



Devizes Town Council

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PLANNING COMMITTEE

You are summonsed to attend a meeting of the Planning Committee at the following, place and date.

Date: 2 February 2016

Time: Following Special Full Council.

Venue: Council Chamber, Town Hall, St John's Street, Devizes

Enquiries: Town Hall - Tel: 01380 722160

Mayor: Councillor Giraud Saunders

Chairman: Councillor Wooldridge

Councillors:	Mrs Bridewell	Mrs Burton	Carter
	Corbett	East	Evans
	Mrs Evans	Geddes	Hopkins
	Johnson	Nash	Ody
	Parker	Mrs Rose	Smith

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting held on 19 January 2016 and which have been circulated alongside the agenda.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE(S) OF INTEREST

To receive any disclosure(s) of interest by a Councillor or an officer in matters to be considered at this meeting, in accordance with provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

4. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the Council upon a matter of concern to that person which is relevant to the Council. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business.

5. FOR DECISION – WILTSHIRE COUNCIL'S NOTICE OF PLANNING APPLICATIONS FOR CONSIDERATION

Details of Planning Applications for Consideration are attached (doc 5/1).

Members wishing to make enquiries about any of the applications listed or inspect plans before the meeting are advised to do so on line at Wiltshire Council.

6. REPORT FOR INFORMATION – WILTSHIRE COUNCIL'S NOTICE OF PLANS GRANTED OR REFUSED

Attached (doc 6/1) a list of plans granted, refused or withdrawn.

7. REPORT FOR INFORMATION - APPEAL AGAINST DEVIZES AREA NEIGHBOURHOOD PLAN

On the 22 January, officers received notification that Mactaggart and Mickel Homes Ltd are seeking a High Court Order quashing the Devizes Area Neighbourhood Plan.

The court papers set out the Claimant's grounds for challenging the Devizes Area Neighbourhood Plan, which are as follows;

- a) the DANP (Devizes Area Neighbourhood Plan) prejudices the introduction of the SADPD (Wiltshire Housing Site Allocation Development Plan Document) such that it put 'the cart before the horse' (Ground 1);
- b) the Defendant (Wiltshire Council) did not agree the relationship between the DANP and the SADPD (Ground 2);
- c) the Claimants was not given the opportunity to address modifications to the DANP (Grounds 3).

The claimant submits that each of the grounds for challenge individually justifies the quashing of the DANP.

The defendant in the action is Wiltshire Council, and Town Council officers have been informed that they are currently reviewing the case.

The Neighbourhood Plan Steering Group will have met by the date of this meeting to consider what, if any action, they can take to support Wiltshire Council in defence of this claim.

8. REPORT FOR INFORMATION – PLANNING APPEAL LAND AT COATE ROAD

Notification has been received from Wiltshire Council (doc 8/1 – 8/2) regarding the appeal by Mactaggart and Mickel Homes Limited against the decision to refuse planning consent for 350 dwellings, 700sqm of retail space, open spaces, access road, cycleway, footpaths, landscaping associated engineering work.

The date of the commencement of the appeal has been set for the 5 April 2016 and is due to last 4 days. As part of the submission made to the Planning Inspector in 2015 it was advised that a member of Devizes Town Council will want to make representation at the hearing. Nearer to the hearing a member of the committee will be nominated to decide who will represent the Council.

The Neighbourhood Plan Steering Group have made similar written representation and requested to take part.

9. REPORT FOR DECISION – LAND OF QUAKERS ROAD HOUSING APPEAL

Recommendation

To guide officers if the committee wishes to make representation to Planning Inspector for the land of Quakers Road Housing Appeal.

Purpose of the Report

To guide officers about comments the committee may wish to make in respect of the proposed appeal.

Background

We have been advised that the Secretary of State has called in the housing application for the further development on Quakers Walk. The application is for 123 dwellings together with associated open space, landscaping parking and access to the existing site on Quakers Road.

In considering any issues relating to this development the committee may wish to take into account the following points:

- The Adoption of the Neighbourhood Plan
- The Adoption of the Wiltshire Core Strategy
- Housing Land Supply and Housing Requirement for the town

The Neighbourhood Plan Steering Group are meeting to discuss the appeal and will also make representation.

The deadline for responses is Monday 22 February.

Options Considered

The committee needs to decide if it wishes to make representation to the planning Inspectorate in relation to this appeal.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any significant Resource or Financial implications for this Council in making further representation to this planning appeal.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence.

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

10. REPORT FOR DECISION – SUBSIDISED BUS SERVICE CONSULTATION

Recommendation

That the Committee decides how it will respond to Wiltshire Council's review of passenger transport in the county.

Purpose of the Report

To provide an opportunity to respond to the review of passenger transport for Wiltshire.

Background

Wiltshire Council are inviting views on a review of subsidised bus services in Wiltshire.

The review is being carried out as part of wider plans to help Wiltshire Council save millions of pounds over the next three years.

Wiltshire Council advises that half of the bus mileage in the county is subsidised with £5.1 million per year from themselves as it is not commercially viable otherwise. The rest of the services in Wiltshire are operated on a commercial basis by various operators.

Whilst Wiltshire Council indicates they know how important bus services are for rural communities, particularly in relation to people maintaining their independence, due to the pressures on ongoing spending pressures they have to reduce the amount of budget that they spend on subsidising public transport at the level they currently do.

They wish to minimise any impact that changes might have, especially on vulnerable people including those who are elderly, disabled and young and are therefore seeking a wide variety of views.

The review will also consider how community transport might be able to assist with public transport, and will be accompanied by continuing work to identify savings in other areas of the council's passenger transport spending.

A consultation questionnaire that has been produced by Wiltshire Council and initially seeks to establish how communities currently use public transport and asks for opinions on six possible changes to funding.

- 1) Withdraw funding of for all supported evening buses and how that would affect users.
- 2) Withdraw funding of for all supported Sunday and Bank Holiday buses and how that would affect user.
- 3) Reduce the hourly services Mon-Fri to a two hourly service on the strategic bus network and how that would affect users.
- 4) Reduce rural bus services to 2-3 buses a day on regular routes and withdraw most of the infrequent services except those that are the only service to a group of villages and how that would affect users.
- 5) Reduce town bus services to 2-3 buses a day. Existing buses used by pupils within Warminster, Devizes, Bradford on Avon and Melksham would be retained and how that would affect users
- 6) Withdraw all funding for all Council subsidised services and how that would affect users.

Further information is available from the Wiltshire Council Website consultation portal.

Options Considered

The committee needs to decide how it wishes to respond to the consultation.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Town Council have been set out in the consolation

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Town Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Town Council associated with this decision at this time.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

11. REPORT FOR DECISION – FREE PARKING ALLOCATION

Recommendation

That the committee notes Wiltshire Council's intention to change the way it allocates free parking for events and passes on any views it may have on the issue back to Wiltshire Council.

Purpose of the Report

To consider how free parking may work for town events in the future.

Background

Notification has been received from Wiltshire Council regarding free parking for town events. The council's current policy is to allocate town and parish councils a number of annual discretionary days to award as they feel appropriate and Devizes receives two.

The intention of this policy is to give town and parish councils the opportunity to support an event, where they feel it is of a community benefit. Wiltshire Council covers any lost income and costs of implementation.

The lost income for Wiltshire Council is approximately £200k per annum (for all the event allocations) and the implementation cost can also be substantial in some areas.

Wiltshire Council believes the current scheme does not operate in the way it was intended with the concept of the free parking days being disjointed. What has started to happen is town and parish councils make a request for a date, with other organisations then requesting further days for the same event directly to Wiltshire Council. This results in Wiltshire Council funding two schemes, rather than just the town and parish council free days.

Wiltshire Council has concluded that the current approach is no longer sustainable and are therefore now seeking views on how a single scheme should be operated in the future.

We have been asked to comment on the following:

1. That parish and town councils continue to receive a limited allocation of free spaces to event organisers. Wiltshire Council would no longer offer any spaces directly to organisers, irrespective of the organisers or the event.
2. Wiltshire Council assesses all applications and awards the free parking arrangements directly to event organisers.
3. Another option suggested by Devizes Town Council.

Town Council Officers sought clarification on the current arrangements as it is the Town Council's understanding that Devizes is allocated two free days parking in the town which relates to car parks. Restrictions for "on street" parking such as the Market Place stay in place.

It is felt that the consultation text is a little ambiguous, as the opening lines state town and parish councils are allocated a number of annual discretionary days to award as they feel appropriate, then option 1 sets out that "town councils still receive a limited allocation and they will be wholly responsible for any onward provision of free spaces to event organisers".

What is unclear is if it means that in future an allocation can be made equal to the number of pay and display parking space in the town, however this will allow for some space to be allocated multiple times and other none at all and that allocation can be made to non-chargeable spaces.

We also sought clarification that charges may be made for loss of revenue on none chargeable spaces such as the Market Place, even if there isn't any, a copy of the response to these questions is attached in (doc 11/1).

Wiltshire Council would be very grateful for any comments the committee may have on this matter by the 1st March 2016. It should be noted that any new scheme would have to be based upon an affordable provision, however what is meant by this is not clear.

Options Considered

The committee needs to decide if it has any comments on a temporary free parking allocation for towns.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence.

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

12. REPORT FOR DECISION – FLORAL PLANTERS IN ROTHESTONE

Recommendation

That the committee decides if it wishes to maintain new planters to be potentially placed along part of the pavement in Rotherstone to help manage traffic in the area.

Purpose of the Report

To decide if the Town Council will support a traffic calming scheme in Rotherstone.

Background

At its meeting on the 22 September 2015, the committee considered a solution to be put forward by the Community Area Traffic Group to deal with cars mounting the pavement in Rotherstone. The solution was to place planters along the pavement edge, where the road is at its narrowest and the Town Council are being asked to maintain them. Before agreeing to this, the committee requested further information.

This information has now been received and we are advised that the plan is to place up to three planters along the edge of the pavement. The final design for the planters will need to be agreed between us and Wiltshire Council, however, they will be coloured blue to match the corporate identity although it is not clear if the town crest or the Council's name will be added.

The dimensions for each planter will be in the region of, depth: 500mm, Height: 600mm, Length: 1500mm, Weight: 70kg with a Capacity of 158 litres.

The planters will have 3 purposes:

1. They will protect people on the pavement
2. They will add to the calming effect
3. They should also reduce the use of the 'rat run' because car drivers, knowing they cannot mount the pavement to get past each other will be put off if it causes them further delays. Engineers on site will agree the final number, which is likely to be about three and their locations.

Options Considered

The Committee needs to decide if the Town Council will maintain these planters.

Implications and Risks

Financial and Resource Implications

There will be a small financial or resource implication for the Council associated with this decision as it will be an addition to our existing planters. Each planter will cost £27.00 to water during the summer with an approximate cost of £50 each to plant up.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence.

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

13. REPORT FOR DECISION – NEW PREMISES LICENCE APPLICATION – LIME POLISH DELI LTD

Wiltshire Council have received an application from Lime Polish Deli Limited at 10 Little Brittox for a Retail of Alcohol for OFF Sales, daily between 0800 and 2200 (which mirrors the premises opening hours).

This committee are asked to consider the application, and decide how they wish to respond to application, should the decision be to object to the application, then forward what the objections is based upon.

14. REPORT FOR DECISION – TOWN AND COUNTRY PLANNING ACT 1990 – PLANNING APPEAL AGAINST REFUSAL OF A HOUSEHOLDER APPLICATION

Wiltshire Council have advised that Mr Terence Tovey of The Beeches, Castle Lane, Devizes SN10 1HQ is appealing to the Planning Inspectorate following Wiltshire Council's refusal to allow permission for the proposed basement parking, two storey extension, widening of vehicular access, external insulation, render and associated works to tree.

This committee considered the application on 3 November 2015 and raised no objections.

The committee are asked if they wish to make any comments regarding the application to the Planning Inspectorate.

15. QUESTION TIME

A short time is allowed at the discretion of the Chairman for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk

TOWN CLERK