



### Committee and Date

North Planning Committee

20<sup>th</sup> January 2015

## **NORTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 16 December 2014**

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

**2.00 - 5.05 pm**

**Responsible Officer:** Shelley Davies

Email: emily.marshall@shropshire.gov.uk Tel: 01743 252726

### **Present**

Councillor Arthur Walpole (Chairman)

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

### **98 Apologies for Absence**

Apologies for absence were received from Councillors Martin Bennett, Mrs Pauline Dee (substitute: Peter Cherrington), David Lloyd and David Minnery (substitute: John Cadwallader).

### **99 Minutes**

That the Minutes of the meeting of the North Planning Committee held on 18<sup>th</sup> November 2014 be approved as a correct record and signed by the Chairman subject to the following amendment:

The second paragraph of Minute 89 to be amended as follows:

*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:*

Additionally it was agreed that a Clerk's note be added to read - *A copy of the full statement is kept on file.*

### **100 Public Question Time**

There were no public questions, statements or petitions received.

## 101 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 Peter Cherrington explained that as the local ward Councillor for planning application 12/01381/FUL Llysfield Nursing Home, 129 Middleton Road, Oswestry, and in accordance with Shropshire Council's Constitution he would take no part in the debate and would not vote on the application.

Councillor Gerald Dakin explained that as the local ward Councillor for planning application 14/01398/MAW Broughall Fields Farm, Ash Road, Whitchurch, and in accordance with Shropshire Council's Constitution he would make a statement on the application and then leave the room during consideration of the item, taking no part in the debate and would not vote on the application.

Councillor Mrs. M. Mullock declared that she had a non-pecuniary interest in relation to planning application 14/01398/MAW Broughall Fields Farm, Ash Road, Whitchurch, as three members of her family were employed at Grocontinental Ltd. She would make a statement and then leave the room during consideration of the item, taking no part in the debate and would not vote on the application.

Councillor P. Wynn declared that he had a non-pecuniary interest in relation to planning application 14/01398/MAW Broughall Fields Farm, Ash Road, Whitchurch, as he knew the land owner. He stated that he would take no part in the debate and would not vote on the application.

Councillor John Cadwallader explained that as the local ward Councillor for planning application 14/01426/OUT Land South of Chapel Lane, Norton in Hales and in accordance with Shropshire Council's Constitution he would make a statement on the application and then leave the room during consideration of the item, taking no part in the debate and would not vote.

*Councillor P. Wynn left the table and moved to the back of the room during consideration planning application 14/01398/MAW.*

## 102 Broughall Fields Farm, Ash Road, Whitchurch, Shropshire, TF8 7BX (14/01398/MAW)

The Principal Planning Officer introduced the application for Installation of Anaerobic Digestion plant consisting of control building; feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works 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 the surrounding area.

In response to a question from the Chairman regarding the re-routing of the culvert, the Principal Planning Officer explained that the applicant would be required to submit a detailed scheme as detailed in the Officer's report at Condition 21.

Peter Lowe, local resident, 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:

- There was no pre-application consultation with the local community;
- The electricity generated would not enable the applicant to become self-sufficient;
- The anaerobic digester at Swancote did produce odour;
- The development would adversely affect highway safety;
- If there was an incident and an exclusion zone was enforced by the Environment Agency the A525 by-pass would be closed, causing gridlock in the town;
- The existing water course was a habitat for water voles;
- There was no shortage of electricity in Whitchurch as stated in the report; and
- The application was no benefit to the Town and would adversely affect tourism.

Councillor John Sinnot, Whitchurch Town Council, 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:

- The Town Council were not against anaerobic digesters in principle but were united in their objection to this application as they considered it to be in the wrong location;
- He assured the meeting that there was no shortage of electricity in the Town;
- The electricity generated cannot be used by the Town and therefore was of no benefit to the wider community;
- The site was too close to receptors such as the local nursery; and
- The anaerobic digester would produce odour.

Linda Grocott, applicant, spoke in support of 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:

- The current business moved to Whitchurch in 1996 and played a vital part in the Shropshire economy;
- The business provided stable employment for local people;
- The application would enable the business to become self-sufficient;
- A number of businesses had left Whitchurch due to power shortage issues; and
- Amendments had been made to the application following concerns such as the elimination of food waste.

Nick Williams, agent for the applicant, spoke in support of 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:

- The business was the largest employer in Whitchurch;
- Electricity was required at the business 24 hours a day, seven days a week, 364 days a year;
- The anaerobic digester would generate more than half of the electricity required by the business;
- The removal of food waste element was welcomed by Environment Agency and Public Protection;
- There had been no representations from statutory consultees;
- The plant would operate in line with a permit from the Environment Agency and would be closed if conditions were not met; and
- The development was located in a sensible site and would supply renewal energy in line with the guidance.

Councillor Mrs Peggy Mullock made a statement in support of the proposal, and then left the room, taking no part in the debate and did not vote.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Gerald Dakin, 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 a number of points were raised including the following:

- The electric supply on the industrial estate was insufficient;
- The proposed plant was different to the plant at Harper Adams University;
- There were 13 other anaerobic digesters in Shropshire;
- The proposal would give power where it was needed and enable the business to continue in the future;
- The business was largest employer in Whitchurch and known nationally;
- There had been a scaremongering campaign by a group of people objecting to the application;
- If the plant failed to operate in line with the Environment Agency permit it would be closed;
- The applicant would not allow this to happen and waste a 5 million pound investment; and
- He had no concerns in relation to the application and felt it would serve the needs of the Town.

The Principal Planning Officer explained that the benefits of the scheme outweighed the adverse impacts and the concerns raised by objectors had resulted in a better scheme. It was confirmed that there had been a pre-application process and that if there was an incident at the site this would be subject to a number of different regulatory regimes although the primary responsibility would rest with the operator. In response to comments relating to the fire prevention measures detailed in paragraph 7.3.3, the Principal Planning Officer advised that if Members were minded to approve the application a condition be added in relation to this issue.

Having considered the submitted plans for the proposal, the Members unanimously expressed their support for the officer's recommendation, subject to the inclusion of an additional condition in relation to fire prevention measures.

**RESOLVED:**

That Planning Permission be granted in accordance with the Officer's recommendation subject to:

- The conditions set out in Appendix 1; and
- An additional condition relating to fire prevention measures.

*Councillors Mrs Peggy Mullock, Gerald Dakin and Paul Wynn re-joined the meeting at this point.*

**103 Land South of Chapel Lane, Norton in Hales (14/01426/OUT)**

The Principal Planning Officer introduced the outline application for 16 open market dwellings and 3 affordable dwellings to include access and drew Members' attention to the schedule of additional letters.

Gavin Cope, local resident and representative from the Parish Plan 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:

- The proposal was larger than the application refused by this Committee in October 2014;
- The North Shropshire District Council saved policy was still in place until SAMDev was adopted;
- The site was outside the development boundary for the village;
- The site was classed as open countryside in SAMDev and therefore contrary to CS4; and
- The proposal was contrary to CS6 as there was no employment or public transport in the village.

Councillor Richard Ancliffe, representing Norton in Hales Parish Council, 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:

- The application was one of four recent applications for Norton in Hales;
- The amount of new development was out of scale for a small village;
- The Parish Council dispute the statement in the Officer's report that 19.4% was not significant; and
- There were no longer any open spaces between houses as there were before 1990.

Peter Eardley, the applicant, spoke for 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:

- The site was unsuitable for modern agricultural;
- Although the application was outline the only matter reserved was landscaping;
- The scheme had been prepared in conjunction with Planning Officers;
- The application would provide CIL money and affordable housing to enable younger families to stay in the village; and
- The highways improvements would benefit the whole 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 John Cadwallader, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote on the application. During his statement a number of points were raised including the following:

- It had been agreed that the village should be classed as open countryside in SAMDev;
- SAMDev should be given more weight;
- The Highway Officer acknowledged the highway problems;
- The proposed pedestrian refuge was unsuitable;
- The development would have a minimal impact on school intake;
- The proposal was no benefit to the village and the public concern had been understated in the Officer's report; and
- There were no employment opportunities in the village and the development would maximise the need for car travel.

Having considered the submitted plans for the proposal, the majority of Members indicated that the harm resulting from the development would outweigh the benefits of the proposed development and expressed their objection to the application.

**RESOLVED:**

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

The Committee acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply, including open market and affordable housing and would also provide support for the existing services in the village and highway improvements to which weight was given. However it was considered that this was outweighed by the harm identified. Namely, Weight was given to the fact that the proposed development was not plan led being contrary to both current saved North Shropshire Local Plan and the emerging policies in the Site Allocations and Management of Development DPD and further it would have a harmful cumulative effect on the highway network in the village contrary to CS4, CS5 and CS6 of the Shropshire Core Strategy.

*Councillor John Cadwallader re-joined the meeting at this point.*

**104 Proposed Residential Development Land East of Teal Drive, Ellesmere, Shropshire (14/03370/FUL)**

The Principal Planning Officer introduced the application for the erection of 68 dwellings to include on-site open space provision and drew Members' attention to the schedule of additional letters and an additional representation that had been circulated at the meeting.

Brian Udal, local resident, 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 60 local residents with concerns attended a meeting in relation to this application;
- Flooding occurred on the site every year;
- The proposed attenuation ponds were a danger to children;
- The site was not included in SAMDev; and
- The primary school was under pressure; and
- It would take children over 20 minutes to walk to the school.

Councillor Geoff Elner, Ellesmere Town Council, 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:

- There were applications for over 700 new houses in Ellesmere which would swamp the Town;
- The Town was not able to cope with this amount of development;
- The site flooded on a regular basis;
- The Town Council would prefer development on other sites; and
- Development in this area would have an adverse effect on economic development.

Penny Bicknell, agent for the applicant, spoke in support of 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:

- The proposed site was taken forward as a preferred option site;
- The proposal was in a sustainable location;
- The land was in the same ownership as the Teal Drive development and was a logical extension to Ellesmere;
- The application was not speculative and would be completed in a short timescale;

- The site was not in a flood risk zone and a flood risk assessment had been completed; and
- The development would provide affordable housing.

The Chairman read out the following statement from the Local Ward Councillor, Councillor Ann Hartley, who was unable to attend the meeting:

*As local member I strongly object to this application. In Ellesmere we are not against new housing development in fact we welcome more housing recognising the vibrancy and economic value. At present we have applications for 10 in Church Street, 57 at the Railway Yard, 68 in Teal Drive, 250 for the Wharf Development, 40 in Elson Road – 45 McCarthy & Stone and 280 are being phased in the Canal Development. However we are very mindful of all new developments being sited in the right place for the future of the town. These must not be in the town centre as the roads are not suitable for any more traffic pressure.*

*The area that is unanimously supported by the Chamber of Commerce, the Town Council and the vast majority of the community and myself is the Wharf and Canal area. The proposal for a newly constructed road linking the Wharf to the Oswestry Road makes this by far the most sensible proposition. The proposed Teal Drive development is not in the SAMDev and was not even in the North Shropshire Local Plan Development Boundary. The proposed site and surrounding area has severe flooding and is a greenfield site. We have enough site allocations identified for Ellesmere without including this dubious application. I urge the committee strongly to reject the application.*

In response to concerns raised by Members in relation to flooding issues, the Principal Planning Officer confirmed that the site was not in a flood zone and explained that conditions had been included to address the issues identified by the Drainage Engineer.

Having considered the submitted plans Members of the Committee unanimously indicated that the harm resulting from the development would outweigh the benefits of the proposed development and expressed their objection to the proposal.

**RESOLVED:**

That Members were minded to refuse Planning Permission against the Officer's recommendation. The Committee were concerned at the cumulative impact the development would have on the Town and gave greater weight to the emerging SAMDev Policies and saved local plan policies which classified the site as being within open countryside. Concern was also raised in relation to the impact on the road network and drainage issues.

A further report, on reasons for refusal would be considered at a future meeting of this Committee, in accordance with Shropshire Council's Constitution.

**105 Land South of 54 Red Bank Road, Market Drayton, Shropshire (14/03759/FUL)**

The Solicitor reported that there had been a Ministerial statement issued and new guidance in relation to planning obligations and small residential schemes and it was not appropriate to determine the application at this time until the Council had considered these matters.

**RESOLVED:**

That consideration of this application be deferred to a future meeting of the Committee.

*Councillor Peter Cherrington left the meeting at this point.*

**106 Llysfield Nursing Homes, 129 Middleton Road, Oswestry, Shropshire (12/01381/FUL)**

The Principal Planning Officer introduced the planning application for the erection of 2 two storey extensions and highway visibility improvements and drew Members' attention to the schedule of additional letters.

Ann Morris, representative for Stephen Morgan (resident of neighbouring property), 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:

- The access to Mr Morgan's property was shared with the nursing home and at times access to his home was prevented;
- The proposal was overbearing and would result in a loss of light at Mr Morgan's property; and
- The development would increase the traffic movements at the nursing home.

Having considered the submitted plans Members of the Committee unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That Planning Permission be refused in accordance with the Officer's recommendation.

**107 Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the northern area be noted.

**108 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 20<sup>th</sup> January 2015 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....