

Planning Committee

Thursday 3 January 2013

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

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

Apologies for absence: Councillors Sam Davey and Nicholson.

Also in attendance: Peter Ford – Planning Lead Officer, Dave Shepperd – Head of Legal Services and Ross Johnston – Democratic Support Officer.

The meeting started at 4.00 pm and finished at 6.25 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.

71. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Councillors relating to items under discussion at this meeting in accordance with the code of conduct.

72. **MINUTES**

Agreed the minutes of the meeting held on 6 December 2012, subject to Cllr Churchill's interest being recorded as Personal in relation to item 66.4 – 95 to 99 Ridgeway, Plymouth 12/01780/FUL.

73. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

74. **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
Q10 - 12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant
Please list, in date and time order, all MVV's noise construction limit and working hours' planning breaches that have occurred since work commenced, and state the penalties that Plymouth City Council intends imposing for each breach?			
Response:			
The dates and time order of the planning breaches are as follows:			
September 20 th in relation to hours			
September 28 th in relation to noise			
October 2 nd in relation to hours			
October 10 th in relation to noise			
November 2 nd , 16 th , and 21 st in relation to hours			
November 28 th in relation to noise			
In relation to penalties for each breach a Planning Contravention Notice was served on the developers on the 11 th December 2012. As Chair of Plymouth City Council's Planning Committee, I am extremely concerned by these breaches and the inconveniences local people have reported. The Planning Committee will today consider this matter further and I very much hope strong action will be taken to prevent a repetition of these breaches or any new ones from occurring.			

The Chair further informed the committee that a further question had been received however, this had been rejected without his knowledge and as such he would be pursuing this issue with the relevant officers.

75. **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 75.1 and 75.4.

75.1 39 WALNUT DRIVE, PLYMOUTH 12/02129/FUL

(Mr Richard Wood)

Decision:

Application **GRANTED** conditionally the amended scheme submitted on 28 December 2012 that removed the garage element altogether, subject to an additional condition relating to highway safety –

Condition: The development shall not be commenced until space has been laid out within the site in accordance with details to be approved in writing by the Local Planning Authority for a minimum of 2 cars to be parked.

Reason: To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

(Councillor Steven's proposal to grant conditionally the amended scheme submitted on 28 December 2012 that removed the garage element altogether, having been seconded by Mrs Foster, was put to the vote and declared carried).

(Councillor Steven's proposal to include an additional condition relating to highway safety, having been seconded by Mrs Bowyer, was put to the vote and declared carried.)

75.2 DRAKES ISLAND, PLYMOUTH I2/00095/FUL

(Rotolock (Holdings) Ltd)

Decision:

Application **REFUSED**.

75.3 DRAKES ISLAND, PLYMOUTH I2/00099/LBC

(Rotolock (Holdings) Ltd)

Decision:

Application **REFUSED**.

75.4 LAND EAST AND WEST OF PENNYCROSS CLOSE, PLYMOUTH I2/01700/FUL

(Taylor Wimpey (Exeter) UK Ltd)

Decision:

Application **REFUSED**.

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

76. BREACHES OF PLANNING CONDITIONS IMPOSED UPON PLANNING REF I1/00750/FUL (FOR THE CONSTRUCTION OF AN ENERGY FROM WASTE PLANT IN HER MAJESTY'S NAVAL BASE, DEVONPORT)

The Assistant Director for Planning Services submitted a report on the breaches of planning conditions imposed upon planning permission ref I1/00750 (for the construction of Energy from Waste Plant in Her Majesty's Naval Base, Devonport).

Chris Watson, Compliance and Special Initiatives Team Leader, was in attendance to present the report and informed members that –

- (a) MVV had responded to the Planning Contravention Notice (PCN), that had been served on them in relation to noise and working hours breaches, and had indicated that they were taking appropriate measures to ensure noise remained within the permitted levels and that the agreed working hours would be adhered to;
- (b) the measures that MVV had taken included –
 - utilising extra and improved acoustic barriers;
 - undertaking weekly noise monitoring, instead of the conditioned fortnightly monitoring, for the remainder of the ‘piling’ phase;
 - allowing an extended break in the development over the Christmas and New Year holiday period;
- (c) for purposes of clarity MVV Environment Devonport Limited was the sole applicant with regard to this planning consent;
- (d) the report is presented for Member’s information only, as planning officers have delegated powers to pursue the full range of planning compliance actions;
- (e) all compliance actions taken against MVV to date had been in accordance with the National Planning Policy Framework and in line with the Council’s usual compliance procedures.

In response to members questions it was reported that –

- (f) the purpose of the PCN was to formally alert MVV that the Council was considering further planning compliance action in relation to noise and working hours breaches and to seek a response from them in respect of the breaches that had occurred;
- (g) MVV had given assurance that they were categorically taking all necessary steps to address the breaches, with the last reported breach occurring on 28 November 2012 and further indicated that the current piling stage was one of the noisiest stages of the development but that was likely to be completed within the next month;
- (h) the Council would be vigilantly observing and monitoring the development and would take all appropriate action if necessary.

Members noted the report, and requested that the Chair, Vice Chair, Shadow Chair, and Ward Members be notified by planning officers of any further breaches of planning conditions in respect of this development if they should occur.

77. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 24 November 2012 to 19 December 2012, including –

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

Agreed that Peter Ford, Planning Lead Officer, would provide feedback to members on the withdrawal of the following applications –

- (a) Central Library, Drake Circus, Plymouth 12/01770/LBC;
- (b) Lancaster Gardens, Plymouth 12/01815/FUL.

Members noted the planning applications issued.

78. **APPEAL DECISIONS**

The Committee received a schedule of decisions made by the Planning Inspectorate on appeals arising from the decisions of the City Council. Peter Ford, Planning Lead Officer, advised the Committee that the planning application 12/00568/FUL Parkview House, Trelwaney Lane, Plymouth was recently subject to an informal hearing. Members were further informed that –

- (a) at the hearing the Planning Inspector agreed with one of the Committee's reasons and therefore dismissed the appeal because of issues related to design and neighbourhood amenity;
- (b) despite dismissing the appeal the Inspector had not agreed with the additional refusal reasons in respect of the loss of employment land and the lack of completion of the S.106 agreement and awarded costs against the Council;
- (c) as a result of this decision the Chair requested that both Members and officers consider lessons to be learnt from the Inspector's decision and further training opportunities.

Members noted the appeal decisions.

79. **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.