

# Public Document Pack

## Planning Committee

Thursday 9 February 2012

### PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice-Chair.

Councillors Mrs Aspinall (substitute for Councillor Tuohy), Browne, Delbridge, Mrs Foster, Mrs Nicholson, Stark, Stevens, Vincent, Wheeler and Williams.

Apology for absence: Councillor Tuohy.

Also in attendance: Ray Williams, Lead Planning Officer, Mark Lawrence, Lawyer, and Katey Johns, Democratic Support Officer.

The meeting started at 1pm and finished at 4.15 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.*

### 90. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Wheeler	96. Public Path Extinguishment Order – Ridgeway School	Member of Local Access Forum	Personal
Councillor Mrs Foster	96. Public Path Extinguishment Order – Ridgeway School	Grandson attends the school	Personal

### 91. MINUTES

Agreed the minutes of the meeting held on 12 January 2012.

### 92. CHAIR'S URGENT BUSINESS

#### Welcome

The Chair extended a warm welcome to councillors and officers from Teignbridge District Council's Planning Committee who were in attendance to observe proceedings as part of a good-practice sharing exercise.

## Microphones

The Chair reminded Members of the problems encountered with the microphones at the last meeting. He drew attention to the fact that the boxes attached to each microphone were extremely sensitive and could distort the sound if touched. Members were asked to avoid touching them wherever possible.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above items of business in order to inform Members).

## 93. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following questions were received from members of the public, in accordance with paragraph 10 of the Constitution.

Question No	Question By	Subject
2 (11/12)	Mrs J Hall	Waste to Energy Plant
What impact did the Director of Health's views on the proposed incinerator have on the Planning Committee, especially as she stated that 'the cumulative impact is likely to place the greatest burden upon some of the poorest and most vulnerable people in the city' and 'may exacerbate existing inequalities?'		
The proposal was for an Energy from Waste Plant and the Planning Committee considered that planning permission was only warranted subject to a Section 106 agreement with adequate measures to enable local well-being issues to be properly addressed mindful of the legal requirements covering such agreements. The PCT also raised concerns about noise and dust and conditions recommended to, and approved by, the Planning Committee addressed these concerns. The PCT also suggested the proposed visitor centre should be open for community use and the Section 106 agreement includes clauses to secure that. The NHS Plymouth Primary Care Trust (PCT) response to the planning application was made in full consultation and agreement with the Devon Health Protection Team of the Health Protection Agency (HPA). The concerns of the PCT surrounding this proposal and their suggest ways of mitigating and controlling potential negative impacts and for strengthening positive impacts was assessed in their Rapid Prospective Health Impact Assessment. This was incorporated into the Committee report as it was considered to be a material planning consideration. The PCT initial suggestion was for direct funding and assistance with possible revenue expenditure on rent reimbursement for a future Barne Barton GP surgery as part of a Section 106 agreement. This suggestion was also reported to the Planning Committee. Such direct assistance would be inappropriate for a Section 106 agreement between the applicants and the Local Planning Authority. It would not have been CIL Regulation 122 compliant. However, the PCT suspected that this might be the case and suggested an alternative option. The PCT asked that a financial contribution for wellbeing was made and included in a Community Fund, that the PCT could then access and work with the local community, to commission appropriate wellbeing services out of, or in close liaison with, the primary medical service facility. This option was accepted by the Planning		

Committee.

The PCT also expressed the view, reported to the Planning Committee, that they would be very willing to sit on a Trust Board to ensure that such funding was allocated to appropriate evidence based interventions. The Planning Committee agreed that this should be reflected in the required Section 106 for the North Yard Community Trust.

The views of the PCT did therefore have an impact upon the decision made by the Planning Committee.

#### 94. **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. An addendum report was submitted in respect of minute number 94.2.

##### **94.1 74 MUTLEY PLAIN, PLYMOUTH. 11/01817/FUL**

(Quaker House Outreach Centre)

Decision

Application **GRANTED** conditionally.

##### **94.2 LAND AT BARTON ROAD, HOOE LAKE, PLYMSTOCK. 11/01250/FUL**

(Barratt Homes Exeter)

Decision:

Application **DEFERRED** for officers to investigate the reasons for refusal suggested by Members in accordance with paragraph 14.7 of the Code of Practice and to provide further information on emergency vehicles and affordable housing.

(At the invitation of the Chair, the Committee heard representations against the application from Councillor K Foster, ward member).

(At the invitation of the Chair, the Committee heard representations against the application from Councillor Michael Leaves, ward member).

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

(Councillor Wheeler's proposal to defer the application for provision of further information on affordable housing, having been seconded by Councillor Williams, was put to the vote and declared lost).

(Having failed to support the Officer's recommendation contained in the report, Members considered an alternative proposal to defer the application which, having been moved by Councillor Wheeler and seconded by Councillor Mrs Nicholson, was put to the vote and declared carried).

**94.3 FORMER ROYAL MARINE PUB SITE, TORRIDGE WAY, PLYMOUTH. 11/01742/FUL**

(Sarsen Housing Association)

Decision:

Application **GRANTED** conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 1 March 2012.

**94.4 64 SALISBURY ROAD, PLYMOUTH. 11/01791/FUL.**

(Amber New Homes and Developments Ltd.)

Decision:

Application **REFUSED** for the following reasons –

**DETRIMENTAL TO RESIDENTIAL AMENITY AND CHARACTER OF THE AREA**

(1) The proposed House in Multiple Occupation would be detrimental to the amenities enjoyed by the residential occupiers of properties in Salisbury Road, Rosebery Avenue and Durham Avenue, by virtue of the intensity of the proposed use and the close relationship with neighbouring residential properties. The residential environment of adjoining and nearby properties would be likely to be harmed by the number of comings and goings, noise, car fumes and other disturbance arising from the proposed development. Consequently the proposal is contrary to policy CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**INADEQUATE PROVISION OF PARKING**

(2) No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-

(a) Damage to amenity;

(b) Prejudice to public safety and convenience;

(c) Interference with the free flow of traffic on the highway

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007

**INADEQUATE PROVISION OF REFUSE BIN STORAGE**

(3) The application has failed to demonstrate that adequate access and provision would be made for the storage of refuse for the proposed development of a ten bedroom HMO, contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

(At the invitation of the Chair, the Committee heard representations against the application from Councillor Rennie, ward member).

(At the invitation of the Chair, the Committee heard representations against the application from Councillor Mrs Nelder, ward member).

(At the invitation of the Chair, the Committee heard representations in support of the application).

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

95. **SECTION 106 AMENDMENT - DRAKES CIRCUS**

The Director of Development submitted a report which proposed an amendment to the existing 106 agreement in relation to Drakes Circus (99/0707) and to make available funds to help deliver a children's play area in Plymouth City Centre.

Agreed to instruct the Assistant Director for Planning Services to undertake a deed of variation which amends clause 9 of the existing 106 Agreement as discussed in this report, changing the subject of the obligation from childcare facilities to the provision of children's play and allowing the Council five years from the date of this decision for its expenditure.

96. **PUBLIC PATH EXTINGUISHMENT ORDER - RIDGEWAY SCHOOL**

Further to minute 55.2, 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. Members were advised that a minor administrative error in the last report had prevented the Order from being enacted. The demarcation of alternative routes had now been included and the report was resubmitted for Members' consideration.

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

(At the invitation of the Chair, the Committee heard representations against the Order).

97. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 3 to 29 January 2012, including

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

98. **APPEAL DECISIONS**

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

99. **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.

**SCHEDULE OF VOTING**

<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
6.1 74 Mutley Plain, Plymouth 11/01817/FUL	Unanimous				Councillor Stark
6.2 Land at Barton Road, Hooe Lake, Plymstock 11/01250/FUL Alternative Proposal No.1  Officer's Recommendation          Alternative Proposal No. 2	Councillors Mrs Aspinall, Stevens, Vincent, Wheeler and Williams          Councillors Lock, Mrs Bowyer, Browne and Delbridge          Councillors Mrs Aspinall, Mrs Foster, Mrs Nicholson, Stevens, Vincent, Wheeler and Williams	Councillors Lock, Mrs Bowyer, Browne, Delbridge, Mrs Foster and Mrs Nicholson,          Councillors Mrs Aspinall, Mrs Foster, Mrs Nicholson, Stevens, Vincent, Wheeler and Williams          Councillors Lock, Mrs Bowyer, Browne and Stark	Councillor Stark          Councillor Stark          Councillor Delbridge		
6.3 Former Royal Marine Pub Site, Torridge Way, Plymouth 11/01742/FUL	Unanimous				
6.4 64 Salisbury Road, Plymouth 11/01791/FUL Alternative Proposal  Refusal Reasons	Unanimous    Unanimous				
7 Section 106 Amendment – Drakes Circus	Unanimous				
8 Public Path Extinguishment Order – Ridgeway School	Councillors Lock, Mrs Bowyer, Mrs Aspinall, Vincent, Williams, Stevens, Mrs Nicholson, Delbridge, Stark and Browne.		Councillor Wheeler		Councillor Mrs Foster

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