

Planning Committee

Thursday 9 March 2017

PRESENT:

Councillor Wigen, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Ball, Cook, Sam Davey, Fletcher, Kelly, McDonald, Mrs Pengelly, Stevens, Tuohy and Winter.

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 4.59 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.

129. 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 Ball	134 – 6 Linketty Lane, Plymouth, PL7 1RE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Mrs Bridgeman	134 – 6 Linketty Lane, Plymouth, PL7 1RE – 17/00129/FUL	Applicant is known to her	Personal
Councillor Cook	134 – 6 Linketty Lane, Plymouth, PL7 1RE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Sam Davey	134 – 6 Linketty Lane, Plymouth, PL7 1RE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Fletcher	134 – 6 Linketty Lane, Plymouth, PL7 1RE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Kelly	134 – 6 Linketty Lane, Plymouth,	Applicant is known to him	Personal

	PL7 IRE – 17/00129/FUL		
Councillor McDonald	134 – 6 Linketty Lane, Plymouth, PL7 IRE – 17/00129/FUL	Applicant is known to her	Personal
Councillor Mrs Pengelly	134 – 6 Linketty Lane, Plymouth, PL7 IRE – 17/00129/FUL	Applicant is known to her	Personal
Councillor Stevens	134 – 6 Linketty Lane, Plymouth, PL7 IRE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Tuohy	134 – 6 Linketty Lane, Plymouth, PL7 IRE – 17/00129/FUL	Applicant is known to her	Personal
Councillor Wiggins	134 – 6 Linketty Lane, Plymouth, PL7 IRE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Winter	134 – 6 Linketty Lane, Plymouth, PL7 IRE – 17/00129/FUL	Applicant is known to him	Personal
Councillor Sam Davey	136 - Blake Lodge, Seymour Road, Mannamead, Plymouth, PL3 5AS - 16/02073/FUL	Donated a sum of money to the applicant under the Community Grant Scheme	Personal

130. **Minutes**

Agreed the minutes of the meeting held on 9 February 2017.

131. **Chair's Urgent Business**

Peter Ford (Head of Development Management) provided Members with an update on the recent application to the High Court for permission to proceed with a Judicial Review with regards to Peirson House. He highlighted to Members that Judicial Reviews for planning cases at Plymouth City Council were extremely rare (there had been three in the last 10 years, none of which had been successful).

The result of the application for permission for a Judicial Review was made known on 28 February.

The Hoe Conservation and Residents Association (the Applicant) brought the claim against the Council in reference to the planning application to demolish Peirson House and replace it with apartments.

The application for permission to proceed with the Judicial Review claim was refused by the Planning High Court on 24 February, with the Judge stating in his decision that 'The grounds were wholly unarguable and the case came close to being certified as totally without merit'. The Judge also stated in his reasons that 'it was unacceptable for this claim to have been brought without complying with the pre-action protocol, especially in view of the type of grounds which the claimant has sought to put forward'.

The Judge considered that 'The claimant would have been able to see that the proposed grounds of challenge are bad, and both costs and delay could have been avoided. The approach taken in the claim form would appear to be tactical, if not abusive'.

The Applicant had seven days from 28 February, in which to ask for a Court hearing (as is their right) to review the decision. It was understood from their website that they have asked for such a hearing which has not yet been formally confirmed by the Court.

The Council have also been awarded costs against the Applicant in the sum of £5,000 due to the nature of the review.

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

There were no questions from members of the public.

133. **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.

134. **6 Linketty Lane, Plymouth, PL7 IRE - I7/00129/FUL**

Mr Mavin

Decision:

Application **GRANTED** conditionally.

135. **Former Plymouth College Site, Hartley Road, Plymouth, PL3 5LW - I7/00426/S73**

Mr Kevin Briscoe

Decision:

Application **GRANTED** conditionally.

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

(The Committee heard representations against this application)

(The Committee heard from the applicant's agent)

(A Planning Committee site visit was held on Wednesday 8 March 2017 in respect of this application)

136. **Blake Lodge, Seymour Road, Mannamead, Plymouth, PL3 5AS - I6/02073/FUL**

Plymouth Deaf Association

Decision:

Application **DEFERRED** to allow the applicant time to submit amended plans relating to parking provision and drainage details.

137. **I Armada Street, Plymouth, PL4 8LS - I6/02274/FUL**

Mr Tim Barrow

Decision:

Application **GRANTED** conditionally subject to S106 Obligation. Delegated to Assistant Director of Strategic Planning and Infrastructure to refuse if not signed in accordance with agreed timescales

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

(The Committee heard from the applicant's agent)

138. **I4-I6 Victoria Road, Plymouth, PL5 IRG - I6/01994/FUL**

Mr David Bartlett

Decision:

Application **GRANTED** conditionally subject to the inclusion of an Informative relating to parking –

Informative: if a future Controlled Parking Zone was introduced in the area the Council would consider whether or not the property would be excluded from the proposed Controlled Parking Zone.

(The Committee heard from Councillors Bowie and Wheeler, ward councillors, speaking against this application)

(Councillor Stevens' proposal to include an informative relating to parking, having been seconded by Councillor Mrs Pengelly, was put to the vote and declared carried)

(Councillor Sam Davey's proposal to recommend to the Cabinet Member for Transport and Housing Delivery to review the existing Policy for Controlled Parking Zones, having been seconded by Councillor Mrs Bridgeman, was put to the vote and declared carried)

139. **177 Clittaford Road, Plymouth, PL6 6HX - 16/02084/FUL**

Mrs Dahal

Decision:

Application **GRANTED** conditionally.

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

140. **Former Tothill Sidings, Desborough Road, Plymouth, PL4 9PN - 16/01422/REM**

Mr Hisham Shibl

Decision:

Application **GRANTED** conditionally subject to the inclusion of Informatives relating to parking and the Code of Construction –

Informatives:

- (1) to inform new residents that they will be excluded from the existing Controlled Parking Zone;
- (2) when an application is received to discharge the Code of Construction Condition (condition 6 of 13/00854/OUT and condition 20 of 14/00791/OUT), the case officer will consult ward councillors as part of that process.

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

141. **Planning Applications Determined Since Last Committee**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on planning applications determined since last Committee.

142. **Appeal Decisions**

Peter Ford (Head of Development Management) advised the Committee that –

- (1) the appeal in respect of planning application 16/01019/FUL - 36 Burleigh Park Road, Plymouth, PL3 4QH (Change of use from dwelling (Class C3) to 4-bedroom HMO (Class C4) (retrospective)), had been dismissed by the Planning Inspector;
- (2) the appeal in respect of planning application 15/01798/FUL - Former Tennis Courts, Hoe Road-Pier Street, Plymouth (Variation of condition 1 (plans

condition) of 14/01449/FUL to allow fourth floor roof top swimming pool and associated plant buildings), had been allowed by the Planning Inspector, and the swimming pool was now under construction.

Members were further advised that £5,000 costs had been awarded against the Council in relation to the Hoe Road-Pier Street application. The Inspector considered that the decision the Committee made had been unsound. Officers challenged the Inspector's decision as they felt that the Committee gave proper grounds for refusal.

After many months of negotiation, the Inspector agreed that costs should not have been awarded against the Council; however as the decision had already been made the only way to overturn this decision was to go to the High Court, which was not practical due to the costs involved. Officers managed to negotiate the original award of costs from £9,000 down to £5,000.

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.

Planning Committee – 9 March 2017

Schedule of voting

Minute number and application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
134	6 Linketty Lane, Plymouth, PL7 IRE - 17/00129/FUL	Unanimous				
135	Former Plymouth College Site, Hartley Road, Plymouth, PL3 5LW - 17/00426/S73	Councillors Mrs Bridgeman, Cook, Sam Davey, McDonald, Mrs Pengelly, Stevens, Tuohy, Wigens and Winter	Councillors Ball and Fletcher	Councillor Kelly		
136	Blake Lodge, Seymour Road, Mannamead, Plymouth, PL3 5AS - 16/02073/FUL Amended recommendation to DEFER	Unanimous				
137	1 Armada Street, Plymouth, PL4 8LS - 16/02274/FUL	Unanimous				
138	14-16 Victoria Road, Plymouth, PL5 IRG - 16/01994/FUL	Councillors Ball, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, McDonald, Mrs Pengelly, Stevens, Tuohy and Wigens	Councillor Winter			
139	177 Clitford Road, Plymouth, PL6 6HX - 16/02084/FUL	Councillors Ball, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, Mrs Pengelly, Stevens, Tuohy,	Councillor McDonald			

Minute number and application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
		Wigens and Winter				
140	Former Tothill Sidings, Desborough Road, Plymouth, PL4 9PN - 16/01422/REM	Unanimous				