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Planning Committee

Thursday 8 March 2012

PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice Chair.

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

Apologies for absence: Councillors Delbridge and Stevens.

Also in attendance: Paul Westrope, Lead Planning Officer, Julie Rundle, Lawyer and Ross Jago, Democratic Support Officer.

The meeting started at 1 pm and finished at 2.50 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.

100. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the code of conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Mrs Aspinall	106. 67a Ebrington Street, Plymouth. 11/02000/FUL	Friend of Applicant	Prejudicial

101. MINUTES

Agreed the minutes of the meeting held on 9 February 2012.

CHAIR'S URGENT BUSINESS

102. WARD COUNCILLOR INVOLVEMENT IN SECTION 106 AGREEMENTS

At the invitation of the Chair the Assistant Director for Development read a statement concerning ward councillor involvement in section 106 agreements.

A copy of the statement is attached as a supplement to these minutes.

Agreed to distribute the statement to all members.

103. **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.

Question No	Question By	Subject
2 (11/12)	Mr F Sharpe	Sherford new community (swimming pool)
<p>If Sherford is passed at today's meeting please can Plymstock residents be told when a Plymstock Swimming Pool will be built and if all 106 funding is in place?</p>		
<p>If the Sherford application to Plymouth City Council as Local Planning Authority is considered acceptable today, it would be subject to the signing of a joint legal agreement with the two Local Planning Authorities as well as Devon County Council and the landowners. All parties will do their best to sign the agreement within 6 months otherwise the Assistant Director for Planning Services would have authority to refuse the application. It is possible that the agreement and the decision may be issued within 6 months.</p> <p>The swimming pool would be provided before the first 700 dwellings are completed, but the date of the commencement of housing and the pace of the house building would a commercial decision for the developers not the Local Planning Authority. It is understood that the developers envisage that the swimming pool might be available to the public by 2016.</p>		

104. **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. Addendum reports were submitted in respect of minute number 104.1 and 104.4.

104.1 22 DONNINGTON DRIVE, PLYMOUTH. 12/00014/FUL

(Mr Mark Duke)

Decision

Application **GRANTED** conditionally.

104.2 67A EBRINGTON STREET, PLYMOUTH. 11/02000/FUL

(Mr Mohamed El Mohamdi)

Decision

Application **GRANTED** conditionally.

Councillor Mrs Aspinall, having declared a prejudicial interest, withdrew for this item.

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

(Barratt Homes Exeter)

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 8 July 2012.

(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).

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

104.4 SHERFORD NEW COMMUNITY, LAND SOUTH/SOUTHWEST OF A38 DEEP LANE AND EAST OF HAYE ROAD ELBURTON, PLYMOUTH. 06/02036/OUT

(Red Tree (2004) LLP)

Decision

Application **GRANTED** conditionally subject to the following –

1. completion of a joint authority S106 Agreement to deliver the requirements as set out within the report and appendices;
2. the Highways Agency lifting its current direction to enable the consent to be issued once the Agency is satisfied that there is no significant adverse impact on the A38 and the imposition of any planning conditions or S106 clauses proposed by the Agency;
3. the revised and additional planning conditions (detailed within the report) to those approved in the 2009 Planning Committee report, together with any proposed by the Highways Agency in response to the withdrawal of the Holding Direction;
4. that authority is delegated to the Assistant Director of Development to refuse the application if the S106 is not completed within 6 months.

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

105. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 29 January to 27 February 2012, including –

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

Please note that these Delegated Planning Applications are available for inspection at First Stop Reception, Civic Centre.

106. **APPEAL DECISIONS**

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

107. **EXEMPT BUSINESS**

The Committee received the report. See minute 104.4 above.

SCHEDULE OF VOTING

PLEASE NOTE

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

SECTION 106 AGREEMENTS (Pages 1 - 4)

STATEMENT CONCERNING WARD COUNCILLOR INVOLVEMENT IN SECTION 106 AGREEMENTS IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1 22 Donnington Drive, Plymouth. 12/00014/FUL	Unanimous				
6.2 67a Ebrington Street, Plymouth. 11/02000/FUL	Councillors Lock, Mrs Bowyer, Browne, Churchill, Mrs Foster, Mrs Nicholson, Stark, Tuohy, Vincent, Wheeler and Williams.			Councillor Mrs Aspinall	
6.3 Land At Barton Road, Hooe Lake, Plymstock 11/01250/FUL	Councillors Lock, Mrs Bowyer, Browne, Churchill, Mrs Nicholson and Stark.	Councillors Vincent, Wheeler and Tuohy.	Councillors Williams, Mrs Aspinall and Mrs Foster.		
6.4 Sherford New Community, Land South/Southwest Of A38 Deep Lane And East Of Haye Road Elburton, Plymouth. 06/02036/OUT	Unanimous				

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Statement by Assistant Director of Planning Services in relation to Minute 107 of Full Council on 30th January 2012 concerning ward councilor involvement in Section 106 agreements

At its 30th January 2012 meeting, Full Council agreed the following motion that Planning Services be instructed to prepare a Protocol on Ward Councillor Involvement in Section 106 Agreements, establishing the detailed framework for consultation in the formal pre-application and planning application processes, and a report be prepared to be considered by the Constitution Working Group.'

Introduction

Since Full Council Officers have been researching the 14 authorities referred to in the debate in order to start preparing the protocol for presentation to the Constitutional Working Group. Many of these authorities have arrangements for ward member involvement in planning and Section 106 matters similar to our current practices, but some have more extensive protocols which clarify when and how members will be involved at various stages of the planning process.

Officers consider that existing arrangements need to be highlighted and some interim arrangements were needed before the Constitutional Working Group refers the proposed protocol to Full Council for approval.

This statement therefore covers 3 areas: what we do now, what interim arrangements we are making and future progress with the Protocol

What we do now:

- Planning Services sends Members and local community groups a Weekly List of all planning applications
- In accordance with the principles set out in the Statement of Community Involvement, Members should review this list and initiate contact with the case officer if they have interest in a particular planning application at the earliest opportunity
- Through the links to planning applications in the weekly list, Members can see Section 106 Obligations 'Heads of Terms'. This will show what the developer is proposing for the Section 106 agreement and provides a starting point for members to consider Section 106 matters on a particular planning application.
- There are several other sources of information already available to assist members in considering Section 106 issues:
 - o The Statement of Community Involvement sets out the principles, expectations and best practice for everyone involved in the planning process

- The Sustainable Neighbourhood Assessments set out in detail an assessment of existing infrastructure, gaps in provision and key local issues within every neighbourhood in the city
- The Infrastructure Needs Assessment sets out strategic infrastructure that is needed in parts of the city to support the overall growth agenda of the city
- A summary of existing Section 106 agreements within every ward is available on the city's planning web site, and this is updated quarterly.
- The planning policy framework is set out in Policy CS33 of the Core Strategy and the Planning Obligations and Affordable Housing SPD. These provide the policy context for the negotiation of S106 agreements and it will be important for ward members to be familiar with these.

Interim position

From 1st April 2012 we will also send to members a confidential list of Development Enquiry Service pre-application enquiries for all major developments. Upon receipt of the list we would strongly encourage members to contact the case officer within 10 working days. This will enable officers, Ward Members and the developer to more positively engage together in progressing the pre-application proposals and take account of key local issues at an early stage.

Changes proposed to the Development Enquiry Service from 1st April 2012 will now also involve offering to applicant's the opportunity to present their emerging proposals to ward councillors. Case officers will make these arrangements.

For planning applications already made, we would strongly encourage Members to contact case officers within 10 working days of receipt of the Weekly list to raise any Section 106 matters or issues of concern.

We will also produce a guidance note for all members on Regulation 122 of the CIL Regulations which provides the legal framework for the consideration of all planning obligations.

Future position

In order to enable Members to more positively engage in the planning process (and develop their roles as an community leaders and advocates under the localism agenda), a more structured and coordinated approach will be developed through the Ward member Involvement in Planning Applications and Section 106 Agreements Protocol at both pre-application and planning application stage. A proposed protocol is in the course of being drafted now and will be presented to the Constitutional Working Group in April 2012. This will set out in detail the basis of ward member involvement in pre-application discussions in relation to Section 106 matters in response to the Full Council resolution of 31st January 2012.

A key element of the new approach with respect to major applications will be that officers will provide the opportunity for local ward Members to more positively engage in the pre-application stage of development proposals, helping to address locally important issues as early as possible.

Recommendation

It is recommended that Planning Committee note progress with the preparation of the Protocol for Ward member Involvement in Planning Applications and Section 106 Agreements and instruct officers to send this statement to all councillors.

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