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Planning Committee

Thursday 6 December 2012

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Bowyer, Churchill (substituting Councillor Darcy), Sam Davey, Mrs Foster, Nicholson, John Smith, Stark, Jon Taylor, Tuffin (substituting Councillor Vincent) and Wheeler.

Apologies for absence: Councillors Darcy and Vincent.

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

The meeting started at 4 pm and finished at 8.50 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.

62. 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	66.1 Plym Valley, Plymouth. 12/01712/FUL	Member of the National Trust	Personal
Councillor Nicholson	66.3 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Member of the Plympton Conservative Club	Personal
Councillor Nicholson	66.4 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Member of the Plympton Conservative Club	Personal
Councillor Churchill	66.2 10 Third Avenue, Billacombe, Plymouth. 12/01425/FUL	Ward member having expressed a view on the proposals.	Prejudicial
Councillor Churchill	66.3 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Employer in contract with the applicant	Personal
Councillor Churchill	66.4 95 To 99 Ridgeway, Plymouth. 12/01780/FUL	Employer in contract with the applicant.	
Councillor Stark	66.1 Plym Valley, Plymouth. 12/01712/FUL	Member of the National Trust	Personal

Councillor Tuohy	66.6 Woodville Road, Plymouth. 12/01304/FUL	Plymouth Community Homes Resident	Personal
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63. **MINUTES**

Agreed the minutes of the meeting held on 8 November 2012.

64. **CHAIR'S URGENT BUSINESS**

The Chair confirmed that the energy from waste plant would no longer be included as a standing item on future agendas, but officers will prepare reports on request by Members.

65. **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	Cabinet Member or Committee Chair	Subject
Q8-12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant
Six reports of incinerator noise excess were under investigation at the time of the October Planning Committee Meeting. What is the result of that investigation and how many additional incidents of noise level and duration have been identified since that meeting?			
Response:			
<p>A report was presented to Planning Committee on 18th October 2012 explaining that 2 separate instances of breaches of the noise construction limits established by condition 19 attached to the Waste to Energy Plant planning permission had been recorded since construction work began on the site. These incidences occurred on the 28th September 2012 and 10th October 2012.</p> <p>Since then a further noise limit breach has been recorded on the 28th November 2012. All 3 breaches are in respect of noise levels recorded at the same Savage Road receptor.</p> <p>In view of these incidents, and a further 5 separate ones relating to breach of working hours, which have also occurred during construction, a planning compliance investigation case (12/02114/OPR) has been opened by the Planning Department in accordance with its standard compliance procedures. The National Planning Policy Framework (NPPF) requires the Local Planning Authority to take into account that enforcement action is discretionary, and, that it should act proportionately in responding to suspected breaches of planning control.</p> <p>A comprehensive report on enforcement options will therefore be considered by the Planning Committee at its 3 January meeting.</p>			

66. **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 66.1, 66.3, 66.5, 66.6 and 66.7.

66.1 PLYM VALLEY, PLYMOUTH. 12/01712/FUL

(National Trust)

Decision:

Application **GRANTED** conditionally. Approval of the condition relating to the site management plan is delegated to the Assistant Director of Planning in consultation with the Chair, Vice Chair and nominated opposition spokesman.

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

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

(The Committee heard representations against the application).

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

(Councillor Stark and Nicholson declared personal interests in this item).

66.2 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL

(Mr P McMullin)

Decision:

Application **REFUSED** as the application was detrimental to the character and appearance of the area in terms of height, mass and visual impact, its overbearing appearance and loss of light. (Core Strategy Policy C34).

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

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

(Councillor Churchill declared a prejudicial interest in this item and did not take part in the debate).

66.3 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL

(JD Wetherspoon PLC)

Decision:

Application **GRANTED** conditionally with the following additional conditions-

- (1) public access to the site via the rear gate is prohibited;
- (2) During construction phase the site is subject to the council's code of practice for construction sites

Councillors also added an informative prohibiting smoking on the public highway to the front of the site.

(The Committee heard representations against the application).

(Councillor Churchill and Nicholson declared personal interests in this item).

66.4 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01781/LBC

(JD Wetherspoon PLC)

Decision:

Application **GRANTED** conditionally.

(Councillor Churchill and Nicholson declared personal interests in this item).

66.5 DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. I2/01894/FUL

(Mr Paul Harte)

Decision:

Application **GRANTED** conditionally. Approval of the condition relating to the Code of Construction is delegated to the Assistant Director of Planning in consultation with the Chair, Vice Chair and nominated opposition spokesman

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

(The Committee heard representations against the application).

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

66.6 WOODVILLE ROAD, PLYMOUTH. I2/01304/FUL

(BDW Trading Limited)

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 31 January 2013.

(The Committee heard representations in support of the application from Councillor Gordon, ward member).

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

(Councillor Tuohy declared a personal interest in this item).

66.7 DRAKE'S ISLAND, PLYMOUTH. I2/00095/FUL

(Rotolock (Holdings) Ltd)

Decision:

Application **DEFERRED** to the next Planning Committee to allow the submission of information to inform the habitat regulation assessment and enable consideration by the authority of the potential impacts on the European marine site.

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

66.8 DRAKE'S ISLAND, PLYMOUTH. I2/00099/LBC

(Rotolock (Holdings) Ltd)

Decision:

Application **DEFERRED** to the next Planning Committee to allow officers to consider the amended plans related to heritage issues.

67. PLANNING APPLICATION DECISIONS ISSUED

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 27 October 2012 to 23 November 2012, including –

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

- Applications returned as invalid

68. **APPEAL DECISIONS**

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

69. **EXEMPT BUSINESS**

There were no items of exempt business.

70. **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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SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1 PLYM VALLEY, PLYMOUTH. 12/01712/FUL To amend the recommendation	Councillors Wheeler, Davey, Tuffin, Smith, Tuohy, Stevens, Nicholson.		Councillors Churchill, Stark, Mrs Foster and Taylor.		Councillor Mrs Bowyer.
6.1 PLYM VALLEY, PLYMOUTH. 12/01712/FUL	Councillors Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillors Nicholson and Stark.	Councillor Mrs Foster and Churchill.		Councillor Mrs Bowyer.
6.2 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH. 12/01425/FUL (Refusal)	Councillors Nicholson, Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.			Councillor Churchill.	Councillor Mrs Bowyer.
6.3 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL (Additional condition and informative)	Councillors Churchill, Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillor Nicholson			Councillor Mrs Bowyer.
6.4 95 TO 99 RIDGEWAY, PLYMOUTH. 12/01780/FUL (Additional condition and informative)	Councillors Nicholson, Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.				Councillor Mrs Bowyer.
6.5 DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. 12/01894/FUL (Amended)	Councillors Stark, , Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillor Mrs Foster			Councillors Mrs Bowyer, Nicholson.
6.5 DURSTON HOUSE, LONGLANDS ROAD, PLYMOUTH. 12/01894/FUL	Councillors Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.	Councillor Mrs Foster	Councillor Stark		Councillors Mrs Bowyer, Nicholson.

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.6 WOODVILLE ROAD, PLYMOUTH. 12/01304/FUL	Councillors Stark, Mrs Foster, Wheeler, Davey, Tuffin, Smith, Taylor, Tuohy, Stevens.				Councillor Mrs Bowyer.
6.7 DRAKE'S ISLAND, PLYMOUTH. 12/00095/FUL	Councillors Stark, Mrs Foster, Wheeler, Tuffin, Smith, Tuohy, Stevens.	Councillor Davey	Councillor Taylor		Councillors Mrs Bowyer, Nicholson.
6.8 DRAKE'S ISLAND, PLYMOUTH. 12/00099/LBC	Councillors Stark, Mrs Foster, Wheeler, Tuffin, Smith, Tuohy, Stevens.	Councillor Davey	Councillor Taylor		Councillors Mrs Bowyer, Nicholson.