

AGENDA SUPPLEMENT (1)

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 12 October 2016
Time: 3.00 pm

The Agenda for the above meeting was published on 4 October 2016. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email <mailto:jessica.croman@wiltshire.gov.uk>

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5 **Public Participation (Pages 3 - 8)**

DATE OF PUBLICATION: 10 October 2016

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Wiltshire Council

Western Area Planning Committee

12 October 2016

Question From: Mr Francis Morland

Question

What was the constitutional basis on which officers of Wiltshire Council overruled the decision of the Strategic Planning Committee on Wednesday, 11 March 2015 to refuse planning application 14/09262/OUT (Land north of Bitham Park Trowbridge Road Westbury) for the five reasons set out in the Minutes of that meeting and in the Decision Notice of the same date, without first consulting yourself as Chairman, then and now, of the planning committee that took that decision, and why was the officers' stance not reported to the Committee at either of its meetings on Wednesday, 11 May 2016 or Wednesday, 2 June 2016?

Response

The Council was advised by the Barrister instructed to represent the Council at the Bitham Park Inquiry that the significant change in circumstances since the original decision was made (namely the demonstrable lack of a 5 year land supply) meant that Council would be likely to receive an award of costs against it if it pursued the appeal. To minimise the likelihood of this occurring, a decision had to be made quickly before the Statements of Case were due to be submitted to the Planning Inspectorate in a timeframe that did not allow for the matter to be reported to the Strategic Planning Committee. The Officers discussed the matter with the local Division Member and attempted to contact the Chairman of the Strategic Committee but were unable to do so. They therefore contacted the Portfolio holder who agreed that in the circumstances the Council should not oppose the appeal.

The decision was reported on the Council's web site well in advance of the Inquiry taking place and the appeal decision will be reported to the Strategic Planning Committee.

As a consequence, of this action, no costs were awarded against the Council.

The failure to report the processes which were followed as part of a previous appeals update to Committee was an unintentional oversight.

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Wiltshire Council

Western Area Planning Committee

12 October 2016

Question From: Mr Francis Morland

Question

In a letter dated 12 May 2016 to The Planning Inspectorate's Planning Appeals Case Officer, the Council's Case Officer and Senior Planning Officer, said (see at <http://unidoc.wiltshire.gov.uk/UniDoc/Document/File/MTQvMDkyNjlvT1VULDczMjYxMA==>):

"The council confirms that at the present time of writing for the purposes of the above appeal [APP/Y3940/W/15/3130433] that [it] is not in a position [to] demonstrate a 5 year supply of housing [land] for the North and West Wiltshire Housing Market Area (HMA) and therefore it will not be necessary to consider housing requirement or supply issues at the Inquiry that is due to commence on 14th June 2016. Given the particular circumstances of this case and in the light of the current land supply position in this HMA, the Council has reviewed its position and for the purposes of this appeal only, will no longer be pursuing Reason for refusal 1, 2 and 5 which are as follows:".

How can these claims and assertions be reconciled with the Proof of Evidence of the Manager of the Monitoring and Evidence Team, submitted on or about the same date to The Planning Inspectorate's Planning Appeals Case Officer for the Inquiry into Planning Appeal APP/Y3940/W/15/3132915 (Land off A365 Shurnhold Melksham), (see at

<http://unidoc.wiltshire.gov.uk/UniDoc/Document/File/MTQvMTE5MTkvT1VULDcyOTI4OQ==>), and showing at Table 3 a Housing Land Supply in the North and West Wiltshire Housing Market Area of 5.15 years?

Is it not astonishing that Wiltshire Council officers are saying one thing to Westbury and an Inquiry Inspector for a site in Westbury, and something quite different to Melksham and an Inquiry Inspector for a site in that town?

Response

There is no contradiction between the case officer's letter to the Planning Inspectorate on the Bitham Park appeal confirming that the Council could not demonstrate a five year housing land supply and the Council's submission to the Shurnhold, Melksham Inquiry. For a five year land supply to be demonstrated, the Council must be able to demonstrate that it has a land supply of 5 years and a 5% buffer on top. The officer's Proof of Evidence at the Shurnhold Inquiry confirmed that 'The Council is currently unable to demonstrate a 5 year supply for the North and

West Housing Market Area'. The Council was therefore consistent in its approach to Housing Land Supply in both the Melksham and Westbury appeals. The Council continued to object to the planning application at Shurnhold because there were significant and demonstrable adverse impacts in relation to other matters, including the impact on heritage assets and on education provision.

The Shurnhold appeal decision once it has been published will be included as part of a future appeals update and will be reported to the Strategic Planning Committee.

Wiltshire Council

Western Area Planning Committee

12 October 2016

Question From: Councillor Ernie Clark, Hilperton Division

Question

I am advised that, in the near past, an approach has been made to the owner's land agent regarding employment allocation E1a with a view to the land being purchased by a commercial company. Amongst other uses for the land a new facility for Trowbridge Town football club was envisaged together with possibly an hotel etc.

I am led to believe that this approach was rebuffed by the agents. Was the WC spatial planning department aware of this? Or indeed anyone at WC?

The approach would have seen an employment use for E1a which, currently, would now seem destined to have an application for change of use to residential at some point in the future (presumably with WC being told that there was no interest in the land with its current designation).

If such an application is forthcoming, what enquires would WC make to investigate past approaches made by would-be purchasers of the employment site?

Response

To assist Members and to add a degree of context to the above question, the E1a site is a saved principal employment site allocation, located off the West Ashton Road in Trowbridge which forms part of the adopted Core Strategy. In addition to the Plan allocation, the site benefits from extant planning permission (which was allowed on appeal) pursuant to an employment (Class B1, B2 and B8) development. The consent runs until 24 May 2017 (application W/10/03031/FUL refers).

As a saved employment site allocation, the Council's Core Strategy seeks to support and safeguard it in accordance with Core Policy 35 to achieve inter alia, the strategic objective of delivering a thriving local economy and enhancing a range of job opportunities. Alder King is understood to be the marketing agents for the site to establish the commercial interest which extends to just over 12 hectares.

The noted example of a rebuffed commercial approach from the Trowbridge Football Club is duly noted and whilst the details of the rebuffed approach have not been shared with officers, such discussions or interest that may have taken place between the parties concerned are not obliged to be reported to the Council. Any future applicant seeking permission for an alternative use such as housing, would have to demonstrate what the material circumstances are to justify a different use to that set

out in the development plan and what evidence the applicants have to demonstrate this.