



Minutes

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| 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