

SALTASH TOWN COUNCIL

Minutes of a Meeting of Saltash Town Council held in The Guildhall on Tuesday 16th February 2016 at 6.15 p.m.

PRESENT: Councillors: W Phillips (Chairman), R Austin, M Coot, Mrs J Dent, J Ellison, Mrs. H Frank, D Holley, Mrs J Rance (part), J Shepherd (part), D Yates

ALSO PRESENT: 6 Members of the Public, R Lane - Town Clerk, Mrs S Burrows – Admin Officer.

APOLOGIES: Councillors: Mrs S Hooper MBE, A Killea, L Russell, R Bickford, Mrs G Challen, J Brady, Mrs J Rance – Late, J Shepherd – Late.

HEALTH AND SAFETY ANNOUNCEMENTS

The Mayor informed those present of the actions required in the event of a fire or emergency.

455/15/16 RECORDING OF MEETINGS – PLEASE NOTIFY THE CHAIRMAN IF YOU ARE INTENDING TO RECORD THIS MEETING

456/15/16 DECLARATIONS OF INTEREST

- a. Declarations from Members of any registerable (5A of the Interim Code of Conduct) and/or non-registerable (5B) interests in matters to be considered at this meeting.
- b. Declarations from Members of Matters of Public Interest regarding matters to be considered at this meeting.
- c. Dispensations required.

Councillor	Agenda Item	Pecuniary/Non Pecuniary	Reason
Mrs H Frank	PA16/00599	Non Pecuniary	Personal friend of one of the objectors.
Mr J Ellison	PA16/00599	Pecuniary	Adjacent to application site.

457/15/16 TO NOTE AN ON-GOING DISPENSATION FOR COUNCILLOR SHEPHERD TO ACT AS CHAIRMAN OF THE SALTASH TEAM FOR YOUTH

It was **RESOLVED** to note.

458/15/16 QUESTIONS FROM THE PUBLIC

A member of the public spoke in opposition to PA16/00599.

The Chairman announced that agenda item 10 would be received as the next item of business.

PLANNING

- a. It was noted that Cornwall Councillors will vote upon the information before them at this meeting but in the light of subsequent information received at Cornwall Council, Councillors may vote differently at that meeting.
- b. It was noted that in the event that the Cornwall Council officer wishes to recommend opposite to the Town Council's view they will contact the Town Council by email. In light of time constraints the Town Council will then hold an online poll of Councillors to determine whether to accept the officers' view or to ask for the application to be called into committee. The results of these polls will be read into the record at the next town council meeting. Members of the public may request, via the clerk, to be copied into any correspondence.
- c. Applications for consideration:

Cllrs Mrs H Frank and J Ellison declared an interest in the next planning application and left the room.

Cllr Mrs J Rance arrived late.

PA16/00599

Mr Darren Bennetts – **(The Sheds) Land At Elwell Road, Saltash, Cornwall.**

Variation of condition 2 attached to decision PA14/06720 (Erection of 4 no. detached dwellings on the land adjacent to the cadets centre formally known as the sheds) in order to substitute plans with revised fenestration.

Ward: East

Date received: 29.01.2016.

It was resolved to **RECOMMEND REFUSAL** on the grounds that **the two first floor windows on the North East face of the**

triangular bay overlook unacceptably the bedroom windows and back yard/garden areas of the adjacent houses of Lockyer Terrace. Further the Council has given concern about the corresponding two ground floor windows which may also add to the overlooking.

Cllrs Mrs H Frank and J Ellison were invited and returned to the meeting.

PA16/00468

Mrs Janet Gowthorpe – **30 Myrtles Court, Saltash, Cornwall, PL12 6WD.**

Construction of a garage.

Ward: North

Date received 08.02.2016.

It was resolved to **RECOMMEND APPROVAL.**

- d. Tree applications/notifications:
 - i. Applications - None
 - ii. Notifications - None
- e. Decisions taken by Cornwall Council where the decisions reached were contrary to the recommendations made at the Town Council meeting a poll taken:

PA15/11420

Mr & Mrs O'Neil - **Land North of 4 Smiths Way, Latchbrook, Saltash, PL12 4TP.**

Application for removal of Section 52 Agreements dated 13/03/1988 and variations dated 19/06/1989 and 16/06/1997.

Ward: West

Date received 21.12.2015.

At the Town Council Meeting on 7th January 2016 it was **RESOLVED** to note.

Cornwall Council sent this decision on 29.01.16. : **REFUSED.**

It was RESOLVED that Reception staff contact the Planning Officer for further information and to note the reason on the agenda planning item for any decision made by Cornwall Council contrary to that submitted by STC following a poll.

PA15/10197

Mr & Mrs Louise Lowrie – **Clynton Cottage, A388 between A38 roundabout and Dirty Lane, Carkeel, Cornwall.**

Alterations to barn to provide ancillary accommodation to dwelling including gallery.

Ward: North

Date received: 04.01.2016.

At the Town Council Meeting on 19th January 2016 it was resolved to RECOMMEND REFUSAL Due to:

- 1. Exacerbation of existing problems relating to lack of safe and viable access onto (A388) highway.**
- 2. Lack of parking.**
- 3. Over development of site.**

Having held a Poll on this planning application the result is:

Stick with our original position and request call-in	6 votes
Accept the Officer's position	3 votes
Abstain	1 votes

THEREFORE THE COUNCIL HAS VOTED TO STICK WITH OUR ORIGINAL POSITION AND REQUEST A CALL-IN.

It was **RESOLVED** to note.

The Chairman announced that agenda item 6 would be received as the next item of business.

Councillor J Shepherd arrived.

459/15/16 PAPERLESS PLANNING – TO CONSIDER PURCHASE OF PRESENTATION EQUIPMENT

Members considered the purchase of wireless presentation equipment to facilitate for paperless planning committees in addition to other committee meetings and events held in the Chamber.

It was **RESOLVED** to:

1. Approve the procurement of equipment up to a value of £2000 for wireless presentation equipment.
2. The funds to be taken from EMF Guildhall Maintenance.

460/15/16 TO CONSIDER PURCHASE OF AUDIO AND HEARING LOOP MICROPHONE EQUIPMENT

Cllr Shepherd left the meeting.

Cllr Shepherd returned to the meeting.

Members considered the purchase of audio and hearing loop microphone equipment for use in the Council Chamber and Guildhall.

It was **RESOLVED** that:

1. The Council is interested in principle in audio and hearing loop microphone equipment.
2. Suppliers be invited to provide options and upgrade costs for audio and hearing loop systems to include omni directional microphones.
3. Town Clerk to contact Cornwall Council Bodmin Office for advice and guidance of their audio set-up equipment and experience.

461/15/16 TO CONSIDER PURCHASE OF AUDIO SPEAKER EQUIPMENT FOR THE GUILDHALL

It was **RESOLVED** to consider options at a future meeting following further research.

462/15/16 TO APPROVE A PROCESS FOR IDENTIFYING AND RESPONDING TO CORNWALL COUNCIL ON NON-MATERIAL AMENDMENTS TO PLANNING PERMISSIONS

Non material amendments to planning permissions

Introduction

This note is to inform Local Councils of changes in how Cornwall Council will process non material amendment planning applications (NMAs).

Edwina Hannaford CC has been visiting the Community Network Areas in an initiative which aims to try and bridge gaps of understanding and demystify planning policies, rules and regulations while at the same time improves our processes and procedures. A pattern of key issues emerged, one of which is non material amendment planning applications. There is a fear that decisions are being made singularly and cumulatively that change significantly the planning permission that was granted.

The primary issue is therefore one of how to spread the role of judgement without increasing the costs or risks to any party while continuing to meet the needs of the customer. The secondary issue is how best to communicate the receipt of a NMA.

The need for NMAs can arise from unexpected changes in circumstances or site conditions when the development is underway and is generally considered by developers and their agents as being helpful. Officers need to ensure great care is exercised to strike the right balance between what is genuinely a reasonable and minor change and what is undemocratic. There is also a need to be alert to the potential danger of cumulative or incremental changes to approved schemes which can arise as a result of a succession of amendments, resulting in a substantial

departure from what was originally approved under the scrutiny of public consultation and involvement.

The process and notification to Local Councils

We insist that an application needs to give a description of the approved development as well as all the amendments sought and why. Old and all new plan numbers need to be identified, together with whether any are superseded by the change. This can be done either by including sets of both the original and amended drawings, or by superimposing the proposed amendment on those originally approved. In either case, the extent of the amendment must be clearly identified.

NMA applications are not applications for planning permission, they are not covered by requirements to consult or notify, here local planning authorities have discretion. Cornwall Council has decided that it will publish details of NMAs and notification will be sent to the Electoral Division Member and the Local Council. Cornwall Council will also send notifications of NMAs to Local Councils by email or letter. In order to meet the timescales placed on Cornwall Council to issue a decision a 'no decision before date' will be set of not less than 14 days from the date of the notification letter, if they wish to respond Local Councils should ensure comments are made and submitted in time to be received before this date. In order to ensure safe and timely receipt this will probably be best achieved by submitting comments via the Council's consultee access system.

NMA's are also available to view by the public on the Council's public access system, the public can also set up email alerts to ensure that they are notified about applications for NMAs.

We must give an applicant notice of the decision within 28 days of receipt of the application, or such longer period as may be agreed in writing. Decisions will be emailed or posted not later than 2 working days before the 28th day to ensure receipt in time.

If the extent or nature of the revisions requested exceed a non material amendment the applicant will be advised. Where appropriate, the applicant will be invited to submit a fresh planning application and advised of the likely acceptability of the proposals and any further issues to address.

Key tests in deciding if a change is non material:

1. Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original application? If so, then 3 further tests need to be applied:
2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
3. Would the interests of any third party or body who participated in, or were informed of, the original decision be disadvantaged in any way?
4. Would the amendment be contrary to any policy of the Council?

If having successfully applied the first test, the answer to any of points 2, 3 and 4 is Yes, then the matter cannot qualify as a non material amendment.

Further information

Planning Practice Guidance

Flexible options for planning permissions

How can a proposal that has planning permission be amended?

Paragraph: 001Reference ID: 17a-001-20140306

Planning Practice GuidanceGuidanceFlexible options for planning permissionsAnnex A: summary comparison table

- Flexible options for planning permissions
 - How can a proposal that has planning permission be amended?
 - Making a non material amendment to a planning permission
 - Amending the conditions attached to a permission including seeking minor material amendments (application under Section 73 TCPA 1990)
 - Annex A: summary comparison table

Cornwall Council - Planning Policy Advisory Committee, Wednesday, 17th June, 2015.

Item PPAC22 - Consideration of Non Material Planning Amendments

Committee Report:-

<https://democracy.cornwall.gov.uk/documents/s80110/Non%20Material%20Planning%20Amendments.pdf>

It was **RESOLVED** that:

1. Reception staff email Councillors all non material amendments to planning permissions received.
2. Any Councillor may call in and place on the next Full Council agenda and non material amendment.
3. Unless submissions are received from Councillors non material amendments will not appear on the agenda.
4. Should a non material amendment not be placed on an agenda due to the timescale and schedule of meetings it will be referred to the 4 ward members for a decision to be submitted to Cornwall Council and reported to the next Saltash Town Council Full Council meeting.

463/15/16 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960

Pursuant to Section 1(2) of the Public Bodies (Admissions to Meetings) Act 1960, it was **RESOLVED** that the public and press leave the meeting because of the confidential nature of the business to be transacted.

464/15/16 CONSIDER ANY ITEMS REFERRED FROM THE MAIN PART OF THE AGENDA

None

465/15/16 **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**
It was **RESOLVED** that the public and press be re-admitted to the meeting.

466/15/16 **URGENT NON-FINANCIAL ITEMS AT THE DISCRETION OF THE CHAIRMAN**

Saltash Potential Housing – Brownfield Site

Councillor D Yates notified members of an enquiry received from Cornwall Council identifying potential housing development sites within Saltash, in particular the site between Lidl and Pillmere Drive.

It was **RESOLVED** that the land between Lidl and Pillmere Drive remains Employment Land and not housing development.

467/15/16 **PRESS RELEASES AND FUTURE ARTICLES REQUIRED**

None

468/15/16 **DATE OF NEXT MEETING**

Thursday 3rd March 2016 following the Annual Meeting with Parishioners which will commence at 7.00 p.m.

469/15/16 **COMMON SEAL**

It was **RESOLVED** that the Common Seal of the Council be affixed to all Deeds and Documents necessary to give effect to the foregoing Acts and Proceedings.

Rising at 19:30

Signed: _____
Chairman

Dated: _____