

# PLANNING COMMITTEE

Thursday 19 October 2006

## PRESENT:

Councillor Wildy, in the Chair.  
Councillor Stevens, Vice Chair.  
Councillors Bowyer, K Foster, Martin Leaves, Letcher (substitute for Councillor Mrs Aspinall), Kerswell (substitute for Councillor Wheeler), Lock, McDonald (substitute for Councillor Vincent), Nicholson, Mrs Nicholson and Simmonds.

Apologies for absence: Councillors Mrs Aspinall, Wheeler and Councillor Vincent.

The meeting commenced at 4.30 pm and concluded at 5.45 pm.

## 54. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the Code of Conduct.

## 55. MINUTES

Resolved that the minutes of the meetings held on 7 September and 28 September be confirmed as accurate records, subject to the following amendment –

Minutes of 28 September

Minute 47      Declarations of Interest

Name	Minute No. and Subject	Reason	Interest
Councillor Nicholson	Minute 49 Sir John Hunt Community College and Whiteleigh Primary School, Lancaster Gardens, Whiteleigh	<i>Delete</i> 'School Governor' <i>Insert</i> 'Wife works at school'	Prejudicial

## 56. CHAIR'S URGENT BUSINESS

### Scheme of Delegation

The Chair advised the Committee that the Scheme of Delegation Report would be submitted to the meeting to be held on 30 November 2006.

(In accordance with Section 100 (B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for consideration because of the need to inform Members.)

## 57. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following question was submitted by a member of the public –

**Question by: Mr J Carter**

How will the Council overcome the difficulty of documenting a Section 106 agreement with the applicant for planning application ref 06/01236/FUL when the applicant does not own or have any interest in the majority of the land at Colin Campbell Court?

**Reply**

In considering any planning application, the Local Planning Authority needs to ensure that any works required to satisfy the planning needs of the development are secured in through appropriate means.

S.106 legal agreements are one way of doing this, and the Council will ensure that a Section 106 Agreement is thoroughly considered legally and that all relevant parties are included. It will establish through investigation of title and consideration of other relevant legal documentation e.g. a development agreement, the most effective way to cover the provisions of section 106 of the Town and Country Planning Act 1990. This will ensure compliance with the obligations included in the agreement. It is not unusual for the applicant of a planning application to not own or have a majority interest in land covered by a proposed planning application.

58. **PLANNING APPLICATIONS**

The Committee considered the following planning applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990 (P 39 06/07).

Addendum reports (P 40 06/07) were circulated relating to item nos. 2, 3, 7 and 8.

Resolved that –

- (1) 06/01187/FUL (Sean Brownlow)  
The Jays Arcadia, Elburton

**Decision:**  
Application **REFUSED** for the reasons set out in the report.

- (2) 06/01198/FUL (Serco Defence and Areospace)  
HMNB Devonport

**Decision:**  
Application **GRANTED**, subject to the conditions and informative set out in the report and addendum report.

- (3) 06/01236/FUL (Colesbourne Asset Management Ltd)  
New George Street, Market Avenue, Western Approach and land at and adjoining Colin Campbell Court

**Decision:**  
Application **GRANTED**, subject to the conditions and S106 Obligation set out in the report and addendum report, refer to Government Office South West, but delegated authority to refuse if S106 Obligation is not completed before application deadline expires.

(At the invitation of the Chair, the Committee heard from a representative of the applicant in support of the above item (3).)

- (4) 06/01251/FUL (Stuart and Annette Taylor)  
119 to 120 King Street

**Decision:**

Application **REFUSED** for the reasons set out in the report.

- (5) 06/01254/FUL (Ovadell Limited)  
9 to 11 Durnford Street, Stonehouse

**Decision:**

Application **GRANTED**, subject to the conditions set out in the report.

- (6) 06/01315/OUT (Unionworld Ltd)  
Beacon Castle Sports and Social Club and 18 Channel Park Avenue, Efford  
and Lipson

**Decision:**

Application **REFUSED** for the reasons set out in the report.

- (7) 06/01368/FUL (Sutton Harbour Company)  
East Quay Boat Yard, Sutton Road, Sutton Harbour

**Decision:**

Application **GRANTED**, subject to the conditions and S106 Obligation set out in the report and addendum report.

- (8) 06/01386/FUL (McCarthy & Stone (Dev) Ltd)  
The Hillside Centre, Station Road, Plympton,

**Decision:**

Application **GRANTED**, subject to the conditions and S106 Obligation set out in the report and addendum report, and inclusion of the following Code of Practice During Construction information, but delegated authority to refuse if S106 Obligation not completed before the application deadline expires -

**Condition 12 – Code of Practice During Construction**

- **Restrict deliveries/construction traffic to outside times 8.15 - 9am and 3.15 - 4pm.**
- **Access route for construction traffic via Station Road only.**

(At the invitation of the Chair, the Committee heard from a representative of the applicant in support of the above item (8).)

- (9) 06/01416/FUL (David Wylde)  
Nuffield Hospital, Derriford Road

**Decision:**

Application **GRANTED**, subject to the conditions set out in the report.

59. **DECISIONS ON PLANNING APPLICATIONS**

The Committee received a report (P 37 06/07) from the Head of Planning and Regeneration on decisions issued for the period 13 September 2006 to 4 October 2006 including –

- Committee decisions;
- Delegated decisions, subject to conditions where so indicated;
- Withdrawn applications;
- Returned applications.

Resolved that the report be noted.

60. **APPEAL DECISIONS**

The Committee received a schedule of decisions made by the Planning Inspectorate on appeals arising from the decisions of the City Council (P 38 06/07).

Resolved that the report be noted.

61. **REVIEW AND DESIGNATION OF CONSERVATION AREAS IN DEVONPORT AND STONEHOUSE**

The Director for Development submitted a report on the review and designation of conservation areas in Devonport and Stonehouse.

Resolved to adopt the proposed revised Conservation Area boundaries.

**VOTING SCHEDULE** (Pages 1 - 2)

\*\*\* PLEASE NOTE \*\*\*

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