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Planning Committee

Thursday 20 September 2012

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Aspinall (substitute for Councillor Vincent), Mrs Bowyer, Darcy, Sam Davey, Nicholson, Mrs Nicholson (substitute for Councillor Mrs Foster), John Smith, Stark, Jon Taylor and Wheeler.

Apologies for absence: Councillors Mrs Foster and Vincent.

Also in attendance: Ray Williams – Lead Planning Officer, Julie Rundle – Planning Lawyer, and Ross Johnston – Democratic Support Officer.

The meeting started at 5pm and finished at 7.55pm.

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.

34. 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 Nicholson	38. Compliance of Planning Conditions Imposed upon Planning Ref 11/00750 (for the construction of Energy from Waste Plant in Her Majesty's Naval Base, Devonport)	Employed by Babcock International Group	Personal
Councillor John Smith	39.2 22 Ganna Park Road, Plymouth 12/01227/FUL	Knows the speaker.	Personal

35. **MINUTES**

Agreed the minutes of the meeting held on 23 August 2012 subject to Councillor Mrs Nicholson being included in the voting schedule and Councillor Nicholson, who was absent, removed.

36. **CHAIR'S URGENT BUSINESS**

Government Changes to the Planning System

The Chair informed the Committee that the Cabinet had asked that the Planning Committee consider the implications of the Government's recent announcement outlining controversial changes to government policy on planning and, in particular, the intention to relax the requirement for planning permission on residential extensions under 8m and report back to Cabinet with how this could be addressed. The Chair, further added that this issue would be subject to a debate at City Council on 24 September 2012.

Members were further informed that guidelines used to assist in the determination of planning applications, such as the 45 degree rule, could only be used where planning permission is required and on permitted development rights these guidelines were effectively redundant.

It was commented by members that it would be premature to comment on the government's proposal at this time as not all details had been published.

Agreed to wait for the government to officially publish its proposal on changing government policy on planning before responding to the Cabinet.

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

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

There were no question from members of the public.

38. **COMPLIANCE OF PLANNING CONDITIONS IMPOSED UPON PLANNING REF 11/00750 (FOR THE CONSTRUCTION OF ENERGY FROM WASTE PLANT IN HER MAJESTY'S NAVAL BASE, DEVONPORT)**

At the request of the Planning Committee on 23 August 2012, the Assistant Director for Planning submitted a report on the compliance of planning conditions imposed upon Planning ref 11/00750 (for the construction of Energy from Waste Plant in Her Majesty's Naval Base, Devonport). Alan Hartridge, Planning Officer, was in attendance to present the report and informed members that –

- (a) stage one of the base enhancement works phase was concluded on 6 August 2012 and was followed by stage two, the main construction phase, beginning

on 14 August 2012. Current projections show that the commissioning stage would begin in 2014 and the energy from waste plant would be fully operational at this stage;

- (b) the conditions and S106 clauses attached to the planning permission were being monitored closely by the Planning department and the detailed schemes required were considered following consultation with various technical officers and experts such as ones within the Environment Agency and Local Highway Authority and Public Protection Service Unit; compliance with these conditions would regularly be reported to the Planning Committee for monitoring;
- (c) all S106 Obligation payments, which were indexed linked ensuring that the payments would rise at the same rate as inflation, for the first phase had been paid in full; these payments were monitored by the Council's Community Infrastructure Levy (CIL) and Planning Obligations Officer;
- (d) the North Yard Community Trust was hoped to be up and running by November 2012 and would begin to allocate the spending of the annual community fund of £150k on local well-being initiatives.

Following members questions it was commented that –

- (e) a scheme to ensure that the majority of waste industrial bottom ash would not be landfilled had been submitted in order to comply with condition 8, MVV needed to ensure that a suitable processing site was in place at the time that the energy from waste plant became operational and this might be in another local planning authority area;
- (f) the detailed Construction Environmental Management Plan, required by condition 18, had been analysed and varied to try and improve upon it and to ensure improvements were delivered in the local community's interest;
- (g) the conditions have not been varied, but the detailed technical schemes that were created to deliver the conditions had been scrutinised in order to improve them and ensure that each condition was delivered appropriately.

Members commented that –

- (h) decisions taken in the local community's interest should be part of a consultation process with members, who were elected as local community representatives;
- (i) consideration needed to be given to the process of monitoring conditions and who this should be delegated to, and in particular whether Part C para 2.8 of Plymouth City Council's Constitution could assist.

Agreed that Councillor Stevens, Chair, Councillor Tuohy, Vice-Chair and Councillor Lynda Bowyer, Shadow Chair would meet with the Assistant Director of Planning with the relevant legal officers to discuss the process of how conditions are dealt

with, in relation to the Energy from Waste plant, and, in particular, looking at whether Part C, paragraph 2.8 of the Constitution could assist in the delegation of powers to the Planning Committee.

(Councillor Nicholson declared a personal interest on the above item).

39. **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 numbers 39.2, 39.4, 39.5 and 39.6.

39.1 33 LYNWOOD AVENUE, PLYMOUTH, 12/01364/FUL

(Mr Chris Cook)

Decision:

Application **GRANTED** conditionally.

39.2 22 GANNA PARK ROAD, PLYMOUTH, 12/01227/FUL

(Mrs Sandy Dobbie)

Decision:

Application **REFUSED** as detrimental to residential amenity and character of the area.

The Local Planning Authority considers the proposed extension, by virtue of its siting, orientation and height relative to the adjoining neighbour, 20 Ganna Park Road, its scale and due to the material finish and detailing of the proposed side/boundary wall, is incompatible with its surroundings and is detrimental to the visual amenity of 20 Ganna Park Road, when viewed from the rear yard and rear ground floor windows of that property. The proposal is detrimental to the amenity of the occupiers of that neighbouring property due to the loss of light and outlook from the nearest ground floor windows (kitchen and ground floor rear room) and is overbearing and dominant when viewed from those windows and rear yard. The proposal is therefore contrary to policy CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines Supplementary Planning Document.

(The Committee heard representations against the application).

(Councillor Nicholson's proposal to refuse the application, on the reasons as stated above, having been seconded by Councillor Wheeler, was put to the vote and declared carried).

(Councillor John Smith declared a personal interest on the above item).

39.3 187 SOUTHWAY DRIVE, PLYMOUTH, 12/00503

(Mr R Tuckwell)

Decision:

Application **REFUSED**.

It was commented that if a member calls-in a planning application then that member should make every effort to attend the committee to explain the reasons for calling-in.

39.4 OFFICERS WALLED GARDEN, ROYAL WILLIAM YARD, PLYMOUTH, 12/00868/FUL

(Mr Adam Willets)

Decision:

Application **GRANTED** conditionally subject to the amendment of condition 12 to read:

The use of the nursery car park hereby proposed shall not commence until an update Transport Strategy (TS) for the Royal William Yard which shall include details of an updated Parking Strategy (detailing the management and control of car parking areas) and a site-wide Travel Plan (including modal shift targets and sustainable travel measures that will deliver those targets), has been submitted to and approved in writing by the Local Planning Authority. The applicants shall provide with the TS evidence that they have undertaken consultation upon it with local residents, businesses and local ward members and fully considered any consultation responses received.

It was agreed that –

- (1) the Assistant Director for Planning reports to Councillor Stevens, Chair, Councillor Tuohy, Vice-Chair and Councillor Lynda Bowyer, Shadow Chair of the Planning Committee, in due course, regarding alleged breaches of planning conditions and S106 Obligations within Royal William Yard;
- (2) Case Officer reports for future applications presented to Planning Committee for consideration on any development at the Royal William Yard should make reference to any breaches in planning conditions or S106 Obligations, where relevant to the proposed development;
- (3) the Assistant Director for Planning ensures that appropriate consideration is given to the future of the Royal William Yard and surrounding areas in the production of the Plymouth Plan.

The following informative was added to this decision:

The Council will expect any future applications coming forward for consideration by the Planning Committee to be accompanied by a satisfactory Transport Statement, when relevant to the application in question.

(The committee heard representations against the application from

Councillor Penberthy, ward member).

(The committee heard representations against the application).

**39.5 OFFICERS WALLED GARDEN, ROYAL WILLIAM YARD,
PLYMOUTH I2/00869/LBC**

(Mr Adam Willets)

Decision:

Application **GRANTED** conditionally.

**39.6 BREWHOUSE, ROYAL WILLIAM YARD, PLYMOUTH,
I2/01294/FUL**

(Urban Splash)

Decision:

Application **WITHDRAWN**.

40. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 14 August 2012 to 10 September 2012, including –

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

41. **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 September 2012

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
7.1 33 LYNWOOD AVENUE, PLYMOUTH – 12/01364/FUL	Unanimous				
7.2 22 GANNA PARK ROAD, PLYMOUTH 12/01227/FUL		Unanimous			
7.3 187 SOUTHWAY DRIVE, PLYMOUTH 12/00503	Unanimous				
7.4 OFFICERS WALLED GARDEN, ROYAL WILLIAM YARD, PLYMOUTH 12/00868/FUL	Unanimous				
7.5 OFFICERS WALLED GARDEN, ROYAL WILLIAM YARD, PLYMOUTH 12/00869/LBC	Unanimous				

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