

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 26 APRIL 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Jane Burton, Cllr Trevor Carbin (Substitute), Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jemima Milton and Cllr Christopher Williams

Also Present:

Cllr Nigel Carter, Cllr Mark Connolly and Cllr Brigadier Robert Hall

24. Apologies for Absence

Apologies for absence were received from Cllr Peggy Dow (who was substituted by Cllr Trevor Carbin) and Cllr Nick Fogg.

25. Minutes of the Previous Meeting

Resolved:

To confirm and sign as a correct record the minutes of the meeting held on 5 April 2012.

26. Declarations of Interest

There were no declarations of interest.

27. Chairman's Announcements

There were no Chairman's announcements.

28. Public Participation and Councillors' Questions

The Committee noted the rules on public participation and the manner in which the meeting would be held.

29. Appeal by The Society of Merchant Venturers: Land East of Quakers Walk, Roundway, Devizes - Development of Care Village - Planning Application Reference E/2011/1139/OUT

Consideration was given to a report by the Area Development Officer which advised Members of the receipt of an appeal against the decision to refuse planning permission for a care village at Quakers Walk, Roundway, Devizes made by this Committee at its meeting on 15 March 2012.

The Area Development Manager explained that since the decision made on 15 March, the Government had published its National Planning Policy Framework (NPPF) which replaced the previous planning policy statements which this Committee took into account when determining the application. It also replaced the draft NPPF to which only limited weight could be given at the time the decision was made. It was noted that the Planning Inspector would no longer have regard to any of these documents and would instead have regard to the NPPF, the policies of the Development Plan and any other material considerations.

The Committee was informed that it could not reverse its earlier decision on this application as it had already determined it. The decision making power on this application now rested with the Secretary of State through his Planning Inspector and the appeal would continue unless withdrawn by the appellant. The Council could proceed with its reasons for refusal at appeal but, if it did so, would need to produce substantive evidence to justify its decision.

However, the Committee could decide to withdraw its objections to the scheme at any time. In such circumstances, the appeal would still proceed and third parties would be able to present their views on the application but the length and cost of the appeal could be substantially reduced. Members were advised that if this action was to be taken that such a decision was made as early as possible to avoid the appellants in unnecessary costs in providing evidence to challenge the Council's grounds for refusal.

The Area Development Manager also referred to the Council's recent experience of costs awarded by Planning Inspectors and, in particular, two substantial cost awards where the Planning Inspector had found that the Council's reasons for refusal had no substantial evidence to back up the reasons for refusal that it put forward.

He then stated that officers had examined the three reasons for refusal as determined by this Committee at its meeting on 15 March and explained in each case how the reasons would not demonstrate any substantial evidence as would be required by the Planning Inspector.

The Committee then received details of several questions which had previously been submitted by Mr John Kirkman, Chairman of the CPRE Kennet Branch

together with responses which were read out at the meeting and copied to Mr Kirkman.

Statements in objection to the Committee's reasons for approval were received from the following members of the public:-

Mrs Judy Rose, representing Quakers Walk Protection Group
Mr Rick Rowland, Chairman, DCAP Housing & Built Environment Thematic Group
Mr John Kirkman, Chairman, CPRE Kennet Branch
Mr Tony Sedgwick, Traffic Advisor, Trust for Devizes
Cllr Chris Callow, Chairman, Roundway Parish Council

The views of Cllr Nigel Carter, Member for an adjoining Division.

On hearing the views of Cllr Laura Mayes, the local Member and after a full discussion,

Resolved:

To advise the Planning Inspector that, in the light of the changed circumstances brought about by the NPPF and a review of the reasons put forward, the Council no longer wishes to pursue the reasons put forward for refusing the application.

(The Committee had agreed to a recorded vote which was as follows:-

Those in favour of the Motion

Cllr Trevor Carbin, Cllr Richard Gamble, Cllr Charles Howard, Cllr Jemima Milton and Cllr Christopher Williams.

Those against the Motion

Cllr Jane Burton, Cllr Chris Humphries and Cllr Laura Mayes.)

30. Planning Applications

30.a E/2012/0204/FUL - 13 Manor Bridge Court, Tidworth, SP9 7NH - Change of Use of Garage to form a Play Room for Childminding

The following people spoke against the proposal

Mrs Karen Mackie, a local resident
Mr Derek Atkinson, a local resident

The following person spoke in support of the proposal

Mrs Natasha Handoll, the applicant

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Mark Connolly, as local Member, who explained that the Town Council, of which he was a member, had raised no objections to the proposal. He had met with several of the local residents and also with the applicant and considered that a reasonable compromise could be reached by:-

- including conditions prohibiting childminding at weekends and Bank and Public Holidays, and
- the erection of a gate by the applicant safeguarding children from access on to the highway.

During discussion, whilst Members supported the erection of a 5 foot gate to safeguard children, several Members did not support the limiting of childminding activities in view of the small number of children who would be on the premises at any one time.

Resolved:

To grant planning permission for the following reason and subject to the conditions as set out below:-

Reason for Decision

The proposed development (now retrospective) seeks to convert the double garage at the front of the dwelling into a childminding business, accommodating a maximum of 6 children at any one time. It is considered that due to the relatively small scale of the childminding business, its limited operating hours and the adequate amount of on-site / public parking spaces nearby, the proposal would be acceptable in principle, would not cause any harm to residential amenity and would not cause any harm to highway safety. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to policy PD1 of the Kennet Local Plan 2011.

Conditions:

1. The use of the premises for childminding shall be limited to a maximum of six children at any one time.

REASON: To limit the intensity of use of the premises, to safeguard the amenity of neighbours and in the interests of highway safety.

2. When the childminding use hereby permitted ceases, the use of the property shall revert to a single dwellinghouse (Use Class C3).

REASON: In the interests of neighbouring amenity.

3. The childminding use hereby permitted shall only take place between the hours of 07:30 – 17:30 on any day.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4. This development shall be in accordance with the submitted drawings deposited with the Local Planning Authority on 20/02/12, with the additional provision of a 5 foot pedestrian gate on the northern boundary of the garden to allow pedestrian access to the site.

REASON: For the avoidance of doubt.

5. **INFORMATIVE TO APPLICANT:**

Any business operations at the site other than that specified in the application documentation provided may be in breach of planning control and liable to enforcement action. In addition to the planning conditions, Section 79 of The Environmental Protection Act 1990 (legislation that operates outside of the planning system) identifies noise as a statutory nuisance. If a complaint of statutory nuisance is justified an Abatement Notice can be served upon the person responsible, occupier, or owner of the premises requiring that the Nuisance be abated. Failure to comply with an Abatement Notice is an offence and legal proceedings may result.

31. **E/2011/1714/FUL - Land South of 33 Avon Square, Upavon, SN9 6AD - Construction of 5 New Dwellings with Associated Gardens and Sheds, and 20 Car Parking Spaces**

The following people spoke against the proposal

Mr Ralph Hilliard, a local resident
Cllr Cowan, Chairman, Upavon Parish Council

The following person spoke in support of the proposal

Mr Jonathan Arnold, BBA Architects, the agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Robert Hall, the local Member, who did not support the proposal.

After discussion,

Resolved:

To defer and delegate the Area Development Manager to grant permission, subject to conditions and the completion of a legal agreement under Section 106 covering the areas outlined in the report, and to the Case Officer reaching agreement with the applicant regarding:-

- **Securing the best practicable parking provision possible, and**
- **An improvement to the design of the houses.**

32. Urgent items

There were no urgent items of business.

(Duration of meeting: 6.00 - 8.10 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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