



Date: Tuesday, 29 September 2015

Time: 2.00 pm

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

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## NORTH PLANNING COMMITTEE

### TO FOLLOW REPORT (S)

#### 11 Date of the Next Meeting (Pages 1 - 4)

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 27<sup>th</sup> October 2015 in the Shrewsbury Room, Shirehall, Shrewsbury.

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**NORTH PLANNING COMMITTEE**

**SCHEDULE OF ADDITIONAL LETTERS**

**Date: September 29<sup>th</sup> 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:
8	14/03428/OUT – Aston Rd, Wem	Agent

The agent has sent the following email to members along with the appeal decision for Ash Grove (as attached under appeal papers):

“Good Afternoon Councillors

On behalf of the site owners and applicants we would like to comment on the application that you are due to discuss at the North Planning Committee Meeting on Tuesday afternoon – outline application for the erection of 50 houses adjoining the development boundary of Wem, and would like to take a moment to reiterate the key planning issues for your consideration.

It is with significant disappointment that that we see that officers have changed their recommendation from one of support to refusal, citing the now advanced stage of the SAMDev Plan as the primary reason to change their recommendation. The report states: *‘The Local planning Authority now considers that the weight which can be given to some policies within the SAMDev has altered...The SAMDev Plan Inspector has recently confirmed the proposed main modifications to the plan following the examination sessions held in November & December 2014. The main modifications were published on 1st June 2015 for a 6 week consultation period. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to modifications...’*

We consider however that is not strictly the case and this view was confirmed by a Planning Inspector in a recent appeal decision that was issued only last week, relating to a site also on the eastern side of Wem only a stone’s throw distance from our development site. The appeal decision is attached for your reference, and the Inspector concluded that Policy S17 is not to be read in isolation from MD3, but read **together** and that due to the proposed modifications to MD3 the final form of the policies is not yet certain and therefore only moderate weight can be attributed to them. *‘(para 9) The SAMDev, through Policy S17, suggests a housing growth for Wem of around 500 dwellings...Policy S17 needs to be read alongside Policy MD3 of the SAMDev (Managing Housing Development). Policy MD3 is proposed to be modified such that sustainable housing development other than allocated housing sites will be granted planning permission having regard to other policies of the development plan. The explanation is also proposed to be changed to recognise that windfall development on both brownfield and sustainable greenfield sites is important in order to meet the CS requirement... (para 10) Although the SAMDev is close to adoption, the Inspector’s report into the examination of the SAMDev has yet to be published. The final form of policies such as MD3 is not certain. Therefore, only moderate weight can be attached to them. At the same time it seems to me that sustainable windfall development outside existing and proposed settlement boundaries will inevitably be required to meet the housing requirements of the CS. In these circumstances reduced weight should be attached to the ‘saved’ LP settlement boundary and by inference Policies CS3 and CS5 and their application to sites on the edge of or close to settlements where development can take place...’* The above statement clearly shows that little if anything has changed in policy terms since the committee meeting in February and supported - the change to the recommendation puts increased emphasis on Policy S17 however the Inspector has confirmed that it **must** be read in conjunction with Policy MD3.

As I'm sure you can appreciate, the site is in a highly sustainable location, adjoining the development boundary of a key market town with a substantial range of community services and facilities. The development would provide a mix of house sizes and types to meet the needs of the town and benefits from existing footpath links making it easy to walk or cycle to the town centre. It is acknowledged there is existing pressure surrounding the railway crossing – and the committee report doesn't discuss this matter at length. We can confirm that no objection has been raised by Network Rail or the Council's Highways Officer and we have agreed to provide £50,000 to be used towards highways improvements in a vicinity of the crossing as requested by the Council's Highways Officer when he raised no objection. This matter has been written into the signed s106 agreement which has been completed and is back with council.

We would ask you to please consider the Inspector's comments within the attached appeal decision and that very little has changed in policy terms since your support for the development back in February earlier this year. The appeal decision confirms that Policy S17 is to be read jointly with Policy MD3 and cannot therefore be afforded the full weight that officers are giving it at this time.

If there is anything further that you would like to know please do not hesitate to contact me and we very much appreciate you taking the time to read this email and attachment."

Item No.	Application No:	Originator:
8	14/03428/OUT – Aston Rd, Wem	Local objector

The following has been received from a local objector:

"This addendum, and in particular the change in recommendation now being given to the committee to refuse permission, is extremely important and very welcome.

I would be grateful to draw committee members' attention in particular to the following considerations in the report:

### 1. Background

It is critical that progress with the SAMDev seriously alters the criteria on which this application is determined.

### 2. SAMDev Policy

As stated by Officers, the SAMDev plan is now at an advanced stage and those elements of the plan not subject to amendment "may be considered to be sound" and "significant weight can now be given to SAMDev policies in planning decisions"

The SAMDev plan defines the development boundary and allocated sites for Wem and it is confirmed that these are not subject to amendment. The SAMDev also confirms concerns over the level crossing and the policy that there should be no further development on the east side of the town.

It is highly significant and important to note that the site for which Application is made has never been included in Shropshire Council's proposals for the SAMDev, has always been shown as outside the development area and regarded as unsuitable. Indeed this site was assessed during the SAMDev process by Officers and rejected.

Therefore this site lies outside the confirmed development area for Wem as proposed by Shropshire council and confirmed by the SAMDev. Shropshire Council can now demonstrate a five year housing land supply. This excludes this site.

### **3. Other material Considerations**

The Officer Report revisits the original determination of this Application when, in the absence of an up-to-date development plan, significant weight had to be given to the NPPF and “harm of a development has to be significant and demonstrable”

The conclusion of the Officers and Committee at that time, and under those criteria was that they asserted that the benefits would outweigh harm. However, even judged by the strict criteria of NPPF, the conclusions seemed to conflict with evidence. In particular:

- They concluded that the site is well located for access to services and facilities. It isn't, for reasons of distance and difficult access over a dangerous level crossing.
- The assertion that the development would benefit local businesses was questionable: there are few commercial and shopping facilities in Wem. Any potential benefit would be significantly offset by the harm development in this location would cause.

They also conceded significant harm:

- The site is beyond the existing development area and would have visual impact. However, they failed to consider that a two-storey development adjacent to existing bungalows would be serious harm. The visual impact would be significant, particularly in harming the nature of Aston Road, which is a designated quiet road.
- The loss of agricultural land.
- Most importantly, they acknowledged the harm to traffic on the level crossing. Although the developer proposed a financial contribution to mitigate this harm, it was always the view of many objectors that the intrinsic layout of this crossing with two adjacent difficult junctions made this impossible. It was, in any case, suggested that the contribution would be towards a footbridge which, although needed, would in no way improve traffic safety.

At the time of the original determination, measured against NPPF guidelines, it was considered that these harms were not sufficiently significant and demonstrable, although the weight of evidence and objections made that decision questionable in many people's eyes. It is important and reassuring that the Addendum to the Officer Report has reconsidered these harms and now accepts that they are, under the new criteria, sufficient to outweigh any benefits.

### **4. Conclusion**

The critical elements of the conclusion are that:

- The site is located outside the development boundary as submitted to SAMDev by Shropshire Council. This is therefore a countryside site and development would be contrary to CORE Strategies CS1, CS3 and CS5.
- Policy S17 can also be held to apply, consistent with the NPPF. This also places the site outside the development area so CS5 applies. The Council can demonstrate a five year supply of house building land as required by the NPPF and in identifying that supply, the Council have consistently rejected this site.
- The development would result in harm to the character of the area
- Harm would occur from the additional traffic on the level crossing and at the dangerous adjacent junctions, contrary to CS6, CS9 and the NPPF as a whole.

Overall, the development therefore does not meet the requirements of the NPPF in providing a sustainable development. The significant adverse impacts would outweigh any benefits.

Granting permission would be ignoring the identified harms and representations of well over 100 objectors. It would also contradict the Council's own policy and could certainly be considered to be perverse.

I would therefore wholeheartedly support the Officer recommendation to refuse permission on the basis of the above considerations, which **Page 3** are overwhelming.

