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Democratic Support

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PLANNING COMMITTEE

ADDENDUM REPORT

Thursday 4 December 2014

4.00 pm

Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Mrs Bowyer, Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark, Jon Taylor and Kate Taylor.

PLEASE FIND ATTACHED AN ADDENDUM REPORT FOR CONSIDERATION UNDER AGENDA ITEM NUMBER 6.1 AND THE MINUTES OF 20 NOVEMBER 2014.

Tracey Lee

Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

3. MINUTES

(Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 20 November 2014.

6.1. LAS IGUANAS, BREWHOUSE, ROYAL WILLIAM YARD, PLYMOUTH 14/01300/FUL

(Pages 7 - 8)

Applicant: Las Iguanas
Ward: St Peter & the Waterfront
Recommendation: Grant Conditionally

Planning Committee

Thursday 20 November 2014

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice-Chair.

Councillors Mrs Aspinall (substitute for Councillor Kate Taylor), Mrs Bowyer, Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark and Jon Taylor.

Apology for absence: Councillor Kate Taylor

Also in attendance: Carly Kirk (Lead Planning Officer), Mark Lawrence (Lawyer) and Katey Johns (Democratic Support Officer).

The meeting started at 4 pm and finished at 7.03 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.

58. DECLARATIONS OF INTEREST

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

| Name | Minute Number and Item | Reason | Interest |
|----------------------|----------------------------|------------------------------|----------|
| Councillor Nicholson | 62.2 - Ridgeway School | Referred item to Committee | Personal |
| Councillor Nicholson | 62.5 – 10 Staddon Crescent | Knows objector | Personal |
| Councillor Sam Davey | 63 – Modification Order | Member of Local Access Forum | Personal |
| Councillor K Foster | 63 – Modification Order | Member of Local Access Forum | Personal |

59. MINUTES

Agreed the minutes of the meeting held on 9 October 2014.

60. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

61. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following question was received from a member of the public for this meeting, in accordance with part B, paragraph 11 of the constitution.

| Question No. | Question by | Cabinet Member or Committee Chair | Subject |
|---|---------------|---|----------------------------|
| Q2 14/15 | Mr Kilvington | Committee Chair - Councillor Stevens | Home Park Planning Consent |
| Question: | | | |
| Should financial uncertainties besetting James Brent's enterprises, such as his hotel companies entering administration, negate the validity of planning consent for the Higher Home Park Development granted in August 2013? | | | |
| Response: | | | |
| No, the financial status of any person or company who has obtained planning permission is not relevant to the validity of that permission, whether granted by the committee or an officer under delegated powers. | | | |

62. 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. Addendum reports were submitted in respect of minute numbers 62.2, 62.4, 62.6 and 62.7.

62.1 28A MOORLAND ROAD, PLYMOUTH 14/01836/FUL

Mrs Christine Auguste

Decision:

Application **GRANTED** conditionally.

(A Planning Committee site visit was held on 19 November 2014 in respect of this application).

(Councillor Stark was absent for this item).

62.2 RIDGEWAY SCHOOL, MOORLAND ROAD, PLYMOUTH 14/01809/FUL

Ridgeway School

Decision:

Application **GRANTED** conditionally.

(A Planning Committee site visit was held on 19 November 2014 in respect of this application).

(Councillor Nicholson declared a personal interest in respect of this item).

(Councillor Stark was absent for this item).

62.3 1 BERKELEY COTTAGES, COLLINGWOOD ROAD, PLYMOUTH 14/01740/LBC

Mr Oliver Gibbins

Decision:

Application **GRANTED** conditionally.

(Councillor Stark was absent for this item).

62.4 6 CATALINA VILLAS, PLYMOUTH 14/01952/FUL

Ms J Mikus

Decision:

Application **REFUSED** on the grounds of Core Strategy Policy 34:4 and 34:6 relating to the visual impact on the neighbouring property and amenity in terms of scale and massing and CS34:4 and CS02:2 for loss of public view.

(The Committee heard from Councillor Michael Leaves, ward member, speaking against the application).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(A Planning Committee site visit was held on 19 November 2014 in respect of this application).

(Councillor Stevens' proposal to refuse the application, having been seconded by Councillor Nicholson, was put to the vote and declared carried).

62.5 10 STADDON CESCENT, PLYMSTOCK, PLYMOUTH 14/01868/FUL

Ms Colleen McNaughtan

Decision:

Application **REFUSED** on the grounds of Core Strategy Policy 34:4 and 34:6 relating to the impact of overdevelopment on the donor and neighbouring property and lack of amenity space and CS15:5.

(The Committee heard from Councillor Michael Leaves, ward member, speaking against the application).

(The Committee heard representations against the application).

(A Planning Committee site visit was held on 19 November 2014 in respect of this application).

(Councillor Nicholson declared a personal interest in respect of this item).

(Councillor Nicholson's proposal to refuse the application, having been seconded by Councillor Mrs Foster, was put to the vote and declared carried).

62.6 WOODFORD PRIMARY SCHOOL, LITCHATON WAY, PLYMOUTH 14/01913/FUL

Plymouth City Council

Decision:

Application to be determined by the Assistant Director for Strategic Planning and Infrastructure in accordance with the Council's Constitution.

62.7 162 MANNAMEAD ROAD, PLYMOUTH 14/01861/FUL

Pixie Land Nursery

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Ball, ward member, speaking against the application).

(The Committee heard representations in support of the application).

(A Planning Committee site visit was held on 19 November 2014 in respect of this application).

(Councillor Stark left the meeting after consideration of this item).

63. **MODIFICATION ORDER APPLICATION - ADDITION OF A FOOTPATH FROM HOOE ROAD TO WESTCOMBE CRESCENT WITH A SPUR FROM THAT ROUTE TO JUNCTION WITH EXISTING FOOTPATH REF 115/7/6**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a footpath from Hooe Road to Westcombe Crescent, and a spur from that route to a junction with the existing footpath ref. 115/7/6.

The Committee was satisfied that the evidence submitted by the applicant was robust enough to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **AGREED** to make a Modification Order.

(Councillors K Foster and Sam Davey declared personal interests in respect of this item).

64. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 29 September to 9 November 2014.

65. **APPEAL DECISIONS**

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

66. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING

PLEASE NOTE

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

PLANNING COMMITTEE – 20 November 2014

SCHEDULE OF VOTING

| Minute number and Application | | Voting for | Voting against | Abstained | Absent due to interest declared | Absent |
|-------------------------------|--|---|--|-----------------------|---------------------------------|------------------|
| 62.1 | 28a Moorland Road, Plymouth 14/01836/FUL | Unanimous | | | | Councillor Stark |
| 62.2 | Ridgeway School, Moorland Road, Plymouth 14/01809/FUL | Unanimous | | | | Councillor Stark |
| 62.3 | 1 Berkeley Cottages, Collingwood Road, Plymouth 14/01740/LBC | Unanimous | | | | Councillor Stark |
| 62.4 | 6 Catalina Villas, Plymouth 14/01952/FUL Proposal to Refuse | Unanimous | | | | |
| 62.5 | 10 Staddon Crescent, Plymstock, Plymouth 14/01868/FUL Proposal to Refuse | Councillors Mrs Bowyer, Darcy, Nicholson, K Foster, Mrs Foster, Stark and Morris | Councillors Stevens, Tuohy, Sam Davey, Jarvis and Mrs Aspinall | Councillor Jon Taylor | | |
| 62.6. | Woodford Primary School. Litchaton Way, Plymouth 14/01913/FUL | Application delegated to Assistant Director for Strategic Planning and Infrastructure | | | | |
| 62.7 | 162 Mannamead Road, Plymouth 14/01861/FUL | Councillors Stevens, Tuohy, Jarvis, Mrs Aspinall, Sam Davey, Morris and Jon Taylor | Councillors Mrs Bowyer, Darcy, Nicholson, K Foster, Stark and Mrs Foster | | | |
| 63 | Modification Order Application - Addition Of A Footpath From Hooe Road To Westcombe Crescent With A Spur From That | Unanimous | | | | Councillor Stark |

| Minute number and Application | Voting for | Voting against | Abstained | Absent due to interest declared | Absent |
|--|------------|----------------|-----------|---------------------------------|--------|
| Route To Junction With Existing Footpath Ref 115/7/6 | | | | | |

ADDENDUM REPORT

Planning Committee



Item Number: 6.1

Site: Las Iguanas, Brewhouse, Royal William Yard

Planning Application Number: 14/01300/FUL

Applicant: Las Iguanas

Page: 1-10

Representations

The consultation on the submitted amendment to the variation application closed on the 26/11/14

Further to the 22 letters of objection received before the publication of the officer's report in the Committee agenda pack, a further 2 letters of objection have been received,

In addition to the grounds of objection set out in the officer's report, the additional grounds of objection have been raised:

- The wording for the green windows, 12-17, should be changed to 'closed during trading hours'. This would be closer to the original intention of condition 11 and would cover those situations where the present tenant, Las Iguanas, no longer holds the tenancy
- Original application (12/02014/FUL) implied natural ventilation was a temporary solution, the amendment seeks to further compromise the residents' amenity and by seeking to justify open windows on the basin elevation by referring to external seating adjacent to the building. That is incorrect and misrepresents the status of the arrangements on site where the planning consent is for seating on the basin edge only.
- Application does not provide an acoustic assessment of the noise effects of the open windows
- Application fails to provide any thermal modelling to demonstrate that effectively single sided open windows will provide a satisfactory environment for customers and residents

In addition 2 further consultee representations were submitted;

English heritage – No objections

Public Protection – Public Protection Service requested the applicant to complete a noise impact assessment following initial objections. A noise impact assessment completed by 24 Acoustics was received by Public Protection, dated the 12th September 2014, Technical Report: R5267-2 Rev 1. On site noise monitoring had been completed at Las Iguanas with windows open and closed. The monitoring was completed using a standard noise source produced by loudspeakers within the restaurant and the restaurant windows open at the maximum 45 degree angle. Back ground noise

levels were monitored during a busy Friday night period outside the business. The report calculated the noise level at 1st floor window height. The report identified that opening the windows to the rear and side elevations of Las Iguanas would cause an increase of 3dB above background resulting in a loss of amenity to the properties above. However, opening the windows on the basin side would cause no increase in background as the noise from the external seating within Royal William Yard would be 10dB greater than the noise breakout from the open restaurant window. Following the noise assessment Public Protection Service withheld the objection.

Following this initial objection to the application, the submitted amendments raise no objections, however there is a recommendation that the condition applies for a 12 month period to enable Las Iguanas to continue to search for other solutions to the ventilation problem as brought to their attention in an advisory during the initial change of use application.

Report

Typo in section 1.2. – ‘As such it is proposed to ensure the windows facing the basin remain closed from 12noon, when trading commences’ should read ‘As such it is proposed to ensure the windows facing the courtyard remain closed from 12noon, when trading commences’

Recommendation

Following the close of consultation, the conclusion will add the following section to the report, to support the condition suggestion, the final recommendation will therefore be;

‘Recommended for approval, following evaluation of consultation responses it is recommended the condition should read - Openable windows serving the ground floor restaurant, as identified on the Window Reference Plan (Drg No BRS4485_01F) shall only be opened in accordance with the restrictions set down on the plan, and at no other times. This condition will apply for a 12 month period following the approval date of this decision, following which the applicant will apply in writing to the local planning authority for the continuation of this condition. If no agreement is reached the original condition will apply i.e. "Openable windows serving the customer seated areas must be closed and must remain closed during trading hours". This will provide an opportunity to monitor the situation over a 12 month period and ensure Las Iguanas continue to investigate alternative means of ventilation.