

# Public Document Pack

## Planning Committee

Thursday 18 October 2012

### PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Bowyer, Darcy, Sam Davey, Mrs Foster, Nicholson, John Smith, Stark, Jon Taylor, Vincent and Wheeler.

Also in attendance: Peter Ford – Lead Planning Officer, Julie Rundle – Lawyer and Ross Jago – Democratic Support Officer

The meeting started at 5.00 pm and finished at 9.30 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.*

### 42. 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	47. 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 Wheeler	46.2 Bostons Boat Yard, Baylys Road, Plymouth. 12/01180/FUL	Cattewater Harbour Commission Member.	Personal
Councillor Tuohy	46.2 Bostons Boat Yard, Baylys Road, Plymouth. 12/01180/FUL	Known to Captain Boston.	Personal
Councillor Vincent	47. 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)	Member of South West Devon Waste Partnership.	Personal

### 43. MINUTES

Agreed the minutes of the meeting held on 20 September 2012 subject to the addition that Councillor Nicholson did not vote on minute number 38.

44. **CHAIR'S URGENT BUSINESS**

To facilitate good management of the meeting, the chair requested that item 6 be considered after item 7 and that item 7.4 be considered before item 7.1.

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

There were no questions from members of the public.

46. **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 46.1, 46.2, 46.3 and 46.4.

**46.1 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL**

(Mr P McMullin)

Decision:

Application **DEFERRED** due to a possible discrepancy within submitted plans.

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

(This agenda item was moved to enable efficient management of the meeting)

**46.2 BOSTONS BOAT YARD, BAYLYS ROAD, PLYMOUTH.  
12/01180/FUL**

(Mr I Pugsley)

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 24 October 2012. Condition 25 is amended to include provision for a footpath link through the southern boundary of the site to provide continuous public access along the waterfront at the western end of the site from the existing footpath on the Old Wharf.

(The Committee heard representations against the application from Councillor Mike Leaves and Councillor Ken Foster, ward members).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(Councillor Wheeler and Councillor Tuohy declared a personal interest the above item)

(This agenda item was moved to enable efficient management of the meeting)

**46.3 SEAWINGS, 101 LAWRENCE ROAD, PLYMOUTH.  
12/01339/FUL**

(Mr Andrew Preston)

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 18 January 2013.

(The Committee heard representations against the application from Councillor Mike Leaves and Councillor Ken Foster, ward members).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(This agenda item was moved to enable efficient management of the meeting)

#### **46.4 21 DEAN ROAD, PLYMOUTH. 12/01520/FUL**

(Mr P McMullin)

Decision:

Application **DEFERRED** for further consideration of appropriate landscaping, changing of roof to mitigate the overlooking of 17 and 19 School Close, the use of velux windows, lowering the garage roof and suitable screening from 19 Dean Road.

(The Committee heard representations against the application from Councillor Nicholson, ward member).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(Councillor Darcy's motion to defer the application, having been seconded by Councillor Jon Taylor, was put to the vote and declared carried)

(Councillor Nicholson declared a personal interest in this item and did not take part in the debate)

(This agenda item was moved to enable efficient management of the meeting)

#### **47. 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)**

The Assistant Director for Planning Services submitted a report on the compliance of planning conditions imposed upon planning permission 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) there had been four breaches over 38 days of monitoring. Weekly checks had taken place from the 13 August 2012 and six complaints were under investigation;
- (b) the operation of equipment had been moved from the site boundary after noise breaches with portable acoustic barriers installed to mitigate against further breaches. Further checks would be undertaken after the installation

of barriers;

- (c) breaches relating to work taking place outside of scheduled hours (as per the construction code of conduct) had taken place. Two breaches occurred in September due to equipment failure. The breaches did not exceed 15-20 minutes. The Community Liaison Manager would be informed of future breaches and there would be a publication of the breaches on the MVV website;
- (d) technical details of how noise was monitored and managed was embedded in schedule 5 of the Section 106 agreement in the noise management plan;
- (e) monitoring from consultants suggests that mitigating measures had ensured that the noise levels could be kept within permitted levels;
- (f) noise level limits were the most stringent seen on a site in the city. More acoustic barriers were on order, the maximum height of which were 3.5 meters so they remained portable and were able to be deployed quickly to reduce noise levels;
- (g) it would be unreasonable to prosecute automatically for breaches without further investigation into the reasons;
- (h) complaints which related to noise and dust were not confirmed by independent monitoring;
- (i) a complaint regarding early morning noise before construction hours had been denied by MVV. There was no evidence to confirm the report and further complaints had not been received;
- (j) the noise monitoring steering group was made up of technical officers as defined by the clause in the section 106 agreement.

Agreed –

- (1) to note the position regarding compliance with conditions and obligations to date and agree to the suggested report programme (appendix 2) of the report;
- (2) to authorise an investigation into alleged breaches and any possible enforcement action with a report on the outcome to be brought back to committee;
- (3) that the Assistant Director of Planning investigates the noise levels with a view to lowering them, possibly by a variation of the section 106 agreement, with a report on the outcome to be brought back to committee.

(Councillor Nicholson declared a personal interest in the above item and abstained from the vote)

(This agenda item was moved to enable efficient management of the meeting)

48. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 10 September 2012 to 8 October 2012, including –

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

49. **APPEAL DECISIONS**

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

50. **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 – 18 October 2012

## SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL	Councillors Darcy, Nicholson, Stark, Mrs Foster, Mrs Bowyer, Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.				
BOSTONS BOAT YARD, BAYLYS ROAD, PLYMOUTH. 12/01180/FUL (Officers Recommendation)	Councillors Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.	Councillors Darcy, Nicholson, Stark, Mrs Foster, Mrs Bowyer.			
<ul style="list-style-type: none"> <li>Motion to defer (lost)</li> </ul>	Councillors Darcy, Nicholson, Stark, Mrs Foster, Mrs Bowyer.	Councillors Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.			
<ul style="list-style-type: none"> <li>Amendment of condition 25</li> </ul>	Councillors Darcy, Nicholson, Stark, Mrs Foster, Mrs Bowyer, Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.	Councillor Mrs Foster.			
SEAWINGS, 101 LAWRENCE ROAD, PLYMOUTH. 12/01339/FUL (Officers Recommendation)	Councillors Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.	Councillors Darcy, Nicholson, Mrs Foster, Mrs Bowyer.			Councillor Stark.
21 DEAN ROAD, PLYMOUTH. 12/01520/FUL (Amended recommendation)	Councillors Darcy, Stark, Mrs Foster, Mrs Bowyer, Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.			Councillor Nicholson.	Councillor Stark.

<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>
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)	Councillors Wheeler, S.Davey, Vincent, J. Smith, J Taylor, Tuohy, Stevens.	Councillors Darcy, Mrs Foster, Mrs Bowyer.	Councillor Nicholson.	Councillor Vincent.	Councillor Stark.