

# Planning Committee

Thursday 2 May 2013

## PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

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

Apologies for absence: Councillors Mrs Foster, John Smith, Jon Taylor and Vincent.

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

The meeting started at 4.00 pm and finished at 7.55 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.*

## 105. DECLARATIONS OF INTEREST

The following declarations of interest was made in accordance with the code of conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Tuffin	109.4 The New Waterfront Ltd, 9 Grand Parade, Plymouth 13/00201/FUL	Member of the Plymouth Waterfront Partnership.	Personal

## 106. MINUTES

Agreed the minutes of the meeting held on 4 April 2013 subject to –

- (a) Councillor Smith being removed from voting AGAINST the motion to refuse on the I Seaton Avenue, Plymouth application, 13/00101/FUL;
- (b) Councillor Stark being included as voting FOR the motion to refuse and AGAINST the officer's recommendation on the I Seaton Avenue, Plymouth application, 13/00101/FUL.

107. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

108. **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.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member or Committee Chair</b>	<b>Subject</b>
Q13 - 12/13	Mr Kilvington	Chair of Planning Committee	Energy from Waste Plant Planning Application
<b>Question:</b>  Nine breaches of recorded noise and working hours were reported to the South West Devon Waste Partnership meeting on 24 January 2013 for the period from commencement of main piling work in August 2012. What is the Council's latest recorded total of MVV's planning condition breaches for the project?			
<b>Response:</b>  Since the 24 <sup>th</sup> January 2013 there have been no further breaches of noise levels to date. There has however been one additional breach of working hours. This breach occurred on 5 <sup>th</sup> February 2013, and involved overworking of approximately 50 minutes.  I and local members raised this matter with the Managing Director of MVV when we met him with officers on the 7 <sup>th</sup> February 2013. Mr Carey attributed this breach to an unforeseen and unexpected construction problems associated with having to deal with a blocked pipe during the pouring of concrete.  Following discussions with MVV about this incident, they have agreed to implement further specific contingency measures to reduce the likelihood of further working hours breaches. To date there have been no further working hours or other planning condition breaches known to have occurred since.  Planning and Public Protection Officers will continue to monitor the MVV compliance with all the planning conditions and Section 106 provisions carefully, and where necessary take legal action if that is merited.			

109. **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 109.1, 109.2 and 109.3.

### **109.1 PARKVIEW HOUSE, TRELAWNEY LANE, PLYMOUTH, I3/00349/FUL**

(T & O Developments)

Decision:

Application **GRANTED** conditionally, subject to an informative to be added as follows:

Parkview House, or any of its residents, will be prevented from being granted a parking permit if a Controlled Parking Zone (CPZ) is implemented on Trelawney Lane in the future.

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

(The Committee heard representations against the application).

### **109.2 ERRIL RETAIL PARK, PLYMOUTH, I3/00147/FUL**

(Optimisation Developments Ltd)

Decision:

Application **MINDED TO GRANT** conditionally, and **DEFERRED** for further consideration of the following transport and highways issues:

- (i) Alternative highway solutions for Heavy Goods Vehicles (HGVs) exiting the site including opportunities to use Plymouth Road and a mini roundabout at the junction of Cot Hill and Merafield Road.
- (ii) Improved cycling provisions on east bound side of Plymouth Road.
- (iii) Amendments to Condition 17 (Loading and Unloading Provision) to prioritise exit onto Plymouth Road.
- (iv) The potential of conditioning the applicant to undertake traffic monitoring.

The Committee agreed that the amendments to conditions 10 and 11 as detailed in the addendum report are rejected and, therefore, the conditions remain as follows:

- (a) Condition 10 - HOURS OF DELIVERY AND REFUSE COLLECTION:  
No deliveries shall be taken at or dispatched from the site outside the hours of 6am until 10pm Monday – Saturday, nor at any time on Sundays, Bank or Public Holidays;
- (b) Condition 11 – OPENING HOURS:  
The use hereby permitted shall not be open to customers outside the following times: 2100 hours to 0800 hours Monday to Saturdays inclusive and 1600 hours to 1000 hours on Sundays and Bank or Public Holiday.

(The Committee heard representations from Councillor Beer, ward member).

(The Committee heard representations against the application).

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

(Councillor Wheeler's proposal to reject the amendment to Condition 11, as proposed in the addendum report, having been seconded by Councillor Stevens, was put to the vote and declared carried).

(Councillor Aspinall's proposal to reject the amendment to Condition 10, as proposed in the addendum report, having been seconded by Councillor Nicholson, was put to the vote and declared carried).

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

### **109.3 LAND ADJACENT TO COMMONWOOD COTTAGE, ESTOVER CLOSE, PLYMOUTH, 13/00449/FUL**

(Miss Beth Roberts)

Decision:

Application **MINDED TO GRANT** and **DEFERRED** with delegated authority for the Assistant Director for Planning in consultation with the Chair, Vice-Chair and Councillor Mrs Bowyer to determine the application, subject to satisfactory responses in relation to:

- (a) a phase I Habitat Survey and associated protected species being completed and any mitigation measures addressed, to ensure that the Local Planning Authority are satisfied that the development will not have a significant impact on nature and biodiversity in the proposed location;
- (b) further consideration by the Local Planning Authority to agree suitable conditions which should include conditions to address Core Strategy Policy CS18 (Plymouth's Green Space)

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

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

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

### **109.4 THE NEW WATERFRONT LTD, 9 GRAND PARADE, PLYMOUTH, 13/00201/FUL**

(Plymouth Bike Hire)

Decision:

Application **GRANTED** conditionally with an additional condition as follows:

Not to use the site for any other purpose other than for bike hire and the hire of associated cycling equipment

(The Committee heard representations from Councillor Penberthy, ward member).

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

(Councillor Tuffin declared a personal interest in respect of this item).

110. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 22 March 2013 to 21 April 2013, including –

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

Members noted the planning applications issued.

111. **APPEAL DECISIONS**

Members noted the appeal decisions.

112. **EXEMPT BUSINESS**

There were no items of exempt business.

**\*\*\* SCHEDULE OF VOTING** (Pages 7 - 8)

**\*\*\*PLEASE NOTE\*\*\***

**A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.**