



Committee and Date

North Planning Committee

3rd June 2014

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 6 May 2014

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

2.00 - 4.36 pm

Responsible Officer: Emily Marshall

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Present

Councillor Arthur Walpole (Chairman)

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

153 Apologies for Absence

Apologies for absence were received from Councillor Gerald Dakin and Councillor David Minnery.

154 Minutes

That the Minutes of the meeting of the North Planning Committee held on 8th April 2014 be approved as a correct record and signed by the Chairman.

155 Public Question Time

There were no public questions, statements or petitions received.

156 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 Walpole declared that he had a close association with the owner of the adjacent brown field site for which an application was being prepared, and would leave the room prior to consideration of planning application 14/00831/OUT Tawnylea, Prescott Road, Prescott, Baschurch, Shropshire due to perception of bias.

Councillor Walpole, also explained that as the local ward Councillor for planning applications 13/05139/FUL Cross Keys Inn, Kinnerley, Oswestry, and 14/01018/FUL Ashford Hall, Knockin, Oswestry, and in accordance with Shropshire

Council's Constitution he would make a statement on each application, but would take no part in the debate and would not vote on these applications. He would vacate the Chair and Councillor Wynn, as Vice-Chairman would preside for consideration of these applications.

157 Land Off Pixley Lane, Hinstock, Shropshire (12/04209/FUL)

The Principal Planning Officer introduced the application for the change of use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hard standing and utility/dayrooms ancillary to that use and drew Members' attention to the schedule of additional letters, which included additional correspondence from Hinstock Parish Working Group, summarizing the objections of residents of Hinstock. The Principal Planning Officer confirmed that the Committee had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area.

Ms. S. Tucker, on behalf of objectors, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The development was separated from the nearby settlement of Hinstock by the busy A41 trunk road and was in open countryside;
- ii. Locals questioned the extent to which occupants would become integrated into the local community;
- iii. The proposals did not comply with Policy CS12 of the Shropshire Council Core Strategy in that deliberate isolation had not been avoided as the site would be physically and visually separated by the A41 trunk road;
- iv. The development was inappropriate in terms of its pattern, design and was contrary to Policy CS6 of the Shropshire Council Core Strategy and did not meet the criteria to be considered sustainable development; and
- v. The development was sporadic, unsustainable, alienating and in open countryside.

Councillor Mark Williams, representing Hinstock 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:

- i. The site was a green field site and therefore in open countryside;
- ii. The proposed development was not in accordance with Paragraph 23 of the Planning Policy for Travellers Sites;
- iii. The applicant had not provided details of proposed occupants so the criteria in Policy CS12 had not been met;
- iv. There was no evidence of a connection to Shropshire or the surrounding area;
- v. The nearby sewage treatment plant was operating to capacity;
- vi. There was no information on smell or noise;
- vii. The site was not covered by public transport and the local school was full;
- viii. Alternative sites were available; and
- ix. 138 local residents had made representations at a recent public meeting, which indicated strong local opposition.

Mr Matthew Green, 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 the following points were raised:

- i. The site was clearly close to the village;
- ii. There were always large numbers of objections to the development of sites of this nature, but this wasn't a reason to refuse the application;
- iii. The presumption in favour of sustainable development was engaged;
- iv. Acoustic Fencing could be conditioned if considered necessary by the Committee; and
- v. There were no reasons to refuse the application.

In response to concerns raised regarding the potential for problems with odour from the nearby sewage treatment plant, the Principal Planning Officer explained that Shropshire Council's Public Protection Officer had visited the site and confirmed that the sewerage treatment plant would not cause harm to future residents.

The Principal Planning Officer responded to concerns raised in relation to a previous planning application for a residential dwelling on the site, that had been refused and explained that the Policies relating to Gypsy and Traveller sites allowed greater flexibility although it was necessary to ensure that the scale of the site did not dominate the local area and it was felt that in this particular case it did not, the location of the site also allowed integration into the community of Hinstock.

In response to a question, the Principal Planning Officer, explained that a Condition in relation to restricting business activities had been included and it was not considered necessary to include a condition to provide acoustic fencing.

Having considered the submitted plans for the proposal, 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.

158 Cross Keys Inn, Kinnerley, Oswestry, SY10 8DB (13/05139/FUL)

(The Chairman, as the local ward Councillor for this application vacated the Chair and the Vice-Chairman, Councillor Paul Wynn presided for this item.)

The Principal Planning Officer introduced the application for the erection of four dwellings; retention of public house; formation of new vehicular accesses and alterations to existing car parking arrangement and associated landscaping. He drew Members' attention to the schedule of additional letters and 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.

Mr Peter Clark, on behalf of Kinnerley Neighbourhood Plan Committee, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The Cross Keys public house occupied a very important position within the village of Kinnerley and as such it was important to protect and enhance the area for the future;
- ii. The Parish did not need any more houses, 73 additional dwellings were planned, with an additional 34 houses agreed, this represented a 46% increase in the number of houses within Kinnerely;
- iii. An additional brownfield site within the village that was currently being considered would lead to a further increase in houses;
- iv. The application did not comply with the Local Development Plan (LDP) and that the LDP should be given more weight due to the amount of development planned for Kinnerley; and
- v. A residential development was not appropriate in that particular location.

Councillor Rick Bright, on behalf of Kinnerley 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:

- i. The proposed development would be overbearing and have an adverse visual effect on the character and street scene of the area;
- ii. The objection from English Heritage relating to the setting of the Church had not been removed;
- iii. Highways safety was a concern; and
- iv. The loss of car parking spaces would have an adverse effect on the viability of the Cross Keys Public House.

Mr Malcolm Guest, 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 the following points were raised:

- i. The agent and the applicant had recently met the Parish Council to discuss the proposals and during that consultation amendments to the scheme had been made;
- ii. The Planning and Conservation Officers at Shropshire Council were supportive of the scheme;
- iii. The Cross Keys Public House needed investment and had been subsidised by the landlord which was the only reason the business was still able to open;
- iv. How did the Parish Council intend to make the business financially viable if the application was refused;
- v. The further submissions made by the Parish Council were inaccurate; and
- vi. Going against the Planning Officer's recommendation to approve the application would be detrimental to the village.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the Council Meeting held on 27th February 2014, Councillor Arthur Walpole, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement, he stressed the significance of the Kinnerley

Neighbourhood Plan (KNHP), which had been developed and held up as a flag ship example for other Parishes. The Cross Keys Public House was a very important aspect of the village and its viability depended on it having sufficient parking spaces to accommodate local and passing trade. He was aware that the Parish Council were not opposed to a smaller, enabling development. St Mary's Church in Kinnerley was of great historical importance and the harm that would be done to the setting of the Church and the damage to the character of the village in and around the village green were sufficient grounds to refuse the application.

During the ensuing debate Members of the Committee acknowledged that the Council did not currently have a five year housing land supply, however concern was expressed that the development was not set out as enabling development and therefore, weight could not be given to the viability of the public house and would have an adverse effect on the character of the village, St Mary's Church and the Cross Keys Public House which were of great historical significance. The design of the proposed development was criticised as being cramped and of high density. The Committee considered that these factors when taken together, represented significant harm which was not balanced by the benefit to the public.

Having considered the submitted plans for the proposal Members of the Committee unanimously felt that great weight should be given to the harm that would be caused to both designated and non-designated heritage assets and was inappropriate in scale and design, taking into account the character of the area.

RESOLVED:

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

The Local Authority acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites and as such the policies relating to housing are considered to be out of date. However paragraph 14 of the National Planning Policy Framework advises that permission should be granted unless specific policies indicate development should be restricted. Heritage Assets are one of the examples for restricting development. In this instance, and in relation to Paragraph 132 and 134 of the NPPF, the Council consider that that greater weight should be given to the less than substantial harm to the significance of the Grade II* Listed Building as a consequence of development within its setting, and that this harm is not outweighed by the public benefits of the proposed housing and does not therefore comprise sustainable development in accordance with the National Planning Policy Framework.

Furthermore the density, layout and design of the properties are not in keeping with the open character of the immediate area or the relationship with the heritage assets, including the non-designated asset of the Cross Keys. As such the scheme does not contribute towards protecting, restoring and enhancing the natural and built environment contrary to policy CS6 of the Shropshire Core Strategy.

(Councillor Arthur Walpole withdrew from the meeting whilst consideration of the following item took place)

159 Land Adjacent Tawnylea, Prescott Road, Prescott, Baschurch, Shropshire (14/00831/OUT)

(Councillor Wynn as Vice-Chairman presided for this item).

The Principal Planning Officer introduced the outline application for a residential development to include access, drawing Members attention to the Schedule of Additional Letters. He 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.

The Principal Planning Officer circulated an update that had been received from Shropshire Council's Planning Ecologist, which provided an update on ecology issues, stating that the Council's ecology officer had raised no objections and the conservation status of the Great Crested Newts remained intact.

Mr Michael Griffiths, local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- i. The development would have a negative effect on the view point and would be out of character with the surrounding area, which in turn would have a negative impact on tourism in the area;
- ii. It would take approximately 20 minutes to walk from the site to the local amenities referred to in the report, and would mean crossing a busy main road, used by large agricultural vehicles;
- iii. Concerns for the safety of school children walking to school were highlighted;
- iv. The site had intrinsic landscape and visual character; and
- v. The ecology report proved that there are Great Crested Newts and Bats in the area;

Councillor Colin Case, on behalf of Baschurch 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:

- i. A decision by the Committee may be considered premature;
- ii. The development proposed was very substantial; and
- iii. The SamDev Plan was at an important pre submission Draft Plan stage and appropriate weight should be given to this.

Mr Martin Parish, 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:

- i. Mr Parish reiterated the points contained within the Planning Officers report

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:

- i. He was not against additional housing within Baschurch, however there were more suitable sites than this one;
- ii. The site was not favored for housing within the SamDev Plan;
- iii. The site was not close to local amenities, particularly the school;
- iv. Due to the site's distance from the local schools, it was considered that most parents would make the journey by car which would go against the Shropshire Council recommendation to reduce cars along Eyton Lane;
- v. Children would have to cross a very busy road to get to school;
- vi. The proposals were a departure from the local development plan; and
- vii. It seemed appropriate to defer the application until after the deadline within which with material considerations could be received had expired.

The Principal Planning Officer gave further advice by reference to the National Planning Practice Guidance in response to a point made by a speaker in relation to prematurity as a reason for refusal and confirmed that the development was considered to be sustainable and the presumption in favour of sustainable development was the most significant material consideration when determining planning applications and took precedence over adopted and emerging local planning policy.

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

RESOLVED:

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

1. No new material considerations being raised as a result of the proposal being advertised as a Departure in the Shropshire Star on Tuesday 29th April 2014 for a 21 day period expiring on 20th May 2014;
2. A Section 106 legal agreement to secure affordable housing in accordance with the prevailing rate at the time of the submission of the Reserved Matters application in accordance with the Type and Affordability of Housing SPD; and
3. The conditions set out in Appendix 1.

(Councillor Walpole rejoined the meeting at this point.)

160 Ashford Hall, Knockin, Oswestry, SY10 8HL (14/01018/FUL)

(Councillor Paul Wynn as Vice-Chairman, presided for this item).

The Principal Planning Officer introduced the outline application for the change of use of agricultural land to domestic garden land, drawing Members attention to a submission by Knockin Parish Council, clarifying their concerns, which was included within the Schedule of Additional Letters. She confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighboring properties and the surrounding area.

Councillor David Ward, representing Knockin 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:

- i. The height of the proposed railings would have an adverse impact and appear overly dominating within the conservation setting of the village;
- ii. Requested that the Committee either refuse the application or Condition a more acceptable form of railing at a maximum height of 1.5 metres.

Mr Rob Mills, 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:

- i. It was not unusual to have railings around a property of this type and within its location;
- ii. The proposed scheme had been produced following guidance given by Shropshire Council Planning Officers;
- iii. 2 metres was a standard height of railing and the small brick plinth was included within the 2 metres;
- iv. The Conservation Officer had considered the railings to be acceptable; and
- v. The fencing would be screened by several species of hedgerow.

By virtue of the amendment made to Shropshire Council’s Constitution, as agreed at the Council Meeting held on 27th February 2014, Councillor Arthur Walpole, as the local Ward Councillor, made a statement, took no part in the debate and did not vote. During his statement he acknowledged that the railings would be screened by hedging, however during the winter months the railings would be visible. To conclude he reiterated the comments made by the Knockin Parish Council, detailed at paragraph 4. of the Officer’s report.

Having considered the submitted plans for the proposal, 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.

(Councillor Walpole rejoined the meeting at this point.)

161 Appeals and Appeal Decisions

RESOLVED:

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

162 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would take place on Tuesday, 3rd June 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date: