



Committee and Date

North Planning Committee

16th December 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 18 November 2014

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 5.44 pm

Responsible Officer: Emily Marshall

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Present

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, Martin Bennett, Gerald Dakin, Steve Davenport, Pauline Dee, David Minnery, Peggy Mullock and John Cadwallader (Substitute) (substitute for Vince Hunt)

85 Apologies for Absence

Apologies for absence were received from Councillor V. Hunt (substitute: J. Cadwallader) and Councillor D. Lloyd.

86 Minutes

Councillor Dakin requested that Minute 74 of the meeting held on 21st October 2014 be amended to reflect the declaration he made in relation to planning application 14/02914/FUL as the Land Owner of the Site was Councillor Paul Wynn and was known to him and other members of the North Planning Committee.

That subject to the above amendment the Minutes of the meeting of the North Planning Committee held on 21st October 2014 and the Special Meeting held on 24th October 2014 be approved as a correct record and signed by the Chairman.

87 Public Question Time

There were no public questions, statements or petitions received.

88 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Councillor David Minnery declared that as local ward Councillor for planning applications 14/04701/OUT (Land on both sides of Rush Lane) and 14/03782/OUT (Land Off Greenfields Lane, Market Drayton) he would make a statement on the

applications, but would take no part in the debate and would not vote on this application due to perception of bias.

89 Proposed Residential Development Land On Both Sides Of Rush Lane Market Drayton Shropshire (14/04701/OUT)

The Principal Planning Officer introduced the outline application (access for approval) for mixed residential development (up to 162 dwellings), associated open space and landscaping (resubmission) and drew Members attention to the schedule of additional letters.

Ms Sandra Kiessling on behalf of the Friends of Rush Lane Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- Over 400 people had objected to the application;
- Shropshire had a 7 year housing supply and the Shropshire Housing Market could not sustain further development;
- The development was on agricultural land which was also within flood zones 1 and 2;
- The developer was acting illegally by proposing to block Rush Lane;
- The development would result in additional pressure on the already strained pumping station and could lead to sewerage flooding the area; and
- The local medical practice had reached its capacity and there were few employment opportunities within Market Drayton.

(A copy of the full statement is kept on file.)

Mr Laurie Lane, the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- Concerns of local residents had been responded to through the public consultation exercise;
- The new road layout and roundabout would calm traffic in the area and was on land that was within the applicant's ownership;
- A Master Plan had been prepared in consultation with the various landowners; and
- The proposals were acceptable and in accordance with the principals of the National Planning Policy Framework and the Core Strategy, the benefits were not outweighed by the harm.

In response to comments made by the speaker, the Principal Planning Officer confirmed that parts of Rush Lane were in shared ownership. The applicant had put forward two proposals to enable vehicles to cross Rush Lane, but not turn into it. These details would be submitted as part of the Reserved Matters.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor David Minnery as the local Ward Councillor, made a statement, and left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- Requested that if Members were minded to approve the application, they supported a roundabout rather than a T junction;
- In order to calm traffic, a lower speed limit should be implemented; and
- Requested that the application for Reserved Matters should come back to the North Planning Committee for consideration.

Whist acknowledging that the site was within the area identified for development within Market Drayton Members agreed that the application for Reserved Matters should come back for consideration by the North Planning Committee.

RESOLVED:

That Planning Permission be **granted** in accordance with the Officer's recommendation, subject to;

- The application for Reserved Matters being considered by the North Planning Committee;
- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport; and
- The conditions set out in Appendix 1.

90 Land off Greenfields Lane, Market Drayton, Shropshire (14/03782/OUT)

The Principal Planning Officer introduced the outline application (access for approval) for the residential development of up to 250 dwellings, to include demolition of existing structures on site, formation of new vehicular access from the A53 and Hampton Drive and drew Members' attention to the schedule of additional letters. The Principal Planning Officer confirmed that the recommendation should be amended to grant delegated powers to officers to approve the final access arrangements.

Ms Sandra Kiessling on behalf of the Friends of Rush Lane Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees and stated that she wished to reiterate her comments in relation to the previous application.

Mr Richard Barton, the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The Planning Officers report was very thorough;
- He was happy to withdraw one of the access points in accordance with the Planning Officers views; and

- The Environment Agency had confirmed to the applicant that they would withdraw their objection.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor David Minnery as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- He wished to reiterate his comments made on the previous application;
- He was pleased to note the applicant's agreement to withdraw one of the access points;
- He was concerned about the access of Hampton Drive and requested that further detail come back to the North Planning Committee at the Reserved Matters stage; and
- All access to the site should be via the A53

The Principal Planning Officer confirmed that the recommendation was to delete the junction from the A53, explaining that the access of Hampton Drive allowed the sites at Rush Lane and Greenfields Lane to be developed individually and would be the only means of access during the first phase of development. In response to Members concerns regarding the number of houses that the access from Hampton Drive could support, the Principal Planning Officer confirmed that this could be limited with an additional Condition.

RESOLVED:

That the Area Planning Manager/Principal Planning Officer be granted delegated powers to issue Outline planning permission subject to:

- The satisfactory resolution of the outstanding ecology matters;
- The removal of the objection from the Environment Agency;
- The deletion of the junction from the A53;
- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport;
- The conditions set out in Appendix 1 and an additional condition to limit the number of dwellings that could be accessed off Hampton Drive (in consultation with Highways DC); and
- Submission of Reserved Matters Application to be considered by the North Planning Committee.

91 Land North Of Whitridge Way Trefonen Shropshire (14/00536/OUT)

The Principal Planning Officer introduced the outline application for the erection of twelve dwellings (to include access) and drew Members' attention to the schedule of additional letters. It was confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

Dr George Nash on behalf of the Trefonen Rural Protection Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised;

- The Group felt let down by English Heritage and Planning Officers;
- Offa's Dyke was an internationally recognised heritage asset along with the 'gutter' and other non-designated heritage assets;
- The proposed development would have a detrimental effect on Offa's Dyke; and
- Trefonen had already seen heavy development.

Councillor Tony Cheetham, on behalf of Oswestry Rural Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised;

- There was overwhelming opposition to the development within the village;
- Access is restricted and would create a pinch point on Chapel Lane;
- There was no sustainable transport system and a lack of public transport; and
- There were no employment opportunities within the village and therefore residents would be reliant on cars.

Mr David Parker, Agent on behalf of the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The original application was for 13 units however this had been reduced, in response to concerns from local residents;
- The number of smaller semi-detached properties had also been increased;
- The application site was different to another site in Trefonen that had been refused as it had its own access which was a continuation of the existing estate road; and
- The village shop was due to reopen and the local primary school had spaces all of which gave weight to the sustainability of the village

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Joyce Barrow, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote. During her statement the following points were raised:

- The site of the proposed development was within Open Countryside and development of the site would be contrary to Oswestry Rural Parish Council's Parish Plan May 2014;
- There was unprecedented opposition to the development within the local community;
- The upland area of Trefonen must be protected, not only the physical monument but also the setting of the Dyke;
- The extra traffic that the development would create would have an adverse impact on the village;
- The development was not sustainable; and

- The unique character of Trefonen would be damaged.

During the ensuing debate, Members expressed concern at the cumulative effect of the loss of further valuable agricultural land, along with the potential harm to the intrinsic rural character of the village and the Designated Heritage Asset (Offa's Dyke) and considered that the harm caused by the development would cumulatively, significantly and demonstrably outweigh the benefits

RESOLVED:

That Planning Permission be refused, contrary to the Officer's recommendation for the following reasons:

It is acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply and would also provide limited support for the existing services in the village. Notwithstanding this however it is considered that this is outweighed by the potential harms identified below. Furthermore weight, albeit limited weight, was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the Oswestry Local Plan and emerging policies in the Site Allocations and Management of Development DPD. Limited weight was given to those policies in view of the age of the saved policies and the fact that the emerging policies are subject to unresolved objections and have not yet been subject to examination in public. It is considered that the development of this site would have an adverse impact on the intrinsic rural character and beauty of the village, take up a visually valuable green space, be development on valuable agricultural land and would not contribute towards conserving and enhancing the natural environment contrary to policies CS5 and CS6 of the Shropshire Core Strategy and the NPPF. Furthermore it is not considered that this development in the settlement is sustainable due to the limited number of services available to future residents in Trefonen and the consequent need to travel to access services but with limited public transport, and opportunities for non-car based travel to do so. The Council considers that the impact the proposed development would have on the internationally recognised designated heritage asset (Offa's Dyke), having regard to the advice of English Heritage and the Council's Conservation Officer also adds weight to the conclusion that the adverse impacts of the development would cumulatively, significantly and demonstrably outweigh the benefits and would fail to satisfy roles of sustainable development as set out in the National Planning Policy Framework.

92 Brogyntyn Hall, Brogyntyn, Oswestry, SY10 7DA, (14/03184/FUL)

The Principal Planning Officer introduced the application for change of Brogyntyn Hall from offices to residential with associated alterations to include demolition of service wing; conversion of Home Farm into 11 residential units; partial demolition of estate office and agricultural sheds; alterations to existing farm house and Dairy Cottage; erection of 50 dwellings within grounds and formation of vehicular access to B4580. The Principal Planning Officer drew Members' attention to the schedule of additional letters which detailed outstanding ecology issues and the concerns of the Council's Arboriculture Officer. The Principal Planning Officer therefore requested that the Committee considered granting planning permission, subject to the

satisfactory resolution of these issues. It was confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area.

In response to questions from members, the Area Planning Manager confirmed that the Section 106 Legal Agreement would be a prescriptive document that would ensure that the appropriate work was undertaken to ensure the future protection of the Hall and prevent any further deterioration. The Legal Officer confirmed that there were a number of enforcement powers that could be utilised to ensure compliance with the terms of a Section 106 Agreement. It was suggested that the Chairman and Vice-Chairman of the North Planning Committee be consulted during the preparation of the Section 106 Agreement.

RESOLVED:

That Planning Permission be **granted** subject to:

- The satisfactory resolution of the outstanding ecology issues and the concerns of the Council's Arboriculture Officer;
- The applicants entering into a S106 agreement to secure the repair and restoration of the grade II* listed building and appropriate phasing of the development, to be agreed by officers in consultation with the Chairman and Vice-Chairman of the North Planning Committee; and
- The conditions set out in Appendix 1.

93 Proposed Dwelling Rear Of The Talbot Inn, Church Street, Ruyton XI Towns, Shropshire (14/03025/OUT)

The Area Planning Manager presented the outline application for the erection of 1 no. dwelling with garage to include access, drawing Members' attention to the Schedule of Additional Letters.

Councillor Ros Slowly, on behalf of Ruyton-XI-Towns Parish Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised;

- The Talbot Inn was a very important asset to the village;
- They were saddened that the land had not been sold with the business; and
- Shropshire Council's Highways had acknowledged that there were deficiencies with the access;

Ms Cathy Else, Agent on behalf of the applicant, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The application site was not within the same ownership and the lack of a link between the two had already been established and was not a planning consideration.

In accordance with Rule 6.1 of the Council Procedure Rules contained in Part 4 of Shropshire Council's Constitution, Councillor Bardsley addressed the Committee as a Local Member, during which the following points were raised:

- He had concerns at the Highway arrangements, what was classed as a Class II Country Road was actually a very busy through route and the only access was onto a busy dangerous road;
- A large HGV Depot was located nearby; and
- The Primary School was close by.

RESOLVED:

That planning permission be **granted** in accordance with the Officer's recommendation and subject to the conditions set out in Appendix 1 and the applicants entering into a S106 agreement.

94 Oswestry Smithfield Livestock Market, Shrewsbury Road, Oswestry, Shropshire, SY11 4QA

The Principal Planning Manager introduced the application for a Variation of Condition 40 (approved plans) of planning permission 13/01189/VAR.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Martin Bennett, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote. During his statement the following points were raised:

- Members' attention was drawn to the conclusion of the report at paragraph 6.4.8; and
- Commended the report and asked Members to support the Planning Officer's recommendation.

RESOLVED:

That Permission be **granted** in accordance with the Officer's recommendation and subject to the conditions set out in Appendix 1 and the applicant entering into a S106 agreement.

95 The Venue, Burma Road, Park Hall, Oswestry, SY11 4AS (14/00517/FUL)

The Area Planning Manager introduced the application for the extension of existing car park; formation of one full sized football pitch and 6 training pitches, together with associated fencing and lighting. Members' attention was drawn to the Schedule of Additional Letters.

The Area Planning Manager reported an amendment to Condition 12 to restrict use of the floodlights to the same hours as the pitches to ensure that they weren't left on unnecessarily.

RESOLVED:

That planning permission be granted in accordance with the Officer's recommendation subject to the conditions set out in Appendix 1 with an amendment to Condition 12 to restrict use of the floodlight to the same hours as the pitches.

96 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

97 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 16th December 2014, in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date: