Shropshire Council

Date: Tuesday, 26 August 2014

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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CENTRAL PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

Date: 26th August 2014

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	14/00734/OUT (Holyhead Rd, West Felton)	Officer

This application has been deferred and as such will not be considered at this meeting

Item No.	Application No.	Originator:
6	14/00133/OUT (The Cross, West Felton)	Officer

This application has been deferred and as such will not be considered at this meeting

Item No.	Application No.	Originator:
7	14/00426/OUT (Chapel Ln, Trefonen)	Officer

Following further investigation the statement at paragraph 4.2 of the report is incorrect and is therefore retracted by officers.

185 total objection letters have been received on this application and all of the issues raised are summarised under section 4.2 of the report.

Furthermore, given the recent submission of the SAMDev to the planning inspector condition 2 should now be amended to reflect this position for sites which are not in accordance with either the saved policies or the forthcoming SAMDev policies. The amended wording is as follows:
"Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990."

Item No.	Application No.	Originator:
7	14/00426/OUT (Chapel Ln, Trefonen)	Trefonen Rural Protection Group

Have submitted the response attached.

Item No.	Application No.	Originator:
7	14/00426/OUT (Chapel Ln, Trefonen)	Objector

The planning officer states that "this path would pass outside of the application site". This is inaccurate. The Chapel Lane end of the path is within the site boundary and the Oswestry Road end is accessed by a style, directly due east of the mine exclusion zone as marked on the amended layout map dated 19th May. This style is within the site boundary. Therefore the precise position of the right of way will need to be established prior to the determination of any subsequent reserve matters to ensure that this is not affected.

Item No.	Application No.	Originator:
8	14/00822/OUT (Hawthorns, Ellesmere)	Officer

Furthermore, given the recent submission of the SAMDev to the planning inspector condition 2 should now be amended to reflect this position for sites which are not in accordance with either the saved policies or the forthcoming SAMDev policies. The amended wording is as follows:
"Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990."

Item No.	Application No.	Originator:
9	14/01123/OUT (Milford Rd, Baschurch)	Objector

Further correspondence received from an objector highlighting an article in the Shropshire Star about Planning and suggests that bias has blighted the allocation of site BAS017 within SAMDev and the determination of this planning application. Is concerned about possible corruption and suggests that the applicant or his wife became a member of the PC just before the inclusion of BAS017 and that the PC has no credibility.

Item No.	Application No.	Originator:
10	14/01264/OUT (Mount Farm, Whitchurch)	Welsh Water

Have recorded incidents of flooding and pollution at present and hence need a Hydraulic Modelling Assessment (HMA). We do not expect the developer to improve the current public sewerage system; all we are asking is the developer to undertake a HMA to determine what level of detriment the additional flows from the proposed development will have on the existing public sewer. Should the results of the HMA prove an unacceptable risk to us and cause issues to our customers and the environment then we would work with the developer on solutions to mitigate the issue and enable the proposed development to proceed. There are provisions within the Water Industry Act which help developers and enables them to communicate and reinforce the public sewerage system if required. Any requisition work would only cater for the development flows as we do not expect or ask the developer to improve the system or the level of service currently seen by our customers.

As indicated above once the modelling has been completed and the level of detriment known, a solution can be developed to ensure that the public sewerage system can accept the development flows. As a result we would suggest to the developer that they requisition this work via Section 98-101 of the Water Industry Act 1991. By undertaking the works through the requisition process the developer would see some cost saving as we can offset the estimated future income derived from the development over a 12 year period against the cost of the scheme. In some cases the developer does not pay anything as the income generated can outweigh the cost of the improvements.

I hope this is helpful and trust this now enables you to determine the application. We have also reviewed the wording of your proposed condition and can confirm that we are satisfied with your recommendation.

Item No.	Application No.	Originator:
10	14/01264/OUT (Mount Farm, Whitchurch)	Agent

Has confirmed that the wording of the condition relating to foul drainage is acceptable.

Has also provided the attached briefing for members.

Item No.	Application No.	Originator:
10	14/01264/OUT (Mount Farm, Whitchurch)	Council Ecologist

Has requested additional information on the hedges to ensure that at least one of the hedgerows linking to the farmhouse is retained until alternative bat commuting features are in place.

Recommends a condition to require submission of a phasing plan to show the delivery of houses and to ensure that the hedge referred to above is retained until the relevant plots are developed. The final wording of a condition will need to be worked up before the decision is released.

Item No.	Application No.	Originator:
10	14/01264/OUT (Mount Farm, Whitchurch)	Case Officer

Section 3 of the report is incorrect and refers to the reason the application is being dealt with under delegated powers. This section should read "reason for committee determination – Whitchurch Town Council have submitted a view which is contrary to officers recommendation and which is supported by the Local Member The Chair of the Planning Committee, in discussion with the Principal Planning Officer, has agreed that the matters raised are both material planning issues and require consideration by members. As such the application can not be considered under delegated powers."

Furthermore the attached EPS three test matrix should be considered by members in determining the planning application.

Item No.	Application No.	Originator:
11	14/02222/OUT (Chester Rd, Whitchurch)	Shropshire Wildlife Trust

Understand that the concerns of SC Planning Ecologist have been addressed by the retention of the mature tree in hedgerow 7 and the production of a method statement in relation to great crested newts.

We concur with the findings of the ecological report and welcome the recommendations included as well as the offer to incorporate biodiversity enhancements. Would suggest that suitable mitigation, compensation and enhancement could consist of:

- 10 nest boxes
- 10 bat boxes
- Additional swift bricks (on residential developments good practice is generally accepted as a ratio of one roosting/nesting cavity per residential unit)

The Trust welcomes the offer of contributions to the open space associated with 13/04268/OUT. This would help in providing biodiversity enhancements as there is limited scope within the development site. We would recommend that a biodiversity management plan be developed in consultation with the local Branch/SWT as well as the Town Council to assist in ecologically buffering and linking the Greenfields site in line with the NPPF, etc. Such a plan should be agreed prior to commencement of construction.

Item No.	Application No.	Originator:
11	14/02222/OUT (Chester Rd, Whitchurch)	Officer

Given the above comment the recommendation is now one of approval subject to the conditions listed and also subject to a S106.

Furthermore, given the recent submission of the SAMDev to the planning inspector condition 2 should now be amended to reflect this position for sites which are not in accordance with either the saved policies or the forthcoming SAMDev policies. The amended wording is as follows:
"Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990."

Item No.	Application No.	Originator:
12	14/01827/OUT (Hermitage Farm, Hadnall)	Officer

Given the recent submission of the SAMDev to the planning inspector condition 2 should now be amended to reflect this position for sites which are not in accordance with either the saved policies or the forthcoming SAMDev policies. The amended wording is as follows:
"Application for approval of reserved matters shall be made to the local planning authority before the expiration of 12 months from the date of this permission.
Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990."

Trefonen Rural Protection Group

[redacted]

Tim Rogers,
Principal Planning Officer
Development Management
Shropshire Council
Castle View
Oswestry
SY11 1JR

18th August 2014

Dear Mr Rogers,

14/00426/OUT

Outline application (access for approval) for mixed residential development; alterations to existing vehicular access; works to existing highway - Development Land off Chapel Lane Trefonen, Oswestry, Shropshire

Trefonen Rural Protection Group (TRPG) are writing in response to your published Development Management Report for the above proposed application in advance of the next North Shropshire Planning Committee meeting on Tuesday 16th August 2014, at which the above Outline application will be considered.

We are VERY concerned by the weight given by the application Case Officer to boosting housing numbers in his Appraisal within the Development Management Report.

Under the Item 6.1.2 it states, *"The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply."*

We believe this is misinterpreting the NPPF (Para 47) which says:

"To boost significantly the supply of housing, local planning authorities should:

●● *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;"* **This has been done under SAMDev**

●●*" identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"* **The 5 year land supply has been identified**

[redacted]

•• *"identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;"* **This has been done under SAMDev**

•• *" for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target";* **This has been done under SAMDev & the 5 year land supply has been identified**

•• *"set out their own approach to housing density to reflect local circumstances"*. **This has been done under SAMDev**

Therefore Shropshire Council **has fulfilled** its obligation under NPPF (Para 47) to *"boost housing"* – with the research and evidence set out in its Approved SAMDev submission sent for examination to the Secretary of State.

We would also point out that neither Para 47 nor Para 7 individually, but the NPPF as a whole establishes the sustainability of development. There are many Para's identified in objectors submissions that show this is not the case. Para 47 should not be given any more weight than any of these and as set out above has been fulfilled anyway.

Perhaps due to the preceding year's shortfall in housing numbers, the Case Officer appears to be of the view that any housing development must be seen as a "boost" and given substantial weight. This is not what NPPF requires.

We do not consider that it can be sound and sustainable Planning Management (under either local or national policies) to grant further Consents for housing in locations clearly confirmed as having no identified need, under both currently Adopted and Emerging Policies.

We feel that it is a particularly pertinent when at April 2014 there were outstanding Planning Approvals already granted for 6971 dwellings within Shropshire but not yet built. This failure by developers to physically build dwellings is outside the control of the Council, but that is no reason to burden communities with unwanted housing over and above objectively assessed needs.

As both the Case Officer and the NPPF says, the Adopted Development Plan must be the key material consideration in determining any Application.

As the 5 year Housing Land Supply is currently satisfied then Para 49 *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"* **is not applicable**, and the Council's **Adopted Policies must be given full weight**.

Para 49 also says *"Housing applications should be considered in the context of the presumption in favour of sustainable development."*

With regard to this particular application – current Adopted policies are:

OBC 1999-2006 H5 & Map 26 – establishes settlement boundary – still active but might be considered out-of date – however, Core Strategy Adopted 2011 includes:

- CS4 – Trefonen is not a Hub or Cluster so this does not apply
- CS5 – Countryside development – this site does not comply
- CS6 - Sustainable Design & Development – this site does not comply

The following have been approved:

- SAMDev – Trefonen confirmed as not required to be Hub or Cluster or needed for rural re-balancing
- 5yr Housing Land Supply – confirmed without the inclusion of any housing development in Trefonen

The whole SAMDev process has assessed the sustainability of this decision. The weight of other constraints also clearly shows this is the case when the excessive weight given to Para 47 is removed.

We note that in Item 6.2.1 the Officer acknowledges that Trefonen is not a Hub or Cluster, but still says it is suitable for housing development. In which case we would ask what was the point of the SAMDev process and the Council's Localism bottom up approach?

SPECIFIC POINTS FROM REPORT

4.1.2 Parish Council: Shropshire Council Planners notified the *"further supporting/background information"* to Oswestry Rural Parish Council as amendments. This led to ORPC re-debating and re-voting. We have already raised this matter with the Case Officer but await his reply. In the meantime, we believe this reference to the vote should be removed from the Report for this reason. ORPC are revisiting this matter at an Extraordinary Meeting this coming Thursday 21st August.

As a result of the above Item 4.1.3 Shropshire Highways have been influenced by this questionable ORPC comment of support for the application which is being re-debated.

4.1.10 Archaeology – stone wall – Condition 6 *"The reserved matters submission shall provide details showing the retention of the stone walling along the boundary of the site with Chapel Lane as practicably possible and repaired/ rebuilt where appropriate".*

Without prejudice to our objection, we believe the wording of this is far too weak and not enforceable. It also gives no protection to the wall between outline approval and Reserved Matters submission – so it could be removed before that is submitted?

4.2 Public Comments: We do not understand the following comment, *"However, an exact figure cannot be given as it has become apparent some objection letters have been written and signed in the name of individuals unaware of the planning application."* We believe this item statement is incorrect and do not understand the basis for this comment. As far as we are aware, by perusal of the comments, they all directly relate to the application and show reference to it. We believe that this item should be retracted, or a definitive figure provided.

6.3.1 Economic Consideration: *"In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although it is acknowledged that these benefits would be achieved by any new housing development and in any location".* The Case Officer by virtue of his own text has confirmed that the above economic benefits are a generalisation. There is no economic justification for building them in Trefonen where there is no substantiated need under SAMDev for new houses.

6.4.1 & 7.3 SOCIAL CONSIDERATIONS – The inference of the Report is that hew houses will automatically bring new children of primary school age into the village. We strongly challenge this perception as there is no automatic demographic link.

By way of a social example, we refer to the current open-market residential properties in Chapel View (the Gallier's Estate), which were constructed during the last 10 years. It is currently calculated locally that 9 out of the 22 properties are occupied by retired residents and a further four properties are occupied by people without children living at home. This leaves only 9 of the 22 properties occupied with families with school age children. Of these, only a handful attend Trefonen Primary School, the remainder attend schools either in the private or public sector outside of the village.

It is important to note that school catchments are no longer restrictive and that a reasonably buoyant population of primary aged children that live within a community may no longer be the only factor required to sustain longevity of a local village school. This has particularly been prevalent since the advent of "league tables" and competition between schools to secure children from outside the traditional catchment area on the basis of results. Factors such as quality of teaching, popularity, location on a commuter route and so forth are all contributing factors.

"The CIL contribution would provide for the infrastructure enhancements which would include contribution towards school places as referred to later in the report". What does this mean and where does this cross reference to *"later in the Report"* as we are not aware that CIL can be used for this purpose? Particularly if the school is under-capacity as the Report suggests, although it is noted that these figures are for January 2014.

6.4.3 LAYOUT The Report states that *"The appearance of Trefonen would change, especially when viewed from Oswestry Road. This would be because of the partial loss of an agricultural field close to the village centre. The village has already experienced the loss of part of the same field as the southern section of the field was needed to provide the access to the Whitridge Way/ Onnen Gardens estate. It is considered that by ensuring an appropriate form of development the village would continue to be characterised by its semi-rural character"*. In our opinion, and that of the vast majority of villagers, this text is at best, an understatement and there is no evidence to provide substantiation for this claim! The author is reminded that Trefonen is not *"semi-rural"* but is indeed set within open-countryside!

Despite an unprecedented number of objections to the contrary, this Report seems to underplay the importance of the character to the residents. The fact that this has been impacted in the past is no sound basis for further diminishment. A number of objections submitted to the Authority have provided a detailed appraisal of the loss of setting and wider denuded character that the village would suffer as a result of the proposed development due to its unique position within the Oswestry Uplands.

6.5.1 ENVIRONMENT 1990 Inquiry exclusion *"This is likely to have been because there were other more appropriate and less locally sensitive areas of land available for development at that time. The more favourable land has since been developed."* Therefore the remaining open field is surely more valuable as a community asset in retaining the character of the village!!

APPENDIX 1 There appear to be some conditions omitted from the list provided, notably the Mining Report, S106 Affordable Homes and the S278 "Grampian style condition" for the access and proposed roundabout.

Item 6 in particular appears to be lacking substance, and it is our belief that the proposed condition is unenforceable as it stands. The stone boundary wall is an integral part of the village character and should be retained in full, and either repaired or rebuilt. The words *"...as practicably possible"* and *"...where appropriate"* do not serve to provide the community with any confidence that the feature would be retained.

[redacted]

SUMMARY

Following a full review of the Report, TRPG believe that the content throughout is strongly biased towards boosting housing numbers.

From perusal of numerous other Reports over the last 5months, it appears to us that this Report was drafted prior to the 5 year current housing target figures being announced, and it is our opinion and that of the wider community that it is not correctly balanced taking into account the above factor.

We would suggest that this Report requires full reassessment and request this is done before the Committee consider the Application.

Yours sincerely,

[redacted]

Chair
On behalf of The Management Committee of TRPG

Cc Cllr Walpole, Cllr Joyce Barrow, Karen Townend, Matthew Farmer,

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