



### Committee and Date

North Planning Committee

17<sup>th</sup> March 2015

## **NORTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 17 February 2015**

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

**2.00 - 5.20 pm**

**Responsible Officer:** Emily Marshall

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### **Present**

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, Gerald Dakin, Steve Davenport, Pauline Dee, Vince Hunt, David Lloyd, David Minnery and Peggy Mullock

### **120 Apologies for Absence**

There were no apologies for absence.

### **121 Minutes**

That the Minutes of the meeting of the North Planning Committee held on 20<sup>th</sup> January 2015 be approved as a correct record and signed by the Chairman.

### **122 Public Question Time**

There were no public questions, statements or petitions received.

### **123 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 Paul Wynn declared a non-pecuniary interest in relation to planning applications 14/03484/OUT Ash Hall, Ash Magna, Whitchurch as he was an acquaintance of the applicant and 14/03428/OUT, Aston Road and Church Lane, Wem as the applicant had been a Member of North Shropshire District Council, alongside Councillor Wynn.

### **124 Land North West Brooklands Farm Dudleston Ellesmere (14/02730/MAW)**

The Technical Specialist Planning Officer introduced the report, explaining that an appeal against non-determination had been made in respect of the application for a temporary operation for an exploratory borehole and associated infrastructure, and

therefore a decision would be made by the Planning Inspectorate. The Committee were therefore asked to confirm what decision it would have made on the application, had the appeal against non-determination not been lodged. The North Planning Committee had previously considered the application at its meeting on 24<sup>th</sup> October, at which they were minded to refuse the application.

Chris Hesketh, 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:

- His objections were legitimate and plan based, they focused on four specific areas;
  - 1) The Slurry Lagoon – the risk of damage to the Slurry Lagoon needed proper assessment;
  - 2) Sound Levels – the noise limit should be 40dB;
  - 3) Contamination of natural drinking water supplies that were present within close proximity to the site;
  - 4) The detrimental effect on a legally protected hedgerow; and
- It was clear that that the application was not in the best interests of the public or the County.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Steve Davenport, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Members had educated themselves on the issues surrounding the application; and
- He urged the Committee to reaffirm the decision to refuse the application for the benefit of Shropshire.

Having considered the submitted plans, the majority of Members present expressed their objection to the application.

**RESOLVED:**

- 1) That had the decision still been before the Council, that planning permission be refused for the following reasons:

The application would be contrary to Core Strategy Policies CS6 and CS18 as it:-

- Had not been adequately demonstrated that the proposed development can be undertaken without adverse impact upon residential and local amenity due to the disturbance from noise emissions.
- Had not been adequately demonstrated that the proposed development would not have an unacceptable impact upon private water supplies in the area through contamination or damage resulting from site preparation, drilling and

restoration operations, and the passing of vehicles across the site and access track

- Had not been adequately demonstrated that the proposed development, including the preparation of the site and subsequent reinstatement, can be undertaken without causing pollution of groundwater and surface water from the failure of the slurry lagoon caused by damage resulting from the number, frequency and type of vehicles travelling past it
  - Is considered that the benefits of the proposed scheme, in establishing the characteristics of the underlying coal measures, would not outweigh the potential harm to the area as set out above.
- 2) That the Council's statement of case for the appeal against non-determination is predicated on the issues as set out in section 2.4 of the Planning Officers report.

### 125 **Land at Brookmill, Hampton Wood, Ellesmere (14/02078/FUL)**

The Principal Planning Officer introduced the application for the construction of stables, manege and temporary mobile home and change of use of land from agricultural to equestrian use. It was explained that the application had been considered at the previous meeting held on 20<sup>th</sup> January 2015 at which Members had been minded to refuse Planning Permission due to concerns in relation to the visual impact of the proposed development and the viability of the enterprise. Further information had been provided within the officer's report which sought to address the concerns raised at the previous meeting. The officer's report recommended approval of the application.

The Principal Planning Officer drew member's attention to the Schedule of Additional Letters, which contained the report by Reading Agricultural Consultants, which had previously be circulated to Members of the Planning Committee.

Mr Leslie Smith, planning agent on behalf of local residents 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 late submission of the Reading Agricultural report had prejudiced the decision making process and urged the Committee to refuse or defer the application; and
- If the Committee were minded to approve the application the Conditions 7 and 11 should be amended to comply with Shropshire Core Strategy Policy CS6.

Councillor Chris Symes, Welshampton & Lyneal 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 poaching of the site was not being given proper consideration;
- The site was wet all year round; and
- Even if the land were of good quality and did not have the problems referred to, it would struggle to be big enough to support an equine business of the size proposed.

Mrs Kelsey, 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:

- There were no current objections from any of the statutory consultees;
- The business had been profitable for two years, bred competition horses for international clients and held a strong client base, all of which proved the sustainability of the business;
- That the poaching and visual impact would be limited once the stables were erected; and
- Many letters of support had been received.

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

- The proposed development was not diversifying the rural economy;
- The proposals did not meet local need; and
- The proposals did not meet Policies CS5 and CS6 of the Shropshire Core Strategy and for this reason should be refused.

Having considered the submitted plans and given consideration to the independent report by Reading Agricultural Consultants, which addressed many of the Committee's original concerns, the majority of Members supported the Officer's recommendation, subject to additional conditions in relation to the electricity generator and the mobile field shelters.

**RESOLVED:**

That planning permission be granted in accordance with the Officer's recommendations, subject to the conditions set out in Appendix 1 and additional conditions relating to the insulation of the onsite electricity generator and the details of the mobile field shelters to be submitted before being brought on site.

**126 Proposed Residential Development South of Ash Hall, Ash Magna, Whitchurch (14/03484/OUT)**

The Principal Planning Officer introduced the outline application (access for approval) for residential development (some affordable housing) and associated amenity space.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Gerald Dakin, as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He was pleased to see the site had come forward for development; and
- The development met the criteria for sustainable development.

Having considered the submitted plans, the Committee unanimously expressed their support for the proposals.

**RESOLVED:**

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

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

The Principal Planning Officer introduced the application for the erection of a pair of semi-detached dwellings.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Minnery, as local ward councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He had received no objections in relation to the site; and
- An application had previously been approved on the site.

Having considered the submitted plans, the Committee unanimously expressed their support for the proposals.

**RESOLVED:**

That Planning Permission be granted in accordance with the Officer's recommendation, subject to the applicant entering into a S106 agreement to secure an affordable housing contribution and subject to the conditions set out in Appendix 1.

**128 Land Off A49 Hadnall, Shropshire (14/03995/OUT)**

The Principal Planning Officer introduced the outline application (access for approval) for residential development of up to forty dwellings, the provision of public open space and car park and restoration of the moat (amended description) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding

area. The Principal Planning Officer drew Members' attention to the Schedule of Additional Letters.

Jane Whittaker, Clerk to Hadnall 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 cumulative impact of this and other developments within Hadnall should be taken into account.
- The highways infrastructure was not adequate to accommodate an additional development;
- If the application were granted, the Parish Council requested that consideration be given to providing four way traffic lights at Station Road/A49 Junctions and a controlled pedestrian crossing; and
- Questioned whether the restoration of the moat be funded by the developer.

Helen Howie, 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 development met the NPPF definition of a sustainable settlement;
- The development would deliver significant community benefits;
- In a Parish Council Survey undertaken in 2013, almost half of the respondents indicated that they wanted Hadnall to be designated as a Community Hub in SAMDev; and
- The development would improve vehicle safety, create significant amounts of public open space and would fund the restoration of the moat.

The Chairman read out representations made by Councillor Simon Jones as the Local Member, in support of the objections made by Hadnall Parish Council.

During the ensuing debate, the concerns expressed by the Parish Council and local member in relation to the cumulative impact of the development and in relation to highways safety, were acknowledged and it was questioned whether additional conditions in relation to Highways Safety might be appropriate. In response the Council's Solicitor advised that in this instance it would not be reasonable or necessary to place additional conditions in this respect as the problems referred to by Members were pre-existing and not directly caused by the proposed development. Members were reminded that Shropshire Council's Highways were satisfied with the proposals, however the Committee's concerns could be raised with Highways and the Parish Council.

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

**RESOLVED:**

That Planning Permission be granted in accordance with the Officer's recommendation, subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant affordable housing contribution at the time of the

reserved matters application and the restoration and future maintenance of the moated site.

**129 Proposed Residential Development Land Between Aston Road And Church Lane Wem (14/03428/OUT)**

The Principal Planning Officer introduced the outline application for the erection of 50 no. dwellings (to include access), confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. The Principal Planning Officer drew Members' attention to the information contained within the Schedule of Additional Letters.

Dr Leonard Staines, a 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:

- The volume of traffic that would be generated by the development could not be accommodated on the existing roads;
- Amended plans meant that there would only be one road to the development and all traffic leaving would have to reach the A49; and
- An adequate road structure was critical to future residents.

Amy Henson, 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 town provided a significant range of facilities and had excellent public transport links, therefore the proposed site was highly sustainable;
- No objections had been received from Highways;
- Network Rail had confirmed that they had no objections to the proposal;
- Five affordable houses would be provided on site; and
- The proposed development meets the criteria in the NPPF.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Pauline Dee, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- Concerns that the town would be cut in to two by the potential future closure of the level crossing;
- HGV movements from nearby Industrial Estates should be considered; and
- The concerns of her local constituents were highlighted, these included flooding, the scale of the development, the development being outside the development boundary and the safety of the level crossing.

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

- The cumulative impact on the town of Wem should be considered;
- There was no support within the local community for this development;
- The local school and medical centre had reached capacity; and
- There were similarities between this application and one that had been refused in December 2014 and this created a precedent for future applications.

Having considered the submitted plans for the development, the majority of Members' felt that whilst the concerns of local residents and the Town Council were relevant, the site was considered sustainable, as set out in the NPPF and would boost the Council's housing land supply.

**RESOLVED:**

That Planning Permission be granted in accordance with the Officer's recommendation, subject to the applicants entering into a S106 agreement to secure affordable housing and a financial contribution towards investigating and implementation of changes to the traffic management in the area of the railway crossing and subject to the conditions set out in Appendix 1 and an additional condition to secure the implementation of a phased programme of archaeological work.

**130 Development Land East Of Wem Road Shawbury (14/04558/OUT)**

The Principal Planning Officer, introduced the outline application (access for approval) for mixed residential development, drawing Members attention to the Schedule of Additional Letters and confirming that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

The Chairman read out a statement from Councillor Simon Jones, who supported the Parish Council's objections to the application.

Justin Stevenson, the 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 development would provide benefits to the local community, businesses and services and Community Infrastructure Levy (CIL) money would be spent locally;
- Three affordable units would be provided;
- Protected species had been carefully considered throughout the application process; and



- The development would help to sustain local services within Shropshire and boost the housing supply.

**RESOLVED:**

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

- No defensible objections being received from Public Protection or MOD on receipt of an additional Noise Survey;
- The applicants entering into a S106 agreement to secure affordable housing and;
- The conditions set out in Appendix 1.

**131 Land On Runway At Twemlows Hall Higher Heath Whitchurch (14/03957/FUL)**

The Technical Specialist Planning Officer, introduced the application for the formation of solar farm, drawing Members attention to the Schedule of Additional Letters and an additional email of objection.

Lesley Watson, a 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:

- The site was 100 metres away from the A41 and therefore too close to the road;
- The A41 was very fast moving and the Solar Farm would be a distraction to drivers along this road;
- Landscaping would take time to establish; and
- She was surprised that the Parish Council had withdrawn their original application.

Mr Edward Matson, the applicant spoke in support of the proposals 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 had been made in attempt to maintain the family business and to diversify;
- The solar panels used would be low lying and would be well screened with trees and hedgerows to reduce the visual impact;
- The application had the support of Natural England and Butterfly Conservation; and
- The applicants had worked closely with the Parachute Club.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Gerald Dakin, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Discussions with the British Parachute Association and Tilstock Parachute Club had been positive;
- He was confident that the steps that would be taken to reduce visual impact would be very effective;
- He was pleased to note that Vogt Solar had confirmed that the Parachute Club would still be able to operate; and
- The proposed solar farm would secure a renewable energy supply for the future and was situated in an ideal location.

Following concerns expressed by the Committee in response to points made by the public speaker in relation to highways safety, the Planning Officer confirmed that the solar farm would be very well screened and provided detail on the proposed planning scheme and the height of the fencing.

**RESOLVED:**

That planning permission be granted in accordance with the Officers recommendation and subject to the conditions set out in Appendix 1.

**132 Land At Lostford Lane, Wollerton (14/04787/VAR)**

The Principal Planning Officer introduced the application for a variation of Condition No. 1 (approved plans) attached to planning application 11/04429/FUL approved on appeal to amend the approved plans.

Hannah Twells, the agent for the applicant spoke against the proposals 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 dimensions of the approved plans still fell short of the Inspectors spacing requirements for livestock;
- The building is more agricultural in character; and
- Confirmed that all livestock were produced for food rather than being bred for shooting.

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

- The cumulative effect on the dimensions was outlined, and it was explained that the building was 38% higher and there was a 20% increase in capacity;
- To approve the variation would result in a slow creep towards what was originally refused by the Committee and by the Inspector;
- Questioned whether the birds were being reared for food or for shooting; and
- The proposals was contrary to Policies CS5 and CS6 of the Shropshire Core Strategy.

During the ensuing debate, it was proposed and seconded that the Officer's recommendations to grant permission be approved. However, upon being put to the vote the proposal was not carried.

Having considered the submitted plans, the majority of Members present expressed concern in relation to the design, scale and appearance of the proposed agricultural building and for these reasons considered the variation to be contrary to Core Strategy Policies CS5 and CS6.

**RESOLVED:**

Members were minded to refuse Permission against the Officer's recommendation.

The Committee raised concerns in relation to the design, scale and appearance of the proposed agricultural building and therefore it was considered contrary to Core Strategy Policies CS5 and CS6.

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

*Councillor David Minnery left the meeting at this point.*

**133 Land off GreenFields Lane, Market Drayton (14/03782/OUT)**

The Principal Planning Officer introduced the report, which sought to clarify the wording of a Condition that had been proposed at the meeting held in November 2014.

**RESOLVED:**

That the wording of the additional condition previously agreed on 17<sup>th</sup> November 2015, be approved in accordance with the Officer's recommendation, to read:

*Prior to the commencement of the development, including any works of demolition, a Construction Traffic Statement shall have been submitted to, and approved in writing by, the local planning authority. The Statement shall restrict the use of Hampton Drive for construction traffic to the construction of the first 50 dwellings only and shall show alternative means of construction traffic access for development beyond the first 50 dwellings. The approved Statement shall be adhered to throughout the construction period.*

**134 Appeals and Appeal Decisions**

**RESOLVED:**

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

**135 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 17<sup>th</sup> March 2015 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....