

Planning Committee

Thursday 12 January 2017

PRESENT:

Councillor Mrs Bridgeman, Vice Chair in the Chair.
Councillor Kelly, Vice Chair.
Councillors Ball, Mrs Bowyer (substitute for Councillor Wigen), Cook, Sam Davey, Fletcher, Mrs Foster (substitute for Councillor Mrs Pengelly), McDonald, Morris, Sparling, Stevens and Tuohy.

Apologies for absence: Councillors Mrs Pengelly and Wigen.

Also in attendance: Peter Ford (Head of Development Management), Julie Parkin (Senior Lawyer) and Lynn Young (Democratic Support Officer).

The meeting started at 2.00 pm and finished at 4.53 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.

101. Appointment of Vice Chair

The Committee agreed to appoint Councillor Kelly as Vice Chair for this particular meeting.

102. Declarations of Interest

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

Name	Minute Number and Item	Reason	Interest
Councillor Mrs Foster	107 – Plymstock School Grounds (between Howard Road and Church Road) – WCA.011	Member of the Plymouth Local Access Forum	Personal
Councillor Mrs Foster	108– Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house – WCA.004	Member of the Plymouth Local Access Forum	Personal
Councillor Mrs Foster	109 – Land between Church Hill Road and	Member of the Plymouth Local Access Forum	Personal

	Stamford Lane, Turnchapel – WCA.007		
Councillor Mrs Foster	110 – 6 Finches Close, Plymouth, 16/01935/FUL	Close relative has a house in Finches Close	Personal
Councillor Kelly	107 – Plymstock School Grounds (between Howard Road and Church Road) – WCA.011	Governor of Plymstock School	Prejudicial
Councillor Kelly	109 – Land between Church Hill Road and Stamford Lane, Turnchapel – WCA.007	Some of the residents who have registered as using the area are known to him	Personal
Councillor Stevens	109 – Land between Church Hill Road and Stamford Lane, Turnchapel – WCA.007	Employee of Devon and Cornwall Police	Personal
Councillor Stevens	110 – 6 Finches Close, Plymouth – 16/01935/FUL	One of the applicants is his partner's cousin	Personal

103. **Minutes**

Agreed the minutes of the meeting held on 15 December 2016.

104. **Chair's Urgent Business**

There were no items of Chair's urgent business.

105. **Questions from Members of the Public**

The following question was received from a member of the public for this meeting, in accordance with part B, paragraph 11 of the Constitution.

Question No.	Question by	Committee Chair	Subject
Q1 16/17	Mr Emery	Councillor Mrs Bridgeman	Public Rights of Way
<p>Question:</p> <p>Statutory Regulations require the Council to consider Public Path Order applications within two years. Why are applications listed on the Council's website from 2009 still outstanding and what action is being taken to record the 750 known footpaths in</p>			

Plymouth on the Definitive Map before the 2026 cut off date?

Response:

There is no statutory requirement for a Public Path Order to be completed within two years and the processing of such applications is a discretionary power not a statutory duty. In the past decade Plymouth City Council has only accepted 2 applications for a Public Path Order which it has progressed promptly; one under the Highways Act 1980 at Ridgeway School in Plympton which was completed in 2012 and the second under the Town and Country Planning Act 1990 at the Former Downham School site in Plymstock which was considered by Planning committee in February 2016, confirmed in November 2016 and brought into effect in January 2017.

We are not aware of any evidence that there are 750 unrecorded public rights of way in Plymouth. Whilst the 2026 cut-off date implemented by Parliament will have an impact on any unrecorded path which existed prior to 1949 the intention of Parliament appears to be to encourage national and local user groups to identify those paths which are important to them and work with local authorities to ensure they are protected, which may be done by submitting an application for a modification order before 2026. Plymouth City Council enjoys a good track record of dealing with applications to modify the definitive map and statement promptly. We were successful at a public examination where this committee's decision was upheld last summer, there is a public inquiry into another application being arranged for later this year and three further applications will be considered at today's meeting. Details about all the applications we are dealing with are available online if further information is required.

106. **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 Conservations Areas) Act, 1990.

107. **Plymstock School Grounds (between Howard Road and Church Road) - WCA.011**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a public footpath from Howard Road, heading south through the grounds of Plymstock School to a point on Church Road.

The Committee was satisfied that the evidence submitted by the applicant was insufficient to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **REFUSED** to make a Modification Order.

(The Committee heard representations against this application)

(Councillor Kelly declared a prejudicial interest in this agenda item and was not present for the debate or vote on this item)

Councillor Mrs Foster declared a personal interest in this agenda item)

108. **Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house - WCA.004**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a byway open to all traffic from Lake Road heading west over a slipway to Hooe Lake.

The Committee was satisfied that the evidence submitted by the applicant was insufficient to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **REFUSED** to make a Modification Order. However it was agreed that officers would work with the Radford and Hooe Lake Preservation Association to endeavour to find the correct piece of legislation to protect this slipway for future use.

(The Committee heard representations in support of this application)

Councillor Mrs Foster declared a personal interest in this agenda item)

109. **Land between Church Hill Road and Stamford Lane, Turnchapel - WCA.007**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a footpath linking Church Hill Road and Stamford Lane, Turnchapel.

The Committee was satisfied that the evidence submitted by the applicant was robust enough to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **AGREED** to make a Modification Order.

(The Committee heard representations against this application)

(Councillors Mrs Foster, Kelly and Stevens declared a personal interest in this agenda item)

110. **6 Finches Close, Plymouth - I6/01935/FUL**

Mr Steven Didymus

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Churchill, ward councillor, speaking against this application)

(Councillors Mrs Foster and Stevens declared personal interests in this agenda item)

(A Planning Committee site visit was held on Wednesday 11 January 2017 in respect of this application)

111. **Planning Enforcement Policy**

The Committee noted the Planning Enforcement Policy. The following suggestions were made to officers –

- The Council's website should provide more information on S215 untidy land notices;
- There should be some Planning Committee involvement in identifying priorities for enforcement cases based on the policy;
- Officers to consider staff resource requirements for enforcement in light of its importance;
- Enforcement policy should be communicated as widely with possible with the local community/interested parties;
- Clarification is needed on ways the public can report alleged breaches in planning control and whether this always needs to be in writing.

112. **Planning Application Decisions Issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 6 December 2016 to 22 December 2016.

113. **Appeal Decisions**

The Committee noted the schedule of appeal decisions made by the Planning Inspectorate.

Schedule of voting

Please note

A schedule of voting relating to the meeting is attached as a supplement to these minutes.

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PLANNING COMMITTEE – 12 January 2017

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
107	Plymstock School Grounds (between Howard Road and Church Road) - WCA.011	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Mrs Foster, McDonald, Morris, Sparling, Stevens and Tuohy			Councillor Kelly	
108	Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house - WCA.004	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, McDonald, Morris, Sparling, Stevens and Tuohy		Councillor Mrs Foster		
109	Land between Church Hill Road and Stamford Lane, Turnchapel - WCA.007	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Fletcher, Mrs Foster, Kelly, McDonald, Morris, Stevens and Tuohy	Councillor Sam Davey	Councillor Sparling		
110	6 Finches Close, Plymouth - 16/01935/FUL	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, McDonald, Morris,		Councillor Mrs Foster		

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent	
		Sparling, Stevens and Tuohy				