not cause inconvenience. However, if A5 usage is granted, that will then apply until the designation is changed. If this operation ends, a new operator could develop the take-away element without any limit.
9. Impact on two primary schools and the main Sure Start (Early Years) centre within 50 yards of the site.
10. There is no information on when deliveries will take place.

The change of description (deleting the A5 use) has been advertised by the posting of new site notices on the 2nd of July. So far seven further public comments have been received, which support the application for the following reasons:

1. The proposals will bring a vacant premises back into use.
2. The café would be welcome in the area.
3. The café will be producing healthy and vegan options.
4. It will not affect other cafes and takeaways in the area.
5. Parking will not be an issue.
6. The extraction system and refuse will not be issues.

There is also a petition of 251 signatories against the proposals.

7. Relevant Policy Framework

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and by West Devon Borough Council and Plymouth City Council on March 26th 2019.

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption. This is set out in the Housing Position Statement conclusions in paragraphs 8.6 and 8.7. The three authorities have jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level, and are currently awaiting a response from MHCLG regarding the Housing Delivery Test Measurement and its implications.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Development Guidelines Supplementary Planning Document and Shopping Centres Supplementary Planning Document (2012).

8.0 Analysis

This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7. This application turns upon policies SPT1 (Delivering sustainable development), DEV1 (Protecting health and amenity), DEV16 (Providing retail and town centre uses in appropriate locations); DEV18 (Protecting local shops and services); DEV20 (Place shaping and the quality of the built environment) and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan. The principle issues are considered to be the impact of the change of use towards the function and vitality of the St Budeaux District Centre, residential amenity and parking and highways demands.

8.1 Principle of Development

8.1.1 There have been numerous objections to the A5 takeaway element of the proposed change of use, based on traffic and perceived amenity issues. The applicant's agent has been approached about these concerns and objections, and has agreed to remove the A5 element from the proposals.

8.1.2 The key consideration of this application is the loss of the A2 unit within a district centre and the introduction of an additional A3 unit. DEV18 is a policy to protect local shops and services, an A3 use is deemed a complementary use to a district centre which helps to support the centres vitality and viability and brings in needed footfall. The planning application site in question is not part of a primary or secondary frontage and is within the wider centre where a broad range of uses which contribute to the vitality of the area are considered acceptable, including A3. While officers acknowledge there is a high proportion of food outlets in the St. Budeaux shopping area, it is

considered that the now proposed A3 use would complement the existing centre, in accordance with policy DEV18 (Protecting local shops and services) of the JLP.

8.1.3 Officers note that consent has previously been approved for A3 and A5 use on this unit however this permission was never implemented.

8.2 Amenity

8.2.1 The removal of the hot food takeaway element would reduce the negative impacts of traffic and potential fumes. However, there remain concerns regarding the adequacy of any extraction/ventilation system on the basis that in time a more intensive type of cooking might take over, which in turn could give rise to odour problems. The potential of improving the ventilation system is constrained by the lack of a suitable wall or roof face that is sufficiently clear of neighbours' windows or public views. While it is technically possible to install equipment, which could handle a more intensive cooking type, it is considered more appropriate to limit the type of cooking facility to that which can be handled by the relatively simple extraction equipment currently proposed. This can be achieved by imposing the condition recommended by PPS. Consequently officers consider the proposals now accord with policies DEV1 and DEV2 of the JLP.

8.3 Other Impacts

8.3.1 The removal of the A5 element would negate any serious short term parking concerns associated with the use of the building. The Local Highway Authority are not opposed to a cafe/restaurant use.

8.3.2 Suitable refuse facilities will be provided within an alcove on the Trelawney Avenue frontage.

9. Human Rights

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

10. Local Finance Considerations

The proposed change of use is not liable for contributions under the Community Infrastructure Levy.

11. Planning Obligations

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

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

12. Equalities and Diversities

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

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal for A3 use only would provide a complementary use to the

shopping centre without harming residential amenity, in accordance with JLP policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 14.05.2019 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 Elevations 18-30-21 Rev B received 14/05/19
Block plan 18-30-02 - received 24/04/19
Site Location plan 18-30-01 - received 24/04/19
Proposed ground floor plans 18-30-20 - received 24/04/19

Reason:

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

2 **CONDITION: COMMENCE WITHIN 3 YEARS**

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 **CONDITION: COOKING FACILITIES**

The limited space and availability of suitable extraction systems requires food production activity to be limited to the handling of ready to eat/ processed foods only. The provision of no more than the following equipment is permitted: One small convection oven for the reheating and baking-off of precooked/part baked foods, and one Panini grill/toaster (or similar) for warming foods.

Reason:

The size and design of the kitchen area is only suitable for preparation of limited and simple types of food such as sandwiches and the preparation of small numbers of simple cooked meals. The condition is also proposed to protect the residential and general amenity of the area from odour emanating from cooking activity and to avoid conflict with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework.

4 **CONDITION: HOURS OF OPENING**

The use hereby permitted shall not be open to customers outside the following times: 08.00 hours to 19.00 hours Mondays to Saturdays inclusive and 10.00 hours to 18.30 hours on Sundays and Bank Holidays or Public Holidays.

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 DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019.

5 CONDITION: DELIVERIES

Goods deliveries and refuse collections are restricted to the following times: -

Monday to Saturday No deliveries or refuse collection between 6pm and 8am; Sundays and Bank Holidays no deliveries or refuse collection.

Reason:

To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

INFORMATIVES

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

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

2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

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

3 INFORMATIVE: FOOD WASTE

All food waste generated at the premises prior to collection should be stored securely in closed lidded containers.

4 INFORMATIVE: FOOD SAFETY ADVICE

The plans for the kitchen do not show suitable facilities that would be expected from open food handling activities such as separate designated wash hand basin and separate food and equipment wash sinks. The scale and design of the kitchen as established within the plans will limit the scope of activities that can hygienically be undertaken. The Public Protection Service would strongly recommend that the applicant seek advice from the local food authority to help ensure compliance with relevant food law.

5 INFORMATIVE: NOTIFICATION OF APPEAL

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.

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

Cases outstanding	379
Cases received this month	25
Cases closed this month	18
(No breach identified)	(9)
(Informal/formal action taken)	(9)
Planning Contravention Notices Issued	1
Planning Contravention Notices <u>Live</u>	0
Planning Enforcement Notices Issued	0
Enforcement Notices <u>Live</u>	2
Temporary Stop Notices (TSN) issued	0
Temporary Stop Notices (TSN) Live	0
Untidy Land Notices Issued	1
Untidy Land Notices Live	22
Prosecutions Initiated	6
Prosecutions Live	0

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Planning Applications Determined Since Last Committee

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
14/06/2019	Refused	19/00595/FUL	Mr Phil Rump	Reposition uVPC front door to create a new entrance	14 Gilwell Street Plymouth PL4 8BU	Mrs Alumeci Tuima
14/06/2019	Granted Conditionally	19/00643/FUL	St Lukes Hospice	Formation of small cafe (Class A3) within current retail unit (Class A1)	Toys R Us 1 Western Approach Plymouth PL1 1TQ	Mrs Alumeci Tuima
14/06/2019	Granted Conditionally	19/00646/FUL	Motor Fuel Group	Removal of existing Jet Wash and provision of 2no. new Jet Washes	Hartley Service Station 257 Mannamead Road Plymouth PL3 5RJ	Mrs Alumeci Tuima
14/06/2019	Refused	19/00717/FUL	Mr Wesley Foster	Change of use from single dwelling (Class C3) to 4-bed HMO (Class C4)	22A Sydney Street Plymouth PL1 5AE	Mr Chris Cummings
14/06/2019	Granted Conditionally	19/00740/FUL	Mr Dipak Dhakal	Change of use from HMO (Class C4) to no.3 flats (Class C3)	18 Octagon Street Plymouth PL1 1TZ	Mr Chris Cummings
14/06/2019	Refused	19/00741/FUL	Mrs P Baker	First floor extension	1 Breaun Down Road Plymouth PL3 5PU	Mr Sam Lewis
14/06/2019	Granted Conditionally	19/00757/FUL	Mr Paul Wyle	Erection of a Multi Use Games Area (MUGA) in existing school playground	Pilgrim Primary School Oxford Street Plymouth PL1 5BQ	Mr Mike Stone
17/06/2019	Agreed	18/00440/CDM	Taylor Wimpey (South West)	Condition Discharge: Condition 13 (Public Spaces - partial) and Condition 17 (Landscape Maintenance 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

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
17/06/2019	Refused	19/00466/FUL	Mr & Mrs Pinwell	Two-storey side and rear extensions	2 Barrie Gardens Plymouth PL5 3DW	Mr Macauley Potter
18/06/2019	Granted Conditionally	19/00320/FUL	Mr Andrew Ford	Hardstandings	57 And 59 Lake View Close Plymouth PL5 4LT	Mr Peter Lambert
18/06/2019	Granted Conditionally	19/00638/FUL	Mr Barry Hooper	Conversion of the redundant first floor office area to a 2 bedroom flat with external alterations and parking space	439 Crownhill Road Plymouth PL5 2HG	Mr Jon Fox
18/06/2019	Granted Conditionally	19/00696/TCO	Mr Paul Maloney	Monterey Cypress ref:1, 4, 6 and 8 on plan: remove broken/hanging branches from these trees that are over hanging the pavement/road.	80 Paradise Road Plymouth PL1 5QR	Mrs Jane Turner
18/06/2019	Agreed	19/00737/CDM	Mr Nigel Passmore	Condition Discharge: Condition 3, 4, 5, 6 & 11 of application 18/01888/FUL	Land Adj 29 Compton Park Road Plymouth PL3 5BU	Mr Chris King
19/06/2019	Granted Conditionally	19/00642/FUL	Mark & Heather Ryder	Two-storey side extension	7 Norwich Avenue Plymouth PL5 4JF	Mr Macauley Potter
19/06/2019	Granted Conditionally	19/00707/FUL	Mr Matthew Dwyer	Two-storey side extension and single storey rear extension	15 Rashleigh Avenue Plymouth PL7 4DA	Mr Macauley Potter
20/06/2019	Agreed	18/01471/CDM	Mr Andrew Mitchelmore	Condition Discharge: Conditions 3, 4, 5, 6, 7, 8 & 10 of application 18/00643/FUL	St Budeaux Library Victoria Road Plymouth PL5 1RG	Mr Chris King

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
20/06/2019	Agreed	19/00043/CDM	Plymouth Argyle Football Club	Condition Discharge: Condition 3 of application 18/01335/FUL	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Chris King
20/06/2019	Split Decision	19/00329/CDM	Mr Trow	Condition Discharge: Conditions 7, 8, 9, 10, 11, 12 & 27 of application 17/01701/FUL	North Prospect Phase 5 Cookworthy Road, Foliot Road, Woodville Road And Briardale Road Plymouth	Mr Chris King
20/06/2019	Granted Conditionally	19/00520/LBC	Mrs Charlotte Westbury	Install central heating systems with rear flue outlet and front meter boxes	10 Clarence Place Stonehouse Plymouth PL1 3JN	Mr Mike Stone
20/06/2019	Granted Conditionally	19/00592/FUL	Mr & Mrs Wright	Single storey extension	1 Hirmandale Road Plymouth PL5 2JZ	Mr Peter Lambert
20/06/2019	Granted Conditionally	19/00702/ADV	Mr Simon Clayton	1no illuminated hanging sign on front rails, 1no illuminated side vertical panel and 2no internally illuminated projection signs	5 Union Street Plymouth PL1 2SU	Mrs Alumecci Tuima
20/06/2019	Granted Conditionally	19/00735/FUL	Mr Mark Watson	Enlargement of existing hardstanding	5 Valley View Road Plymouth PL3 6QJ	Mr Sam Lewis
20/06/2019	Refused	19/00738/FUL	Mr D Hadjiyiannakis	Change of use to 3no. flats (Class C3)	20 Waterloo Street Greenbank Plymouth PL4 8LY	Mr Chris Cummings
21/06/2019	Granted Conditionally	19/00272/ADV	Church Of Scientology Religious Education College Inc	Banner signs, fascia signs and awnings	Royal Fleet Club 12 Morice Square Plymouth PL1 4PQ	Mr Jon Fox
21/06/2019	Split Decision	19/00403/CDM	Sutton Harbour Services Limited	Condition Discharge: Conditions 5, 8, 10 & 11 of application 17/02323/FUL	Harbour Arch Quay Sutton Harbour Plymouth PL4 0HN	Mrs Janine Warne

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
21/06/2019	Split Decision	19/00404/CDM	Sutton Harbour Services Limited	Condition Discharge: Conditions 3, 4, 6 & 9 of application 17/02323/FUL	Harbour Arch Quay Sutton Harbour Plymouth PL4 0HN	Mrs Janine Warne
21/06/2019	Granted Conditionally	19/00635/TPO	Mr Ian Warmington	Large tree at the front of 24 Jellicoe Road: Reduce crown on the house side (to natural growth points) to give 2.5 metres clearance, Crown raise to 3.5 metres over the road.	24 Jellicoe Road Plymouth PL5 3UU	Ms Joanne Gilvear
21/06/2019	Granted Conditionally	19/00653/TPO	Mr Jonathan Grayfox	Cherries (CH1,CH2 & CH3) - thinned by 15% to open up centres, remove dead wood, rubbing branches & crossing branches. Reduce lateral branches which extend the canopy by up to 2 meters to a natural growth point.	Flat 1, 24 Elliot Street Plymouth PL1 2BE	Ms Joanne Gilvear
21/06/2019	Granted Conditionally	19/00654/TPO	Dean Stanbury	T1 (Sycamore) - reduce back to previous pruning points (3-4m).Ash (A on plan) - fell due to lean and to benefit adjacent trees. Beech (B on plan) - no work required amendment agreed 18/06/19 with owner.	51 Reddicliff Road Plymouth PL9 9NF	Mrs Jane Turner
21/06/2019	Granted Conditionally	19/00672/FUL	Mr Shaun Harding	Two and Single Storey Rear Extension	287 Westfield Plymouth PL7 2ER	Mr Peter Lambert
21/06/2019	Agreed	19/00678/CDM	Mrs Kym Luke	Condition Discharge: Condition 7 of 17/01599/FUL	76 Downham Gardens Plymouth PL5 4QF	Mr Simon Osborne
21/06/2019	Granted Conditionally	19/00690/FUL	Miss Stacey Paige	Change of use to cafe (Class A3)	14 Commercial Wharf Madeira Road Plymouth PL1 2NX	Mr Chris Cummings
21/06/2019	Granted Conditionally	19/00749/FUL	Mr & Mrs Bose Aravindakshan	Single storey side extension including hardstanding (Re-submission of 19/00357/FUL)	7 Rockingham Road Plymouth PL3 5BN	Mrs Alumecci Tuima

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
21/06/2019	Agreed	19/00769/CDM	Miss Susan Kaweesa	Condition Discharge: Discharge condition 7 of application 16/00150/FUL.	Land At Redwood Drive And Poplar Close Plymouth PL7 2FS	Mr Simon Osborne
21/06/2019	Granted Conditionally	19/00790/FUL	Mr & Mrs Steven Haggett	Front extension to existing garage	9 Vinery Lane Plymouth PL9 8DD	Mrs Alumeci Tuima
24/06/2019	Granted Conditionally	19/00129/FUL	Mr & Mrs Mcconaghy	Demolition of existing bungalow and erection of new two storey dwelling	51 Furzehatt Road Plymouth PL9 8QX	Miss Amy Thompson
24/06/2019	Granted Conditionally	19/00207/FUL	Mrs Tracey Hyder	Loft extension - Retrospective (Resubmission of 18/00061/FUL)	706 Budshead Road Plymouth PL6 5DY	Miss Josephine Maddick
24/06/2019	Granted Conditionally	19/00219/FUL	Ms Sylvia Abbiss	Change of use from offices (Class B1) and a HMO (Class C4) to offices (Class B1) and 3no. flats (Class C3)	6 North Road East Plymouth PL4 6AS	Mrs Karen Gallacher
25/06/2019	Split Decision	18/00754/CDM	Mr Ian MacMartin	Condition Discharge: Conditions 8, 12 & 31 of application 15/01956/FUL	47 Wordsworth Crescent Plymouth PL2 2JJ	Mr Chris King
25/06/2019	Agreed	19/00045/CDM	Mr Gary Stirling	Condition Discharge: Conditions 3, 4, 5, 6, 7, 9 & 10 of application 18/00432/FUL	Allotment Gardens Prince Maurice Road Plymouth PL4 7LL	Mrs Katie Saunders
25/06/2019	Granted Conditionally	19/00388/FUL	Mr & Mrs R Humphries	Single storey front extension	61 Bicton Close Plymouth PL6 8RJ	Mr Peter Lambert

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
25/06/2019	Granted Conditionally	19/00410/FUL	Mr Andrew Cotterell	Conversion of ground floor to flexible A1, A2 and A3 use, upper floors to 3 self-contained apartments, and associated internal and external alterations, including insertion of dormer window in roof	5 Southside Street Plymouth PL1 2LA	Mrs Karen Gallacher
25/06/2019	Granted Conditionally	19/00709/FUL	Mr Mark Oldham	1st floor extension above existing garage.	26 Riverside Walk Plymouth PL5 4AQ	Mr Macauley Potter
26/06/2019	Granted Conditionally	19/00121/FUL	St James Place Property Unit Trust	Subdivision and change of use of part of existing retail unit (Class A1) to provide 2x restaurants (Class A3) and 1x retail unit (Class A1), together with associated internal and external alterations including the creation of new shopfronts	33 - 39 Cornwall Street City Centre Plymouth PL1 1NR	Miss Amy Thompson
26/06/2019	Agreed	19/00345/CDM	Drake Circus Leisure Ltd	Condition Discharge: Condition 26 of application 17/01409/S73M	Bretonside Bus Station Bretonside Plymouth PL4 0BG	Mr John Douglass
26/06/2019	Granted Conditionally	19/00408/FUL	Mr Andrew Cotterell	Conversion of ground floor to flexible A1, A2 and A3 use, upper floors to 3 self-contained apartments, and associated internal and external alterations.	5 Southside Street Plymouth PL1 2LA	Mrs Karen Gallacher
26/06/2019	Granted Conditionally	19/00409/LBC	Mr Andrew Cotterell	Conversion of ground floor to flexible A1, A2 and A3 use, upper floors to 3 self-contained apartments, and associated internal and external alterations.	5 Southside Street Plymouth PL1 2LA	Mrs Karen Gallacher
26/06/2019	Granted Conditionally	19/00697/FUL	Mr Paul Hicks	Installation of 2no. electric vehicle charging stations	Transit Way Retail Park Plymouth PL5 3TW	Mr Peter Lambert
26/06/2019	Granted Conditionally	19/00710/FUL	Mr & Mrs Alan Smith	Ground floor side extension	15 Fredington Grove Plymouth PL2 3EA	Miss Josephine Maddick

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
26/06/2019	Granted Conditionally	19/00806/FUL	Mr Andy Priddle	Single storey front extension	11 Huxham Close Plymouth PL6 5LH	Mr Macauley Potter
26/06/2019	Agreed	19/00872/CDM	Mark Smith	Condition Discharge: Condition 4 of application 17/01134/FUL	Area D (Phase 3B) - Mount Wise Mount Wise Crescent Plymouth Mount Wise	Miss Katherine Graham
27/06/2019	Refused	19/00569/AMD	Miss Ruth Burrows	Non-material Amendment: Changes to house types and parking courts for application 15/00519/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road Plymouth PL9 8DD	Mr Tom French
27/06/2019	Granted Conditionally	19/00647/FUL	Mr Tom May	Two-storey rear extension	112 Underlane Plympton Plymouth PL7 1QZ	Mr Peter Lambert
27/06/2019	Granted Conditionally	19/00705/FUL	Mr s Lew	Raised decking to rear of properties	1 And 2 Beach Cottages Yonder Street Plymouth PL9 9QZ	Mrs Alumecci Tuima
28/06/2019	Granted Conditionally	19/00191/TPO	Mrs Philippa Elms	Amendments agreed during visit 5/6/191. Sycamore - coppice to bank level rather than reduce.2. Cherry - no work required good single stem specimen3 and 4 Willows - coppice and allow to regrow5. Bay - reduce crown by 4m and shape6. Horse Chestnut - remove deadwood - exempt work7. Bay - reduce crown by 4m and shape	202 Dunraven Drive Plymouth PL6 6AZ	Mrs Jane Turner
28/06/2019	Refused	19/00417/FUL	Mr R Simmons	New dwelling and associated parking	90 Wembury Road Plymouth PL9 8HF	Miss Amy Thompson
28/06/2019	Refused	19/00530/FUL	Mr & Mrs J Smith	Single storey rear extension and demolition of existing garage	67 Egguckland Road Plymouth PL3 5JR	Mr Chris Cummings

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
28/06/2019	Granted Conditionally	19/00708/FUL	Mr Steve Milner	Side and rear extension with balcony, garage converted to office space	60 Furzehatt Road Plymouth PL9 8QT	Mr Chris Cummings
28/06/2019	Granted Conditionally	19/00718/TPO	Mr Richard Dendy	Ilex Oak T1 - Pollard back to previous points Sycamore T2 - Pollard to a height of 7 metres	52 St Boniface Drive Plymouth PL2 3QW	Ms Joanne Gilvear
28/06/2019	Granted Conditionally	19/00719/FUL	Mrs Luan Lacy	Single storey rear and two-storey side extension.	13 Hemerdon Heights Plymouth PL7 2EX	Mr Macauley Potter
28/06/2019	Granted Conditionally	19/00807/FUL	Mr J Bartle	Two-storey side extension.	21 Littlewood Close Plymouth PL7 2HB	Mr Macauley Potter
28/06/2019	Granted Conditionally	19/00840/FUL	Mr & Mrs R Watson	Single storey side extension, hip to gable roof conversion with front rooflights and rear dormer and demolition of garage.	11 Venn Gardens Plymouth PL3 5PW	Mr Chris Cummings
01/07/2019	Agreed	18/00930/CDM	Jim Woodley	Condition Discharge: Conditions 4, 5, 6 & 7 of application 15/01699/FUL	Vacant Site At Fitzroy Road Plymouth PL1 5PY	Miss Amy Thompson
01/07/2019	Granted Conditionally	18/02129/FUL	Motor Fuel Limited	Extension to side elevation to provide sandwich bar, and provision of external chillers and relocated ATM machine and gas cage	Chaddlewood Service Station 251 Ridgeway Plymouth PL7 1AJ	Mr Jon Fox
01/07/2019	Granted Conditionally	19/00476/FUL	Mr & Mrs Merrifield-Gill	First Floor extension above existing garage	27 Wensum Close Plymouth PL7 2YG	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
01/07/2019	Granted Conditionally	19/00604/LBC	Miss Claire Fletcher	Replacement of fire detection and alarm systems	Building 108, Royal Citadel Hoe Road Plymouth PL1 2PD	Mrs Karen Gallacher
01/07/2019	Granted Conditionally	19/00637/FUL	Mr Monk And Slade	Change of use of existing bin storage area into self contained residential unit and change of use of parking area into secure cycle storage and bin area (Re-Submission of 19/00202/FUL)	3 Camden Street Plymouth PL4 8NW	Mr Mike Stone
01/07/2019	Granted Conditionally	19/00724/FUL	Mr Paul Shotton	Single storey side and rear extension and larger rear dormer	20 Dudley Gardens Plymouth PL6 5PE	Mr Peter Lambert
01/07/2019	Granted Conditionally	19/00784/FUL	Ms Julia Crookston	Temporary classrooms consisting of two modular units each with two classrooms and storage.	Plymstock School 29 Church Road Plymstock Plymouth PL9 9AZ	Mr Mike Stone
01/07/2019	Granted Conditionally	19/00831/FUL	Mr & Mrs Anderson	Extension to existing balcony	60 Wain Park Plymouth PL7 2HX	Mr Macauley Potter
02/07/2019	Granted Conditionally	18/02083/S73	Mr Phillips	Variation of condition 4 and removal of condition 8 of consent 17/00648/S73 to allow use of other motorised vehicles (including quad bikes)	Speedway Track Plymouth Road Plymouth	Mr Jon Fox
02/07/2019	Agreed	19/00382/CDM	Taylor Wimpey (Exeter)	Condition Discharge: Discharge Condition 6 (Street Details) of application 15/01858/REM	"Sherford New Community" Land South/Southwest Of A38 Elburton Plymouth	Mr Tom French
02/07/2019	Agreed	19/00383/CDM	Taylor Wimpey (Exeter)	Condition Discharge: Discharge Condition 6 (Street Details) of application 16/00287/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road Elburton Plymouth	Mr Tom French

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
02/07/2019	Agreed	19/00387/CDM	Taylor Wimpey (Exeter)	Condition Discharge: Condition 6 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
02/07/2019	Granted Conditionally	19/00685/LBC	Mr & Mrs Andrew and Samantha Patrick	Essential maintenance and restoration	5 Yonder Street Plymouth PL9 9RB	Mrs Alumeci Tuima
02/07/2019	Granted Conditionally	19/00693/FUL	Mr David Maxwell	Rear extension, alterations to garage fenestration, replacement first floor annex over garage with terrace. Loft conversion with front dormer windows and conservation rooflights.	1 Woodside Plymouth PL4 8QE	Mrs Alumeci Tuima
02/07/2019	Granted Conditionally	19/00694/LBC	Mr David Maxwell	Internal alterations, rear extension, alterations to garage fenestration, replacement first floor annex over garage with terrace, loft conversion with front dormer windows and conservation rooflights	1 Woodside Plymouth PL4 8QE	Mrs Alumeci Tuima
02/07/2019	Granted Conditionally	19/00728/FUL	B And J Thrift	Front porch	44 West Park Drive Plymouth PL7 2GZ	Mr Peter Lambert
02/07/2019	Granted Conditionally	19/00743/LBC	Ms Claire Fletcher	Replacement fire detection and alarm systems	Building 120, Royal Citadel Hoe Road Plymouth PL1 2PD	Mrs Karen Gallacher
02/07/2019	Agreed	19/00795/CDM	Mr Nigel Passmore	Condition Discharge: Conditions 3, 5, 6, 7, 8, 9, 10, 14 & 15 of application 18/02124/FUL	Site Within Plymouth International Medical And Technology Park, Adjacent To William Prance Road, Derriford, Plymouth	Mrs Karen Gallacher
03/07/2019	Granted Conditionally	18/01323/FUL	Mr Nick Bishop	New parking area and associated works including new paths and steps and landscaping to replace existing playground area which has relocated within the grounds	Plymouth College Preparatory School 99 Craigie Drive Plymouth PL1 3JL	Mr Jon Fox

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
03/07/2019	Granted Conditionally	19/00745/FUL	Mr & Mrs Henderson	Removal of pitched roof and garden steps, creation of single storey extension and new garden steps	5 Longbrook Street Plymouth PL7 1NJ	Mr Peter Lambert
03/07/2019	Refused	19/00753/FUL	Mr & Mrs Soanes	Erection of two-storey dwelling (resubmission of 18/02085/FUL)	3 Cranfield Plymouth PL7 4PF	Mr Jon Fox
05/07/2019	Granted Subject to S106	18/02019/S73	Mr Morris	Variation of conditions 2 (Plans) of 16/00028/FUL (as amended by 17/00586/S73M) for changes to groundfloor loading bay and service yard layout, alterations to parking/dropoff points, changes to entrances, redistribution of use classes and change from ancillary gym to commercial floor space.	Derrys Department Store 88 Royal Parade Plymouth PL1 1HA	Mr Simon Osborne
05/07/2019	Refused	19/00230/AMD	Plymouth Argyle Football Club	Non-material Amendment: Area of stone cladding and first floor decking for application 18/01335/FUL	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Chris King
05/07/2019	Granted Conditionally	19/00663/TCO	Mr Eric Wood	Holly - reduce in height to top of fence due to decay in main stem and allow to regenerate.	12A Collingwood Villas Collingwood Road Plymouth PL1 5NZ	Mrs Jane Turner
05/07/2019	Refused	19/00677/TPO	Mrs Rachael Green	Sycamore - Fell and replant a replacement further away from property	6 Lodge Gardens Plymouth PL6 5DP	Mrs Jane Turner
05/07/2019	Granted Conditionally	19/00704/TCO	Mrs Nicola Bridge	Plane tree: trim back the overhanging branches by 3m and reduce equally all round by 3m to balance	4 Falcon Road Plymouth PL1 4GR	Ms Joanne Gilvear
05/07/2019	Refused	19/00748/FUL	Mr And Mrs Saundry	Loft conversion and rear dormer (resubmission of 18/01965/FUL to replace window with Juliet balcony on east elevation)	80 Thornyville Villas Plymouth PL9 7LD	Mr Mike Stone

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
05/07/2019	Granted Conditionally	19/00754/TPO	Mr Paul Thomas	Oak (T1) - Fell (or reduce to safe height and allow to regenerate) due to decay in base and die back in crown.	41 Great Woodford Drive Plymouth PL7 4RP	Mrs Jane Turner
05/07/2019	Granted Conditionally	19/00852/FUL	Mr Neal Stoneman	Single storey side extension	44 Jennycliff Lane Plymouth PL9 9SN	Mr Chris Cummings
05/07/2019	Granted Conditionally	19/00853/LBC	Mr Neal Stoneman	Single storey side extension and alterations to existing windows	44 Jennycliff Lane Plymouth PL9 9SN	Mr Chris Cummings
05/07/2019	Granted Conditionally	19/00940/ADV	Mr Dave Walker	2x Fascias, 1x overhead door marker, 1x Dacia Corner sign, 1x Double sided fascia, 1x poster display unit and 1x test drive mast	Vospers Renault Marsh Mills Park Plymouth PL6 8LX	Mr Dan Thorning
05/07/2019	Granted Conditionally	19/00942/ADV	Mr Dave Walker	Dacia Totem Advert	Vospers Renault Marsh Mills Park Plymouth PL6 8LX	Mr Dan Thorning

Appeal Decisions between 14/06/2019 and 05/07/2019

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
19/06/2019	18/01504/FUL	2018/0030	Appeal Dismissed	APP/N1160/W/18/3219266
Ward				
Plymstock Dunstone				
Address				
69 Church Road Plymstock Plymouth PL9 9AU				
Application Description				
Erection of 1 dwelling, domestic garage, creation of vehicular and pedestrian access and associated works				
Appeal Process		Officers Name		
Written Representations		Mr Oliver Gibbins		
Synopsis				
<p>Planning permission was refused for the erection of a single dwelling and associated garage and access at 69 Church Road. The proposal was considered to be contrary to Local Development Framework Core Strategy Policies CS03, CS18, CS22 and CS34, policies DEV1, DEV10, DEV22, DEV28 and DEV30 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework. Having reviewed the application, and visited the site, the Inspector supported the Councils view that the proposed development would harm the setting and significance of the listed Grade II listed building. The Inspector also stated that the proposed access through the gardens of number 67 and 69 Church Road which would severely restrict the garden area and cause disturbance to the occupiers therefore having a detrimental impact on their living conditions. The appeal was therefore dismissed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
19/06/2019	18/01505/LBC	2018/0031	Appeal Dismissed	APP/N1160/W/18/3219267
Ward				
Plymstock Dunstone				
Address				
69 Church Road Plymstock Plymouth PL9 9AU				
Application Description				
Erection of 1 dwelling, domestic garage, creation of vehicular and pedestrian access and associated works				
Appeal Process		Officers Name		
Written Representations		Mr Oliver Gibbins		
Synopsis				
<p>Listed building consent was refused for the erection of a single dwelling and associated garage and access at 69 Church Road. The proposal was considered to be contrary to Local Development Framework Core Strategy Policy CS03, policy DEV22 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework. Having reviewed the application, and visited the site, the Inspector supported the Council's view that the proposed development would harm the setting and significance of the listed Grade II listed building. The appeal was therefore dismissed. No applications were made for costs by either side and no costs were awarded by the Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
25/06/2019	18/00830/FUL	2018/0028	Appeal Dismissed	APP/N1160/W/18/3217910
Ward				
Drake				
Address				
Units 9 & 10 Sherwell House 30 North Hill Plymouth PL4 8ET				
Application Description				
Retrospective continuous C4 Use (Houses of Multiple Occupation) for apartments 9 and 10				
Appeal Process		Officers Name		
Written Representations		Mr Chris King		
Synopsis				
<p>The Local Planning Authority (LPA) refused permission on two counts, those being Overconcentration of HMOs and Substandard Accommodation. On the first matter, the Inspector agreed with the LPA, concluding that the proposed development would result in two additional HMOs in the area, which already has a significant number of such properties. Adding to this would result in an increasingly unbalanced community to the detriment of the character of the area. As such, the proposal would be contrary to the terms of JLP Policies DEV10 and DEV11. On the second matter, and having had a site visit, the Inspector found that the units would have been of sufficient size and of an appropriate layout to provide good living conditions for future occupants, according with policy DEV10, however the benefits of this did not outweigh the impacts the change of use would have on the balance of the community.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
01/07/2019	18/01620/FUL	2019/0005	Appeal Dismissed	APP/N1160/D/19/3222288
Ward				
Budshead				
Address				
633 Budshead Road Plymouth PL5 4DW				
Application Description				
Erection of hardstanding				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Planning permission was refused for erection of a hardstanding as it was contrary to Policy CS34 of the Local Development Framework Core Strategy and Policy DEV31 (now DEV29) of the emerging Plymouth and South West Devon Joint Local Plan. It was also considered contrary to the Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. Having reviewed the application, the Inspector supported the Council's view that the development results in unacceptable highway safety issues due to lack of turning to allow entering and exiting to a classified road in a forward gear and the positioning close to a pedestrian crossing. Any reversing vehicles would also have to cross a grassed area and two footways, adding to additional conflict between pedestrians and vehicles. The Inspector noted evidence from the appellant of other parking facilities without turning areas on Budshead Road and the lack of on-street parking, advising that each appeal must be considered on its own merits and the highway safety issues from the proposal outweigh any public benefit from parking off-street. No applications for costs were submitted and no costs were awarded by the Planning Inspector.</p>				

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
01/07/2019	18/01825/FUL	2019/0018	Appeal Dismissed	APP/N1160/W/19/3223762
Ward				
Drake				
Address				
47 Ford Park Road Plymouth PL4 6NU				
Application Description				
Change of use from dwelling (Class C3) to 5-bed HMO (Class C4) (retrospective)				
Appeal Process		Officers Name		
Written Representations		Mr Chris Cummings		
Synopsis				
<p>Planning permission was refused for a change of use to a 5-bed HMO (Class C4) as it was contrary to Policies CS01 and CS15 of the Local Development Framework Core Strategy and Policies SPT2 and DEV11 of the emerging Plymouth and South West Devon Joint Local Plan. It was also considered contrary to the Development Guidelines Supplementary Planning Document First Review and the National Planning Policy Framework. Having reviewed the application, the Inspector supported the Council's view that the development would be harmful to the balance and sustainability of the surrounding community, which already suffers from an imbalance. The application and appeal were submitted prior to adoption of the Plymouth and South West Devon Joint Local Plan and the Inspector noted that although the proposal met Development Guideline Supplementary Planning Document threshold levels, it was contrary to the threshold levels set out in Policy DEV11 of the Joint Local Plan and greater weight must be given to the Joint Local Plan policy. No applications for costs were submitted and no costs were awarded by the Planning Inspector.</p>				

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