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Planning Committee

Thursday 20 October 2011

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

Councillors Mrs Aspinall (substituting Councillor Stevens), Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Tuohy, Vincent, Wheeler and Williams.

Apology for absence: Councillor Stevens

Also in attendance: Peter Ford - Lead Planning Officer, Mark Lawrence – Lawyer, Ross Jago - Democratic Support Officer.

The meeting started at 1.00 pm and finished at 3.15 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.

51. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the Code of Conduct in relation to items under discussion at this meeting –

Name	Minute No. and Subject	Reason	Interest
Councillor Lock	Minute No. 55.1 28 Ridge Road, Plymouth. 11/01260/FUL	Publically stated position on the application.	Prejudicial
Councillor Mrs Foster	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Family member attends the school.	Personal
Councillor Browne	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Former member of the Local Access Forum.	Personal
Councillor Wheeler	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Member of the Local Access Forum.	Personal
Councillor Churchill	Minute No. 55.2 Public Path Extinguishment Order – Ridgeway School	Member of the Local Access Forum.	Personal

52. **MINUTES**

Agreed the minutes of the meeting held on 6 October 2011.

53. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

54. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The following question was received from a member of the public, in accordance with paragraph 10 of the Constitution.

Mr Cooper attended the meeting to ask his question and Councillor Lock (Chair of the Planning Committee) responded as set out below -

Question No	Question By	Chair of the	Subject
I (11/12)	Mr C Cooper	Planning Committee	Land North of West Park Hill, Plympton, Plymouth. 11/01209/FUL
<p>No safety analysis was undertaken regarding increased traffic on West Park Hill, the B3417 provides a bypass insuring that HGVs are kept away from residential areas. Are PCC negligent when allowing HGVs to use West Park Hill and therefore accountable in law when a serious accident occurs involving an HGV?</p>			
<p>Response:</p> <p>(a) The highway design characteristics of West Park Hill are such that the use of this road by HGVs does not give any cause for concern from a highway safety perspective. Furthermore the use of this route by HGVs is no different in nature to the remainder of the route often used by HGVs associated with the China Clay Operations which access the A38 at Deep Lane (Glen Road etc).</p> <p>(b) The alterations that have been proposed where the junction of the new proposed haul road meets West Park Hill has been subject to a Safety Audit that has been carried out in accordance with Volume 5 (Section 2, Part 2) of the Design Manual for Roads and Bridges.</p> <p>(c) It is the view of the Local Highway Authority that the changes that are proposed to the junction layout will help reduce the speed of traffic using West Park Hill (particularly for vehicles exiting the narrower section of West Park Hill and travelling westbound) and therefore improve the safety of the road. Following consultation, this view was also supported by the Road Casualty Reduction Officer at Devon and Cornwall Constabulary. The applicant is also now in the process of looking into the possibility of introducing further traffic calming measures (in the form of narrowings) to further reduce the speed of traffic using West Park Hill.</p> <p>(d) The local highway authority will therefore not be negligent by allowing HGVs to use West Park Hill. In any event any negligence claim would be subject to separate legal redress.</p>			

55. **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 Conservation Areas) Act, 1990.

55.1 28 RIDGE ROAD, PLYMOUTH. 11/01260/FUL

(Mr A Reilly)

Decision:

Application **DEFERRED** for further consideration of legal issues.

(Councillor Lock, having declared prejudicial interest in respect of the above item, withdrew from the meeting whilst the matter was being considered).

(Councillor Mrs Bowyer took the chair and following legal advice proposed that the item be deferred. The proposal having been seconded by Councillor Browne was put to the vote and declared carried)

(This item was brought forward to facilitate better meeting management).

55.2 PUBLIC PATH EXTINGUISHMENT ORDER - RIDGEWAY SCHOOL

The Director for Development submitted a report requesting the referral of a Public Path (Special) Extinguishment Order to the Secretary of State for determination by public inquiry.

Agreed to authorise the referral of the Order to the Secretary of State and allow the confirmation of the Order to be consider by public inquiry.

(At the invitation of the Chair, the committee heard representations from Councillor Nicholson, ward member, in support of the recommendation)

(At the invitation of the Chair, the committee heard representations against the recommendation)

(At the invitation of the Chair, the committee heard representation in support of the recommendation from the applicant and landowner)

55.3 12 - 13 SUSSEX STREET, PLYMOUTH. 11/00766/FUL

(Mr A MacLeod)

Decision:

Delegated authority, in consultation with Chair, Vice Chair and nominated opposition member to Grant Conditionally subject to a

S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 6 December 2011.

(The above recommendation was amended by officers to include consultation with Chair, Vice Chair and nominated opposition member as the public consultation was still open. Councillor Lock put the amended recommendation to the vote which was declared carried.)

The committee expressed concern that they had again been asked to consider a retrospective application, particularly one which had qualified for the market recovery scheme. Some members expressed the desire that the retrospective applications should be excluded from the market recovery scheme.

Agreed that the Chair would consult with the portfolio holder for Planning, Strategic Housing and Economic Development and request that retrospective applications are excluded from consideration under the market recovery scheme when the scheme is reviewed in the future.

(The above recommendation was proposed by Councillor Wheeler and, having been seconded by Councillor Mrs Foster, was put to the vote and declared carried.)

55.4 12 - 13 SUSSEX STREET, PLYMOUTH. 11/00768/CAC

(Mr MacLeod)

Decision:

Application **GRANTED** conditionally.

(This item was considered in conjunction with minute number 55.3)

55.5 LAND NORTH OF WEST PARK HILL, PLYMPTON, PLYMOUTH. 11/01209/FUL

(Wolf Minerals (UK) Ltd)

Decision:

GRANTED conditionally subject to the Secretary of State not issuing a direction under Section 77 of the Town and Country Planning Act 1990 for the application to be referred to him for determination.

Members added an additional informative to Undertake further level of consultation with residents and ward members on landscaping as part of the section 278 highways agreement.

(At the invitation of the Chair, the committee heard from Councillor Nicholson, ward member, speaking against the application.)

(At the invitation of the Chair, the committee heard representations against the application.)

(At the invitation of the Chair, the committee heard representations in support of the application from the applicants agent.)

56. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 12 September to 7 October 2011, including-

- Committee decisions
- Delegated decisions, subject to conditions where so indicated
- Applications withdrawn
- Applications returned as invalid

57. **APPEAL DECISIONS**

The Committee received a schedule of decisions made by the Planning Inspectorate on appeals arising from the decisions of the City Council.

58. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 1 - 2)

PLEASE NOTE

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

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PLANNING COMMITTEE – 20 October 2011**SCHEDULE OF VOTING**

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
55.1 11/1260FUL 28 Ridge Road	Councillors Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Aspinall, Tuohy, Vincent, Wheeler and Williams			Councillor Lock.	
55.2 Public footpath extinguishment order	Unanimous				
55.3 11/00766/FUL 12 – 13 Sussex Street Additional recommendation	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Tuohy, and Wheeler. Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Aspinall, Tuohy, Wheeler and Williams		Councillors Vincent, Williams and Mrs Aspinall. Councillor Vincent		
55.4 11/01209/CAC 12 – 13 Sussex Street	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs Foster, Mrs Nicholson, Aspinall, Tuohy, Wheeler and Williams		Councillor Vincent		
55.5 11/01209/FUL Land North of West Park Hill, Plympton	Councillors Lock, Mrs Bowyer, Browne, Churchill, Delbridge, Mrs		Councillor Mrs Nicholson		

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
	Foster, Aspinall, Tuohy, Wheeler, Vincent and Williams.				