

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 14 DECEMBER 2016 AT COUNCIL CHAMBER, COUNTY HALL, TROWBRIDGE, BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Terry Chivers, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Christopher Newbury, Cllr Fred Westmoreland and Cllr Paul Oatway QPM (Substitute)

Also Present:

Cllr Chris Caswill and Cllr Toby Sturgis

73 Apologies

An apology for absence was received from Cllr Bridget Wayman who was substituted by Cllr Paul Oatway QPM.

74 Minutes of the Previous Meetings

Resolved:

- (1) To approve and sign the minutes of the meeting held on 14 September 2016 as a correct record, subject to the following amendment:

Minute No. 65 – 15/12351/OUT – Land at Rawlings Farm, Cocklebury Lane, Chippenham, SN15 3LR

The second person to speak against the proposal be amended to read:

“Dr Nick Murry, a local resident and Monkton Park Residents’ Group representative.”

- (2) To approve and sign the minutes of the meeting held on 28 September 2016 as a correct record

75 **Declarations of Interest**

There were no declarations of interest made at the meeting.

76 **Chairman's Announcements**

There were no Chairman's announcements.

77 **Public Participation**

Questions were asked by Mr Kim Stuckey and Cllr Chris Caswill to which written answers were provided as appended to these minutes.

78 **15/12351/OUT - Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR**

The following people spoke against the proposal

Mr Kim Stuckey, a local resident
Mr Paul MacLaurin, WAVIN Operations Director for Europe
Mr Craig Howell Williams QC on behalf of Mr Fionn Pilbrow, a local resident
Cllr David Mannering, representing Langley Burrell Parish Council
Cllr Ian Janes, representing Bremhill Parish Council

The following person spoke in favour of the application

Mr Peter Frampton, the agent

The Head of Development Management reported that at its meeting held on 14 September 2016, this Committee resolved to delegate authority to him to grant planning permission, subject to conditions and completion of a Section 106 legal agreement. The legal agreement was progressing, but had not yet been completed and the permission had therefore not yet been granted. In these circumstances, the Council had a duty to consider any changes to the planning considerations that might arise between a decision being made and a granting of permission where these may be material to the decision.

Regarding this application, since the decision as referred to above was agreed by this Committee, the Council had been consulting on proposed further modifications to the draft Chippenham Site Allocations Plan (CSAP) following receipt of the Inspector's letter dated 12 October 2016, which he issued upon the conclusion of the Plan's examination between 27 September and 4 October 2016. The consultation period on the proposed modifications concluded on 12 December 2016 but representations received had not yet been analysed.

Furthermore, in November 2016 the Council had published its 2016 Housing Land Supply Statement as required by the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG). In accordance with the NPPF, the Council was required to apply the appropriate buffer to its 5 year housing supply (either 5% or 20%). The Council considered that it required a 5% buffer, this equating to needing to show a 5.25 year supply of land to meet 5 year's worth of requirement. At the time this Committee considered the application in September there was a 4.76 year's supply. Though the Council's position had improved it still could not currently demonstrate a 5 year housing land supply.

The application was therefore being referred back to this Committee so as to update Members in the light of these changing circumstances.

Additionally, it was reported that the Secretary of State had issued an Article 31 Holding Notice the previous day in response to a representation received from a member of the public earlier on Tuesday 12 December 2016 the same day. This Holding Notice stated that the Council could not grant planning permission. A planning decision could not be made and issued until the Secretary of State had decided whether or not to call in the application for a decision by himself. However, this did not prevent the Committee from considering the application and forming a view on its merits, giving further consideration to the matters referred to above including delegating a grant of approval to the Head of Development Management, in accordance with the recommendation and making a decision, subject to the Secretary of State's decision on a call in of the application.

Members then had the opportunity to ask technical questions after which they heard statements from members of the public as detailed above, expressing their views regarding the proposal.

Members then heard the views of Cllr Chris Caswill, the local Member, in which he set out his objections to the proposal. In particular, he referred to:-

- The issue of housing supply and considered that an additional 50 houses above that proposed in the CSAP allocation would be an overdevelopment.
- The impact of the proposed development on Cocklebury Lane and Station Road had not been sufficiently considered.
- A separate application for a new bridge over the railway line at Rawlings Green had not been received and might not be approved.

He considered that this application was being brought back to the Committee prematurely and that the matter should be deferred pending receipt of the Planning Inspector's report on the Examination in Public on the CSAP and further information regarding the points he had raised.

During the subsequent discussion, some Members considered that this application was being referred back to the Committee for further consideration prematurely and that in particular the report of the Planning Inspector on the Examination in Public of the CSAP and also the analysis by him of the representations received following consultation on the proposed modifications to the CSAP should be available before the Committee was asked to make any further decision on the application.

Resolved:

To defer further consideration of the application pending the receipt of outstanding information regarding in particular:-

- **A decision from the Secretary of State as to whether or not he wished to call in the application for a decision to be made by himself.**
- **An analysis of the representations received following the public consultation on the proposed modifications to the CSAP.**
- **The Planning Inspector's report on the Examination in Public following the Public Inquiry on the CSAP, including his comments on the representations received following the public consultation on the proposed modifications to the CSAP published in October 2016.**

(Cllr Fred Westmoreland requested that his vote against the Motion be recorded.)

79 **Date of Next Meeting**

Resolved:

To note that the next scheduled meeting of the Committee was due to be held on Wednesday 18 January 2017, starting at 10.30am in the Council Chamber at County Hall, Trowbridge.

80 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 12.05 pm)

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

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Public Participation

Question from Kim Stuckey

Question:

Can Wiltshire Council confirm that it is Council Policy that planning benefits stated by developers in their applications carry greater planning weight than draft Wiltshire Site Allocation Plans? Background: I have read that a Council Officer states that a planning application can outweigh a draft Site Allocation Plan that “cannot be afforded full weight in the planning balance as the examination of the document has not yet concluded”. This is apparently even true of modifications within draft Site Allocation Plans made by Wiltshire Council’s own Associate Director Economic Development and Planning, and modifications suggested by a Planning Inspector.

Answer:

There is no Council Policy. The Council follows national policy contained in the National Planning Policy Framework (NPPF) and determines planning applications in accordance with statutory requirements. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 216 of the NPPF states that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

In accordance with NPPF, an emerging plan is a material consideration in planning decisions, as are the benefits of a scheme. They are just two elements of the planning balance to be weighed by the Council.

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Strategic Planning Committee

14 December 2016

Public Participation

Questions from Cllr Chris Caswill

Questions:

1. Planning application recommendations can be apparently be varied if there are 'material changes' in the situation prior to a final Decision Notice. Please provide the definition of a 'material change' and references to the main literature supporting that definition.
2. Is the decision as to whether a change is 'material' for the Planning Case Officer to make, or is it for the Committee to decide in cases where an application has come to committee?
3. What happens if a planning application is approved, and a Decision Notice issued, and then it transpires that a crucial element of the approved infrastructure cannot be delivered (a) if the committee had reasonable grounds to know that it would or could not be? and (b) if they did not?

Answers:

- 1) To be material, it must be a factor which has some weight in the decision making process, although plainly it may not be determinative. For example, the Council's adoption of the Wiltshire Core Strategy in January 2015 was held to be a material consideration in determination of planning appeal decisions, but the fact that it confirmed that a five year land supply then existed did not lead to two appeal decisions being overturned where an Inspector had not been informed of the adoption by his officials in the Planning Inspectorate and allowed two appeals on the assumption that there was no demonstrable five year land supply.
- 2) Officers advise whether a consideration is material. If it is, it is for the decision maker to decide what weight (if any) should be attached to it, having regard to matters including planning law and Government advice in the NPPF and Planning Practice Guidance;
- 3) The Council has to make its decision on the basis of the evidence before it. Planning conditions and obligations can help secure the delivery of necessary infrastructure and prevent development from taking place beyond what existing infrastructure can handle until any additional requirements are provided for.

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