Wiltshire Council

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 16 SEPTEMBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman),
Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King,
Cllr Christopher Newbury, Cllr Pip Ridout, Cllr Elizabeth Threlfall and Cllr Robert Yuill

Also Present:

Cllr Gavin Grant

20   Apologies

Apologies were received from Councillor James Sheppard.

21   Minutes of the Previous Meeting

The minutes of the meeting held on 14 July 2021 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

22   Declarations of Interest

There were no relevant declarations.

23   Chairman's Announcements

There were no announcements.

24   Public Participation

The rules on public participation were noted.

25   19/05898/OUT: Land off Park Road, Malmesbury, SN16 0QW

Public Participation
A statement in objection from Jeremy Ollis was read by Kim Power.
Campbell Ritchie spoke in objection to the application.
Paul Smith spoke in objection to the application.

Tom Cole, applicant, spoke in support of the application.
Stephen Cole, agent, spoke in support of the application.
Cllr John Bartholomew, Brokenborough Parish Council, spoke in objection to the application.
Cllr Kim Power, Malmesbury Town Council, spoke in objection to the application.

Catherine Blow, Senior Planning Officer, presented a report which recommended permission be granted for an outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access. Details of late representations were provided.

Key issues included the principle of development, its impact on residential amenity and highways and deliverability. The application was in conflict with the Local Plan and the Malmesbury Neighbourhood Plan. However, the current lack of a five-year housing land supply for the council area was a significant consideration on the weight that might be affordable to those plans under the National Planning Policy Framework, with the Malmesbury Neighbourhood Plan being six years old, and the recommendation was to approve the application as the harm did not significantly and demonstrably outweigh the benefits of the application.

The Committee adjourned the meeting from 1045-1055.

Technical questions were able to be asked by the Committee. Details were sought on the level of affordable housing need for Malmesbury and the wider area, and the current position of the council's five-year housing land supply and whether recent permissions may change that position, with it stated a review needed to be undertaken. Further details were sought on the legal position in respect of policies in the event of a housing land supply shortfall. Questions were also raised in respect of the open space provision of the application, which lay outside the red line on land also owned by the applicants, and how this would be secured. Clarification was sought on proposed condition 11 in relation to drainage and flooding issues, and the current stage of the review of the Malmesbury Neighbourhood Plan.

The Chairman then read a statement from a Unitary Member adjacent to the application, Councillor Martin Smith, in objection to the application raising issues including traffic, light pollution, flooding, drainage, educational sustainability.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The local Unitary Member, Councillor Gavin Grant, then addressed the Committee in objection to the application, raising issues including confliction with Local and Neighbourhood Plans, views of the local community, the plan led planning system, and that the negative impacts of the application did significantly and demonstrably outweigh the benefits.

The Committee then debated the application at length. The issue of the five-year housing land supply and when the shortfall might be redressed was discussed, as well as the weight the Committee felt should be given to planning policies are as a result, with detailed discussion of where it was felt the application was not in accordance with policies. Issues of drainage and the securing of open space, or future expansion of the site, were raised. The Committee considered that the Neighbourhood Plan was reasonably advanced in its review process and that this was a relevant consideration, and that there was significant harm demonstrated by the application. A motion to refuse the application due to conflict with various Core Policies including 1,2, 13, 57 and 51 was moved by Councillor Tony Trotman, seconded by Councillor Sarah Gibson.

At the conclusion of debate, it was,

Resolved:

That the application be REFUSED for the following reason:

1. **The proposal is outside of the settlement boundary for Malmesbury, so it is located in the open countryside and has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), The Wiltshire Housing Sites Allocation Plan (February 2020) or the Malmesbury Neighbourhood Plan (2015). The development fails to meet any of the special circumstances for the creation of additional residential development in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. Therefore, the proposal is contrary to Core Policies 1, 2, and 13 of the Wiltshire Core Strategy 2015, Saved Policy H4 of the North Wiltshire Local Plan (2011) and the Malmesbury Neighbourhood Plan (2015). The proposal is in conflict with the development plan taken as a whole. As such, the proposal fails to constitute and secure sustainable development as required by the NPPF (2021), specifically paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 47 and is contrary to the development strategy of the development plan. In accordance with paragraph 11d (ii) of the NPPF the benefits of the proposal have been fully considered but the adverse impacts including those set out in reason two below and the serious undermining of public confidence in the Made Malmesbury Neighbourhood Plan would significantly and demonstrably outweigh those benefits, when assessed against the policies in the NPPF taken as a whole.**

2. **The proposal would result in the urbanisation of this rural site in this prominent and elevated position which would result in harm to the local character, appearance and visual amenity of the immediate locality. The proposal would therefore fail to accord with Wiltshire Core Strategy (2015) Core Policies 51 (points i, ii, iii) and 57 (points i, iii, vi, ix), as well as paragraphs, 8, 124 130 and 174b of the NPPF.**

3. **The proposal does not provide for the delivery of the necessary infrastructure (e.g. affordable housing, education provision, recreation**

provision, open space, waste and recycling) required to mitigate the direct impacts of the development and fails to comply with Core Policy 3, 43, 50, 51, 57, 67 of the Wiltshire Core Strategy, Saved policy CF3 NWLP Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the National Planning Policy Framework. The application fails to provide and/or secure any mechanism to ensure that the provision of essential infrastructure, services and amenities made necessary by the development being highway improvement works, recreation and leisure, landscaping provision, affordable housing, education, air quality mitigation and waste collection can all be delivered. This is contrary to WCS Core Policies 3, 43, 45, 51, 52 and Policy CF3 of the North Wiltshire Local Plan 2011 and paragraphs 8, 34, 56, 64 and 92 of the NPPF

The application was refused unanimously.

26   **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.25 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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