



Minutes

Name of meeting	PLANNING COMMITTEE
Date and Time	TUESDAY 26 JULY 2022 COMMENCING AT 4.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs J Medland (Chairman), D Adams, D Andre, G Brodie, V Churchman, C Critchison, C Jarman, M Oliver, M Price, C Quirk and P Spink
Co-opted	G Alldred (IWALC)
Also Present	Oliver Boulter, Russell Chick, Ben Gard, Jodie Gibson, Neil Troughton (Island Roads), Sarah Wilkinson and Marie Bartlett
Apologies	Cllr W Drew

6. Minutes

RESOLVED:

THAT the minutes of the meeting held on 21 June 2022 be approved subject to the following addition:

Planning Committee was advised by planning officers that the definition of affordable housing in the NPPF namely 80% of market value could not be altered to allow greater discount as the island planning strategy 2012 did not provide the tools for this to be carried out.

7. Declarations of Interest

Councillor Oliver declared an interest in minute number 9 (22/00491/RVC Marks and Spencer Plc, Church Litten, Newport) as he lived on Medina Avenue where the application site was.

Councillor Alldred declared an interest in minute number 9 (21/00684/FUL Land at Lee Farm, main Road, Wellow) as he was a friend of the applicant, he would therefore leave the room for that item.

In relation to minute number 9 (21/00684/FUL Land at Lee Farm, main Road, Wellow) the chairman noted that he and other members of the committee knew the applicant.

Councillor Spink declared an interest in minute number 9 (21/00684/FUL Land at Lee Farm, main Road, Wellow) as he was predetermined and would therefore leave the room for that item.

8. Public Question Time - 15 Minutes Maximum

There were no public questions submitted.

9. Report of the Strategic Manager for Planning and Infrastructure

Prior to the start of the applications Councillor Spink requested to speak on the item relating to Lee Farm, he had been advised that the Council's Constitution was specific in not allowing public speaking on an item that had already been before the Planning Committee. The Chairman advised that any member present could be invited to speak.

Consideration was given to items 1 - 2 of the report of the Strategic Manager for Planning and Infrastructure Delivery.

A schedule of additional representations received after the printing of the report were submitted at the beginning of the meeting and were drawn to the attention of the Councillors when considering the application. A note is made to that effect in the minutes.

Application:

22/00491/RVC

Details:

Variation of condition 11 on TCP/18797/G to allow alterations to delivery times to include earlier delivery time of 8am on Sundays and Bank Holidays

Marks and Spencer Plc, Church Litten, Newport

Public Participants:

Mr Graham Drudge (Objector)

Ms Vix Lowthion (on behalf of Newport and Carisbrooke Community Council)

Additional Representations:

A letter had been received by the Local Planning Authority from a resident advising that the properties located to the south of the application site front onto Medina Avenue not St Georges Approach.

Comment:

The Committee asked for clarification on the application address listed on the application, Officers advised that they were satisfied with the address of the application site, it was noted that the postal address to the delivery site was off St Georges Approach.

Councillor Julie Jones-Evans spoke as Local Councillor against the application.

Officers confirmed that enforcement were looking into breaches of current conditions, however that would be done as a separate matter and not part of the

consideration for the application before the Committee. They were also advised that this application would not seek to change the current conditions other than the condition being sought to vary.

The Committee asked what had changed to vary the condition since the last application had been refused in January 2022. Officers advised that the previous application was to change the delivery times for more than that applied for in this application.

The Committee considered the noise impact on local residents and noted the comments made by environmental health.

Decision:

A proposal to refuse the application based on the adverse effect on the local residents was made and duly seconded.

In accordance with the Council's Constitution a named vote was taken the result of which was:

For (9)

Cllrs David Adams, Debbie Andre, Geoff Brodie, Vanessa Churchman, Claire Critchison, Chris Jarman, Martin Oliver, Matthew Price, Peter Spink

Against (1)

Cllr Chris Quirk

RESOLVED

THAT the application be refused due to the adverse effect on the local residents.

Application:

21/00684/FUL

Details:

Demolition of barns and storage buildings; proposed construction of 16 dwellings and use of existing holiday bungalow as permanent dwelling; access road, garage/car ports, parking and associated landscaping

Land at Lee Farm, Main Road, Wellow

Additional Representations:

Officers had discussed the alteration with the applicant and reassured the Committee that the development would make the affordable housing contribution at the earliest opportunity and has agreed that this would be made prior to the commencement of the development which would be included in the legal agreement.

Comment:

The chairman invited Councillor Spink to speak as a member. Councillor Spink advised the Chairman that he would not accept the invitation to speak as he believed that it was unfair that the applicant had not been given the same opportunity.

Councillor Spink left the room.

Officers advised that the applicant had been unable get any developer interest in buying the site due to the wording of the legal agreement the increasing costs of materials and the potential risks associated with developing previously developed land. A range of experts had provided advice regarding the site, and advised that developers were looking at developments which would present the least amount of risk. To overcome these issues the applicant requested the leverage clause was removed from the legal agreement and for the affordable housing contribution to be fixed at £80,000.

The Committee asked why the payment had not been requested at the point of sale to the developer and they felt it was sensible to tie the contribution to completion of sale. Officers advised that any contribution should be reasonable and as the developer may request to make changes to the current scheme, it was seen to be reasonable to request the payment prior to commencement of the site.

The Committee were concerned that without the leverage clause Local Authority could be losing out on money towards affordable housing by agreeing the amount at this stage. Officers advised the Committee that the legal agreement, as currently drafted, made the sale of the site unviable.

Concern was raised regarding that historically legal agreements took time to sign and asked if a condition could be in place to ensure the agreement was signed in an appropriate timescale. Planning officers advised that a time limit could be stipulated however it took time for the Local Authority to produce the agreement, so an appropriate timescale needed to be considered. The Committee was also advised that the Planning Permission would not be issued until the agreement was signed. The legal officer advised that if the landowner refused to sign, the application could be reconsidered by the Committee. It was advised that the contribution would be linked to the market index to safeguard any increase.

A proposal was put forward to approve the application with the affordable housing contribution being paid at the time officers believed would be most appropriate, and the proposal was seconded.

Decision:

The Committee had taken into consideration and agreed with the reasons for the recommendation as set out under the paragraph entitled Justification for Recommendation of the report and resolved:

THAT the application be approved subject to the inclusion of the following:

- Legal agreement to be signed within six months of the date of decision, if not signed then a report be brought back to the Planning Committee
- That the contribution be index linked
- That the contribution be made to the Local Planning Authority within 3 months of the land being sold or commencement of the development whichever is the first.

10. **Members' Question Time**

Cllr Brodie submitted a written question (MQ 16/22) regarding the decision made by the Planning Committee on 1 March 2022 to establish a cross-party working group.

Councillor Brodie asked a supplementary question regarding the constitution update now being considered by the Audit Committee, the review of the Code of Practice for Planning Matters needed to be undertaken as soon as possible as highlighted in the peer review recently undertaken.

The frustration of the Committee was recognised, and they were keen to move forward with this piece of work. The Cabinet Member for Planning and Enforcement would liaise with the Chairman of the Audit Committee to move this on as quickly as possible. The Committee expressed a view that they would like to see the working group to move forward and progress the review.

Councillor Spink withdrew his submitted question to try and resolve the matter raised outside of the meeting.

CHAIRMAN

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UPDATE FOLLOWING THE PUBLICATION OF A REPORT TO THE PLANNING COMMITTEE – TUESDAY, 26 July 2022

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| 1. | 22/00491/RVC | Variation of condition 11 on TCP/18797/G to allow alterations to delivery times to include earlier delivery time of 8am on Sundays and Bank Holidays |
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Nature of representation

Following publication of the committee report, a local resident has written to the Planning Authority and commented that the residential properties located to the south of the application site front onto Medina Avenue, rather than St George's Approach. This matter should be noted.

The resident has also commented on previous breaches of conditions related to deliveries to the application site, stating that deliveries have on occasion arrived at the site earlier than stated within the committee report and not just at weekends and Bank Holidays, but also on weekdays and in some cases, during the evening.

Officer comment

While these comments are noted, the proposals relate to a variation of the permitted delivery times for the site. When imposing conditions, Planning Authority must ensure that they meet the tests set out within paragraph 55 of the National Planning Policy Framework, which advises that conditions should only be used where they follow the following six tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

Officers are satisfied that the proposed varied condition would meet these tests. It should be noted that the potential for future breaches in planning control to occur is not a material consideration and that the main consideration for this planning application is whether the proposed additional hours would result in harm to nearby properties and uses. Should further breaches in planning control occur at the site in future, the Planning Authority would be able to investigate the matter via an enforcement investigation.

No change to officer recommendation.

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| 2. | 21/00684/FUL | Demolition of barns and storage buildings; proposed construction of 16 dwellings and use of existing holiday bungalow as permanent dwelling; access road, garaging/car ports, parking and associated landscaping (Revised plans) |
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Nature of representation

Following the publication of the committee report, the Chairman of the Planning Committee has sought clarification on the timing of the payment of the affordable housing contribution for the development.

Officer comment

Officers have discussed this matter with the applicant, who has advised that he would like to reassure the Planning Committee that this development would make the contribution to affordable housing at the earliest opportunity and has therefore agreed that the contribution should be made prior to the commencement of the development. This requirement would be included within the legal agreement.

No change to officer recommendation.

Ollie Boulter – Strategic Manager for Planning and Infrastructure Delivery
Sarah Wilkinson – Planning Team Leader
Russell Chick – Planning Team Leader

Date: 26th July 2022

Planning Committee – 26 July 2022

Written question from Cllr Geoff Brodie to the Cabinet Member for Planning and Enforcement

At the Planning Committee meeting of 1 March 2022 it was resolved:

ii. THAT the decision taken at the informal meeting of the Planning Committee on 22nd November 2021 to establish a cross-party working group of Councillors to provide recommendations for revision of the Code of Practice for Members and Officers dealing with Planning Matters for review by the Planning Committee. The working group will fall under the oversight of the Cabinet Member for Planning and Community Engagement be Ratified and endorsed.

iv. THAT Once agreed an amended Code of Practice for Members and Officers Dealing with Planning Matters will be recommended for adoption by Full Council at the earliest opportunity.

Given it is now 5 nearly months later and the recent Peer Review recommended an urgent review to effectively deliver the council's democratic function, can the Committee have an update on the progress of this democratically agreed review?

Response

As Councillors may be aware Full Council, at the annual meeting on 18 May 2022, agreed that the Audit Committee was the appropriate route for leading on the work on the review of the Constitution, which includes the Planning Code of Practice. This was further discussed by the Audit Committee at its meeting yesterday and they agreed the overall approach, not the detail, to this review which is that:

“the review of the current constitution be undertaken within the established remit, to be led by the Monitoring Officer, in consultation with the Chairman of the Audit Committee, with engagement of councillors to ensure relevant input”.

As such I understand there is a lot still to be established by the Monitoring Officer and Audit Committee chair in terms of what the detail of the process looks like. There is the commitment in para 17 of the report to the Audit Committee that “the existing constitution is to be reviewed, involving councillors and officers” (my emphasis added) and at this early stage we don't know what that looks like.

I will be speaking to the MO and the Chair of the Audit Committee to give them my views on how this should be approached, and share the information we have so far collected thinking about the Peer Review recommendations and actions. I am aware that the intention is for the Review of the Constitution will be a standing item for the Audit Committee, who next sit on 26 September.

It makes sense to me for us not to duplicate work and energy, and to keep the approach as simple as possible. I know there has previously been the suggestion of a Councillor Planning Protocols Working Group, but my understanding (as per the references in the question) is that the group has not to date been formally established and remit agreed by Planning Committee. As such I think working through the wider

Constitution review process makes sense and avoids unnecessary duplication of work, time and effort.

I would like to make it very clear that my expectation is that all members of the Planning Committee will have the opportunity to input into this process, be that in a formal or informal process. As already mentioned I will be speaking to the MO and the Chair of the Audit Committee and confirming my involvement, as Cabinet Member, in this process.