



Date: Tuesday, 20 January 2015

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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NORTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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NORTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 20th January 2015		
NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting		
Item No.	Application No.	Originator:
5	14/03370/FUL – Land East of Teal Drive	Objectors
<p>2 emails have been received raising concerns about plots 25 to 30 being very close to the existing properties on Heron Close resulting in overshadowing, loss of light and lack of privacy. The altered plans have moved proposed properties closer to these houses.</p> <p>Also raised concerns about potential damage to properties during construction and potential of putting Marina development at risk.</p>		
Item No.	Application No.	Originator:
5	14/03370/FUL – Land East of Teal Drive	Officer
<p>Officers have considered the above objection and measured the distance between the proposed dwellings and existing dwellings on the plan. The matter of impact on neighbours was dealt with under section 6.8 of the original report which notes <i>“The amended plans show that there would be a minimum distance of 21 metres between facing windows. There is a change in levels between the existing and proposed properties but taking this into account it is considered that revised distance of separation is appropriate and would avoid any detrimental loss of privacy to the occupiers on Heron Close.”</i> This has been double checked and the distance is 21m between plot 29 and number 8 Heron Close which is the closest proposed dwelling. At this distance the overshadowing, loss of light and overlooking would not be considered to be to such a level that could be grounds to refuse the application.</p> <p>The issue of damage to properties would be a private matter between the property owner and the developer and, as noted in the report to this meeting, officers do not consider that the development of this site would overwhelm Ellesmere and the Marina allocation would remain as positively promoting the development of that site.</p>		
	Application No.	Originator:
Item No.	14/01530/REM – Land 67 Aston Street	Officer
8		
<p>The agent has submitted an amended plan showing six car parking spaces, drawing ref: 1444 D 01A.</p>		
Item No.	Application No.	Originator:
9	14/02078/FUL – Land at Brookmill	Guy Wellsbury & family and Mathew Bell & family
<p>The following letter has been submitted by neighbouring landowner via the ward member:</p> <p>The above matter is due to go before you on January 20th although the committee report has not yet been published. We are told that the Officer recommendation will be for approval subject to conditions and our agent will address you on that at the meeting. It is clear from our dealing with your Officers that this recommendation has been worked towards ever since they refused to take enforcement action in early 2013. There is nothing in this e-mail that seeks to make a determination of the merits prior to the presentation at committee. The purpose of the e-mail is to ensure that you have all the information before you and not just that presented in the report.</p> <p>The temporary mobile home required an assessment of the justification to conform with the principles in</p>		

Annexe A of PPS7. Whilst that document has been replaced by the Framework there is currently insufficient guidance in the Framework to replace it and the principles continue to be used. The report is only required for the purposes of this element of the application. The assessment is carried out in a report from Reading Agricultural Consultants and this report was commissioned by your Officers not the Applicant. The report mentions four documents:

a Business Appraisal prepared by Halls (the agents for the Applicant)
a Design and Access Statement produced by Halls a Supplementary
Planning Report produced by Halls cash flow predictions for the period
July 2014 to July 2017 projected profit and loss accounts 2014-2017

Only the design and access statement is on the publicly available planning file. We accept that the cash flow predictions and projected profit and loss are commercially confidential and we cannot see them. We have a Freedom of Information request in with regards to the business appraisal and the supplementary planning document having been refused access to them by the planning officers. That request is not due to be answered until after the committee meeting. However you are the decision-makers and you have the right to read these reports and form your own judgement as to the conclusions in the Reading Agricultural Consultants report. You are also entitled to see the instructions that your officers gave to Reading in commissioning the report. You will be aware that the documents prepared are on information supplied by the applicant in order to gain planning permission. You are entitled to use your judgement based upon the same information and using your experience to see if you would reach the same conclusion as the Reading report and therefore how much weight you can attach to that report.

In paragraph 2 of the report Reading say that the land consists of 12 acres of grazing. Some of this land is to be taken out of grazing for the built development. Paragraph 5 gives a current number of horses at 24 with an average of 17. The Defra guidelines give a minimum requirement, paragraph 49 of the attached document, of one acre per horse of good grazing land. This land has been used historically for summer grazing and has had a crop on it. It is not suitable for all year grazing sufficient for an average of 17 horses. If you look at the red and blue lines on the application no application has been made to change the use of the land outlined in blue from agricultural land. Supplementary feeding on non-agricultural horses generates a material change of use. That use is currently unlawful and is not the subject of an application.

Also on-line is a consultation report from the ecologist to the Council. That recommends taking further land out of grazing. This observation is based on an ecological study commissioned by the applicant but the persons preparing the report trespassed on land to obtain their information. The report was published on the website and then withdrawn. You are entitled to see that report. The report would only have been kept out of the public domain if it identified badger setts. It does not do so but those living near the site know where a sett is and the badgers can reasonably be expected to have foraged on this land.

In order to make a fair decision you must have all the information before you. Otherwise you are just being led by your officers to what they want. If the land is not suitable for the purposes proposed then the buildings to support that land use should not be allowed. The whole enterprise can then be assessed as to whether it is sustainable. As you know sustainability is the golden thread running through planning.

Further matters will be addressed during public speaking time at committee.

Item No.	Application No.	Originator:
9	14/02078/FUL – Land at Brookmill	Shaun Jones – agent

The following clarification has been provided by the agent:

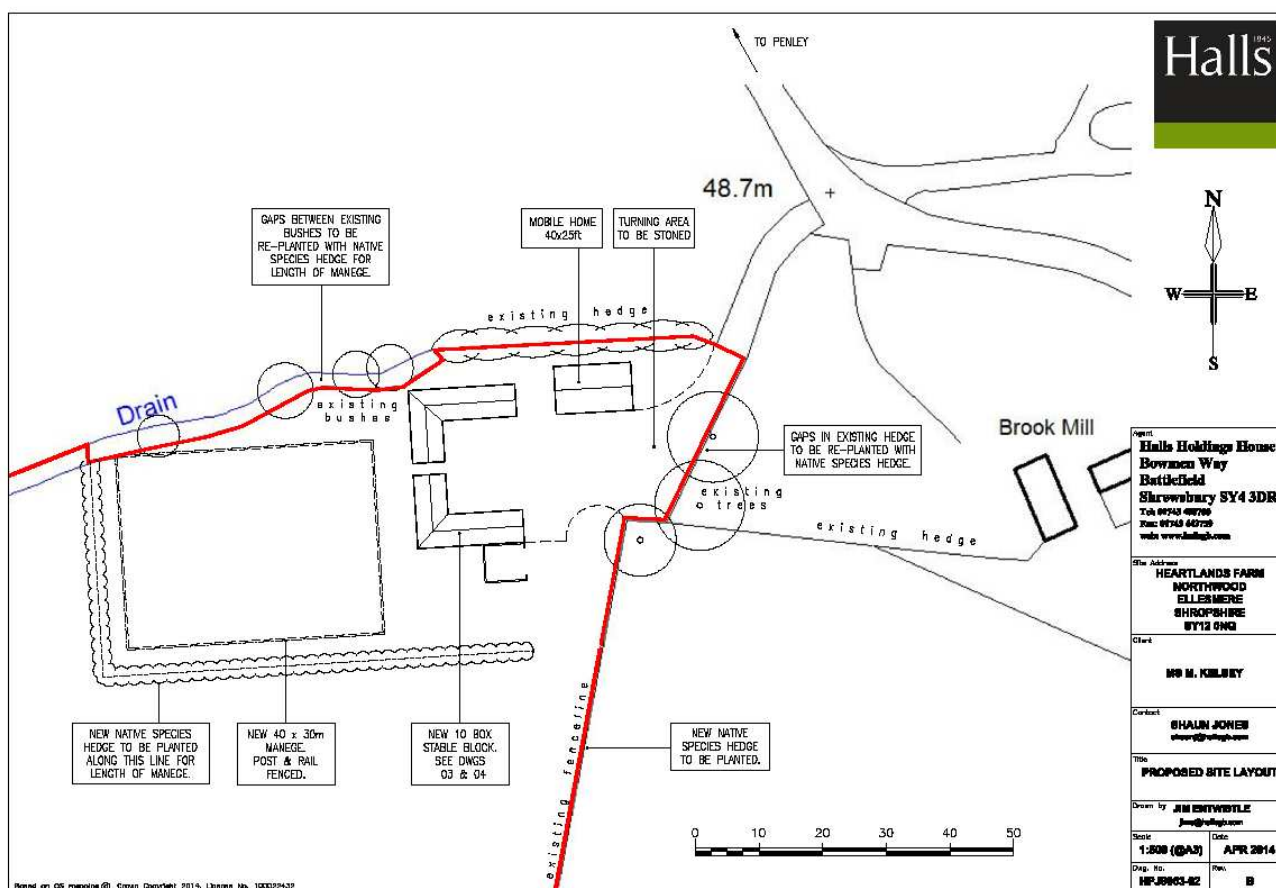
1. Electricity

The applicant will get mains electricity connected. However initially she will use a generator for 2 hours during the day (late afternoon) which will supply the site and charge batteries. At night the batteries via an inverter will run the mobile home. The generator will be positioned in a purpose built sound proof box. Her son is a mechanic and will organise it. The mobile home cooker will be gas fuelled.

2. Lorries

The normal day to day operation will not trigger the need for lorries/large vehicles. I gather you may have seen a photo from 12 months ago. The proposed site will have a parking area allowing delivery vehicles to park within the site. Hay will be delivered by a landrover and trailer. The applicant has not laid out a parking area whilst the application is still being considered.

The agent has also confirmed that the intention initially was and remains for the whole site to be edged red and a revised site layout is submitted as below:



Item No.	Application No.	Originator:
9	14/02078/FUL – Land at Brookmill	Shaun Jones – agent

have considered the officer's report and wish to make the following points;

- Part or all of the field was in arable use until 2013 when the applicant purchased it. If it can be cropped logically it is suitable for grazing.
- I am advised a number of local/adjoining people knew the previous owner was looking to sell the field and had the opportunity to purchase it. I am advised 5-6 acres were sold previously by the vendor to a resident from Brookmill House
- The applicant paid over £100,000 so clearly was comfortable it is an appropriate place to carry out her business.

4. A curtain sider lorry has not been to her site recently – it was to visit a neighbour.
5. Employment – initially the business will employ the applicant full time and her daughter at weekends and during holidays. She will employ a person part time until her daughter finishes education and can work full time at the site. Without the planning consent the applicant will not have a home or long term income/employment.
6. Manure – two local farmers are lined up to remove manure when necessary.
7. Horses – the applicant currently has 15 mares/youngsters, 2 foals and 3 stallions. The American Paint Horses are; 1 stallion, 8 brood mares, 3 youngsters, 1 foal and 1 part bred foal. This particular breed is a sound opportunity for the applicant because there are few available in the UK and they are in strong demand due to their versatility and colour.
8. Numbers will be managed carefully. In the summer other horses come in for breaking and schooling. During the winter months the number of stables (10) effectively limits the number which can be kept. Bearing in mind breeding of high value horses is the primary objective a clean environment is beneficial. Poaching of the land during winter will be very much limited because horses would primarily be stabled during winter months. Outdoor grazing would be for a few hours each day.
9. A small welfare unit is not practical at the site because it will not provide sufficient secure storage facilities. Security is a key issue at the site. There have been numerous acts of theft and vandalism over the last 2 years as reported to the police. In addition the applicant has two children, aged 24 and 15 so a small welfare unit is not an appropriate solution.
10. The planning process has robustly assessed the application since validation on 8th may 2014.
11. Proposed planning conditions;
 No 4 – if this relates to just the caravan and not the stables it is agreed.
 No 6 – an email from Janet Davies of 18 December (to follow) showed that a distance of 1-2m between the ménage and the ditch is accepted.
 No 14 – this is a problem because a quarantine facility is needed being say 20m from the stables.
 No 15 – I assume breaking and schooling are accepted within the ménage.

I trust this provides additional clarity. Please provide this as an additional letter to the Members and onto the website.

Item No.	Application No.	Originator:
9	14/02078/FUL – Land at Brookmill	Officer Further Advice from Reading Agricultural

Further comments from Reading Agricultural Consultants Ltd (RAC) dated 16/01/2015
 The appraisal carried out by RAC was a desk-top appraisal and was based on the facts presented by the applicant's agent and other documents supplied by the Local Authority. A site visit has not been carried out. A report was sent to the Council dated 9 December 2014. Following the publication of the report, the Council have provided more information relating to the planning application. These include two photographs of a small section of the applicant's site which show the small area of land next to structures (which I assume to be temporary stables) to be highly poached by the horses on site. It would have been helpful if the photographs showed the full extent of the 12 acres contained within the site and provide an overall impression on the quality of land available and not a simple snapshot. Whilst the small area shown in the photographs is highly poached, this would not be uncommon in periods of prolonged wet weather and where any animals are confined for a time in a small area. This is a management issue. If this was a permanent feature of the land throughout the year and across the whole of the site it would not be considered good practice and may be considered a material consideration - but the weight one could attach to this is debatable as the applicant is applying to construct a manège – the very type of construction many equine establishments require as a necessity where land is at a premium and to minimise the temporary poaching as seen in the photographs.
 The flood risk assessment the Council have been provided by Hafren Water whilst identifying

the land as being in a flood zone confirm that the manège would be considered appropriate development within all flood zones.

Similarly they consider the stables to be appropriate at the site.

From the plans I have been provided with, the siting of the mobile home seems to be in Flood zone 1 which has a 0.1% risk of flooding in any one year. I would note that Hafren Water have produced some mitigation measures which would reduce the flood risk and possibility of run off which I would expect the Council to have as part of any conditions if it is minded to approve the planning application.

RAC has appraised the proposed planning application against the government's guidance as detailed in the National Planning Policy Framework (NPPF) in particular paragraphs 55 and 28 and the Shropshire Core Strategy Development Plan Document (March 2011). RAC would note that PPS7 Annex A has been revoked (replaced March 2012) and is no longer applicable. Any appraisal that expressly examines an application against the policies within PPS7 is irrelevant.

RAC would also note that the application for the dwelling is for a temporary three year period only and if the applicant's proposed business plan, projected income streams and profit forecast have not materialised at the end of the three years, any future independent appraisal is likely to conclude the business was not sustainable. The very reason for approval of a temporary rural worker's dwelling particularly for a fledgling or new business, if an essential need has been accepted, is to test whether the business is sustainable.

	Application No.	Originator:
Item No. 9	14/02078/FUL – Land at Brookmill	Letter forwarded by Owen Patterson MP

Message: Dear Mr Paterson,

Hope that you are well; it was good to have caught up with you over the Christmas period.

As mentioned at the Clark's drinks party we have a planning issue that seems to be totally unjust and has been going on for 2 years! Unfortunately, it is my belief that someone in the council planning department is pushing this application through. The site is an Environment Agency Flood Zone 2 and 3 but they still want to grant permission. We have requested to see all document and email concerning this application but to no avail.

The council asked for an independent report from a Reading-planning consultant (at taxpayer's expense) that recommends permission.

I have attached three photos of the illegal buildings that she has put up and the council will do nothing about. The state of the land that it is in now and in the background how the field used to be green open pasture. As you can see from the photos taken in the last week or so, I leave it to your own discretion of what type of person who is applying for application.

The applicant claims that she has a viable business plan that has been that submitted to Shropshire council; twice bailiffs have turned up looking for her.

If the planning department grant permission for this application, it will set a precedent for future application on green pastureland in open countryside.

The council could have put a stop to this two years ago but have always seemed unwilling to intervene on our behalf. We have been in contact with Brian Williams who has been a great help but unfortunately protocol only allows him to help so much.

If this is how we want rural Shropshire to look like for future generations then so be it - I do not!

If you are able to help investigate this matter I'd much appreciate it. I obviously have all the planning details/previous records on file if these can be of help.

Many thanks

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