

Planning Committee

Thursday 8 November 2012

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

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

Apologies for absence: Councillor Darcy.

Also in attendance: Peter Ford – Lead Planning Officer, Mark Lawrence – Planning Lawyer, and Ross Johnston – Democratic Support Officer.

The meeting started at 5.00 pm and finished at 8.00 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.

51. 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	57.2 21 Dean Road, Plymouth 12/01504/FUL	Ward member having expressed a view on the proposals.	Personal
Councillor Nicholson	58. 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 Vincent	56. Objection to Tree Preservation No. 490 – 46 Torridge Road,	Cabinet Member speaking on this issue.	Prejudicial

	Plympton, Plymouth		
Councillor Vincent	58. 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)	Cabinet Member.	Prejudicial
Councillor Churchill	57.4 10 Third Avenue, Billacombe, Plymouth 12/01425/FUL	Ward member	Personal

52. **MINUTES**

Agreed the minutes of the meeting held on 18 October 2012 subject to –

- (a) Councillor Mrs Foster being removed from voting FOR the amendment of condition 25 on the Boston's Boat Yard application, 12/01180/FUL;
- (b) Councillor Stark being included as voting FOR the deferral on the 21 Dean Road application, 12/01520/FUL.

53. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

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

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

Mr S.C.M O'Hara attended the meeting to ask his question and Councillor Stevens, Chair of Planning Committee, responded as set out below:

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q5-12/13	S.C.M O'Hara	Chair of Planning Committee	Energy from Waste Plant
Average (monthly) diffusion tube readings at Camels Head recorded 31.9 µg NO ² /m ³ close to Weston mill primary school, and only 17.4µg NO ² /m ³ at MVV's monitoring station, upwind (500m SW) of the incinerator stack. Why did regulating			

authorities accept annual average NO₂ value from MVV's station as the local baseline concentration?

Response:

These matters are delegated to Officers following the Planning Committee's majority decision of 22 December 2011.

The average diffusion tube readings at Camels Head are well within the national air quality standards.

The baseline measurements are meant to represent what the levels of pollution are at the application site in its current form and these were accepted by the local planning authority and the Environment Agency as appropriate. The Council's Public Protection Service Unit were aware of the applicant's modelling for that area and carried out their own modelling to assess the likely effects of emissions from the stack and from traffic at relevant receptor locations nearby, including Camels Head. The applicants' modelling predictions were validated and there was no sound reason on air quality grounds to militate against the grant of planning permission.

Monitoring of NO₂ undertaken within the air quality study area is summarised within Section 4.5 of Appendix 13.1 to the Environmental Statement, and consisted of:

- measurements at a continuous monitoring station within Devonport, which is representative of background conditions in the vicinity of the site; and
- diffusion tube monitoring at a number of further locations around the development site.

As NO₂ is one of the primary pollutants of concern emitted from road traffic, the diffusion tube survey included monitoring at a number of locations close to main roads to evaluate the variation in concentrations in areas close to road traffic sources. The air quality assessment used baseline concentrations from the diffusion tube survey in the consideration of the combined impact from road traffic and chimney emissions on NO₂ concentrations at selected receptors, including those in the vicinity of the Camel's Head junction.

Mr Kilvington attended the meeting to ask his question and Councillor Stevens, Chair of Planning Committee, responded as set out below:

Question No	Question By	Cabinet Member or Chair	Subject
Q6-12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant
<p>MVV's Continuous monitoring station is installed at NGR SX444572, 500 metres SW of the incinerator location. Prevailing winds are westerly. Vulnerable local communities lie in an arc from North, through East to Southeast of the incinerator. Why have PCC planners, and the EA, accepted the upwind site?</p>			

Response:

These matters are delegated to Officers following the Planning Committee's majority decision on 22 December 2011.

The Environment Agency approach is based on monitoring of emissions at source from the stack and computer modelling of their dispersion. Their officers assessed the potential air quality impacts by using the worst case scenario i.e. the plant operating at limits and were satisfied with that assessment. The EA view is that the conditions of the permit are robust and will provide protection of human health and the environment. However PCC are interested in monitoring any increased pollution from stack and traffic emissions to validate the predictions. This involves locating diffusion tube monitoring stations over a wider area---including 'downwind'.

Details of the baseline monitoring survey are given in Section 4.5 of Appendix I3.1 to the Environmental Statement. The monitoring site was selected to be representative of underlying baseline conditions in the air quality study area, without the facility in operation. The maximum additional impact of stack emissions within the study area was then predicted within Section 5 of the dispersion modelling assessment.

Mr P O'Hara did not attend the meeting and his question, and the response from Councillor Stevens, Chair of Planning Committee, was circulated to councillors as set out below. The response would be sent to Mr P O'Hara following the meeting.

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q7-12/13	Mr P O'Hara	Chair of Planning Committee	Energy from Waste Plant
What were vehicle emissions factors (g/k Wh, g/km or mg/km) tonnage and speed factors used for modelling the projected impact of the additional 264 incinerator-related HGV movements across the Camels head junction; and was this study completed? Information in the application documents about these factors in unclear?			
Response:			
1) Yes, the vehicle emission factors used in the road traffic emissions modelling was taken from the Highways Agency emissions factor database, as stated in paragraph 3.5.7 of Appendix I3.1 to the Environmental Statement. The units of the factors used are g/km/s.			
2) A modelling exercise was undertaken by the Council's Public Protection Service Unit to check the soundness of the applicant's predictions and to understand the likely impacts upon the locality. It was evident that there would only be a minimal increase in NO2 levels at Camels Head Junction.			

Mrs B.D O'Hara did not attend the meeting and her question, and the response from Councillor Stevens, Chair of Planning Committee, was circulated to councillors as set out below. The response would be sent to Mrs B.D O'Hara following the meeting.

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q8-12/13	Mrs B.D O'Hara	Chair of Planning Committee	Energy from Waste Plant
<p>Are there plans to install a full spectrum continuous monitoring station close to Weston Mill Primary School, downwind of the incinerator stack, as this would be more relevant to health protection monitoring, particularly for the school children as well as most of the city, than MVVs cynically located upwind station?</p>			
<p>Response:</p> <p>The Section 106 Agreement, agreed by a majority of the Planning Committee makes provision for further air quality monitoring in the operational phase as follows:</p> <ul style="list-style-type: none"> • the installation of a particulate matter (PM₁₀) monitoring station in the vicinity of the Camel's Head junction to assess concentrations in the five years following commissioning of the facility (particularly from HGV traffic) ; and • Ten years of nitrogen dioxide (NO₂) diffusion tube monitoring at ten locations in the vicinity of the Camel's Head junction and throughout St. Budeaux / King's Tamerton. <p>I fully understand and accept the argument for monitoring at Weston Mill Primary School, these matters are delegated to Officers and their opinion is that the submitted Environment statement contained adequate data to assess the main air quality impacts on the environment (as required by the Town & Country Planning Environmental Impact Assessment Regulations 1999). A modelling exercise was undertaken by the Council's Public Protection Service Unit to check the soundness of the applicant's predictions and to understand the likely impacts upon the locality. The views of the EA and PPS Unit on the relevant air quality matters were considered prior to the determination of the planning application. Some individuals held a different opinion to theirs and their views were reported and considered prior to determination. It was considered that there would not be a significant effect on air quality for school children or for the rest of the city.</p>			

55. **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 57.1, 57.2 and 57.3.

56. **OBJECTION TO TREE PRESERVATION ORDER NO. 490 - 46
TORRIDGE ROAD, PLYMPTON, PLYMOUTH**

Chris Knapman, Tree Officer, provided the Committee with a report regarding an objection to the making of Tree Preservation Order No. 490, 46 Torridge Road, Plympton, Plymouth.

Agreed to confirm Tree Preservation Order No. 490 without modification.

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

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

57.1 89 FLEETWOOD GARDENS, PLYMOUTH

(Mrs G Buckley)

Decision:

Application for issuing a certificate subject to consultation response from Legal
AGREED.

57.2 21 DEAN ROAD, PLYMOUTH

(James Dean and Kerry Everson)

Decision:

Application **GRANTED** conditionally.

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

(The Committee heard representations against the application).

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

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

57.3 LAND OFF TOWERFIELD DRIVE, PLYMOUTH

(ConsertoneZed Plymouth Ltd)

Decision:

Application **GRANTED** conditional permission, subject to S106 Obligation, with delegated authority to Assistant Director to refuse if the obligation is not completed by 10 December 2012.

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

57.4 10 THIRD AVENUE, BILLACOMBE, PLYMOUTH

(Mr P McMullin)

Decision:

Application **DEFERRED** for a site visit and to allow officers to accurately measure the distance between numbers 10 Third Avenue and, the neighbouring property, 11 Third Avenue, and report back to committee.

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

(The Committee heard representations against the application).

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

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

58. **COMPLIANCE WITH PLANNING CONDITIONS AND S106 CLAUSES IMPOSED UPON PLAN REF 11/00750 FOR THE CONSTRUCTION OF ENERGY FROM WASTE PLANT IN HER MAJESTY'S NAVAL BASE, NORTH YARD, DEVONPORT - TRANSPORTATION AND DRAINAGE MATTERS**

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) the report highlighted the progress being made against the transportation and highways requirements of the conditions and Section 106 clauses and that at this time there was no untoward harm being caused to the safety of people or the environment;
- (b) the Public Protection Service Unit would continue to monitor noise and air quality emission levels as required by Committee resolution throughout the development, and breaches of conditions or S106 agreements that monitoring revealed would need to be dealt with appropriately by the regulating authority.

Agreed that the report is noted.

(Councillor Nicholson declared a personal interest and Councillor Vincent declared a prejudicial interest in the above item and did not take part in the debate).

59. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 9 October 2012 to 26 October 2012, including –

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

60. **APPEAL DECISIONS**

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

61. **EXEMPT BUSINESS**

There were no items of 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.