



**Committee and Date**

North Planning Committee

23<sup>rd</sup> September 2014

**NORTH PLANNING COMMITTEE**

**Minutes of the meeting held on 26 August 2014**

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

**2.00 - 5.35 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, Martin Bennett, Pauline Dee, David Lloyd and David Minnery

**35 Apologies for Absence**

Apologies for absence were received from Councillors Steve Davenport, Gerald Dakin, Vince Hunt and Peggy Mullock (substitute: Roger Hughes).

**36 Minutes**

That the Minutes of the meeting of the North Planning Committee held on 29<sup>th</sup> July 2014 be approved as a correct record and signed by the Chairman.

**37 Public Question Time**

There were no public questions, statements or petitions received.

**38 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.

**39 Land Between Twyford Lane and Holyhead Road West Felton (14/00734/OUT)**

**RESOLVED:**

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

**40 Development Land At The Cross West Felton (14/00133/OUT)**

**RESOLVED:**

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

#### 41 **Development Land Off Chapel Lane Trefonen Oswestry (14/00426/OUT)**

The Principal Planning Officer introduced the outline application. She drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

The Principal Planning Officer noted the significant local objection to the proposed development and reported that the Parish Council, at an extraordinary meeting held on 23<sup>rd</sup> August 2014, agreed to reverse the decision made at the 24th June meeting and now objected to the application. She explained that the Highways Officer had advised that if permission was granted an additional condition would be required in relation to the proposed mini roundabout and detailed a further additional condition advised by the Coal Authority.

Mr Julian Francis, Chairman of the Trefonen Rural Protection Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- They were concerned by the weight given by the Case Officer in relation to boosting housing numbers and believed the National Planning Policy Framework had been misinterpreted;
- A 5 year land supply had been proved in the approved Site Allocations and Management Development DPD submission;
- The Officer's report acknowledged that Trefonen had not been put forward as a Hub or Cluster;
- There was no economic justification for building in Trefonen;
- They challenged the view that additional housing would automatically bring children of primary school age to the village;
- The important rural character of the village had been underplayed by the Case Officer; and
- The proposal would block views of Offa's Dyke and remove a final green wedge of open space.

Councillor Tony Cheetham, representing Oswestry Rural 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:

- Over 200 residents had attended the Parish Council meeting when the application was discussed;
- There was a strong feeling of objection to the application;
- The proposal would have a negative impact on the village;
- Concern was raised in relation to the pinch point which Members observed at the Site Visit;
- The development would increase traffic in the village;

- The proposal would not preserve the rural character of the village; and
- Concern had been raised in relation to potential unrecorded mine shafts on site.

Mr Stuart Taylor, agent for the applicant, spoke for the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The development of the site would increase the sustainability of the village, especially the school;
- The applicant had agreed to a shorter timescale for the development to commence to avoid concerns relating to land-banking;
- The proposal would provide smaller, low cost dwellings for young families; and
- Only limited weight could be given to the as yet unexamined Site Allocations and Management of Development DPD.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Joyce Barrow, as the Local Member, made a statement, took no part in the debate and did not vote. During her statement the following points were raised:

- As seen at the site visit today, the site was in an area of open countryside;
- Development of the site was contrary to the 2014 Parish Plan;
- At a meeting on 23<sup>rd</sup> August 2014 the Parish Council rescinded a previous decision and now objected to the application;
- The strength of objection in the village was unprecedented;
- The size of the development was not in keeping with the area;
- The size of the village had doubled in previous years, mostly in the last twenty years;
- The development would harm the unique character of the area;
- There were limited services available in the village;
- Trefonen had not been put forward for development in the approved Site Allocations and Management of Development DPD;
- A group had been formed to safeguard the rural character of the village; and
- The development would block views of Offa's Dyke and have a detrimental impact on the village.

During the ensuing debate Members of the Committee indicated that the proposed development was contrary to both current saved policies of the Oswestry Local Plan and emerging policies in the Site Allocations and Management of Development DPD and would have an adverse impact on the rural character of the village. Additionally Members commented that Trefonen was not a sustainable location for development due to the limited number of services.

The Principal Policy Specialist advised that limited weight could be given to these policies in view of the age of the saved policies and the fact that the emerging policies were subject to unresolved objections and had not yet been subject to examination in public.

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

**RESOLVED:**

That planning permission be refused contrary to the Officer's recommendation for the following reason:

1. It was acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply to which significant weight was given. However it was considered that this was outweighed by the harm identified. Furthermore weight was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the Oswestry Local Plan and emerging policies in the Site Allocations and Management of Development DPD albeit that limited weight was given to those policies in view of the age of the saved policies and the fact that the emerging policies were subject to unresolved objections and had not yet been subject to examination in public. It was considered that the development of this site would have an adverse impact on the intrinsic rural character and beauty of the village, take up a visually valuable green space, be development on valuable agricultural land and not contribute towards conserving and enhancing the natural environment contrary to policies CS5 and CS6 of the Shropshire Core Strategy and the NPPF. It was not considered that this development in the settlement was sustainable due to the limited number of services available to future residents in Trefonen and the consequent need to travel to access services but with limited public transport, and opportunities for non-car based travel to do so. The harm resulting from the development would therefore significantly outweigh the benefits of the proposed development and would fail the environmental role of sustainable development contrary to the National Planning Policy Framework.

**42 Proposed Development Land South Of The Hawthorns Ellesmere (14/00822/OUT)**

The Principal Planning Officer introduced the outline application. She drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Councillor Jeff Elnor, representing Ellesmere Town 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:

- Concern had been raised by members of the public in relation to this application;
- The site had been removed from SAMDev due to access issues;
- The pinch point at Trimpley Street resulted in daily traffic problems;

- The primary school and doctors surgery were at capacity; and
- An engineering solution was required to resolve the highway issues before any development could be approved.

Mrs Penny Bicknell, agent for the applicant, spoke for the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The site was considered sustainable;
- The site was not in a flood zone;
- Objections had been received in relation to the third option site;
- The issues relating to the school and doctors being at capacity had been addressed in the Officer's report;
- The development would not have an adverse impact on the issues raised regarding Trimley Street and the developer had agreed to a financial contribution for any improvements required; and
- There was a need for new housing in Ellesmere.

The Highways Officer explained that there was no easy solution to resolve the issues caused by the narrowed section of Trimley Street. He added that the highway authority acknowledged that the development would have a negative impact upon traffic flow but did not consider the impact to be severe to warrant an objection.

Having considered the submitted plans for the proposal, the majority of Members expressed the view that whilst they had concern in relation to the negative impact the development would have on the traffic flow along Trimley Street they could not justify refusal of the application for this reason and therefore supported the Officer's recommendation.

**RESOLVED:**

That subject to:

- The conditions set out in Appendix 1;
- An amendment to condition 2 as detailed on the schedule of additional letters;
- The applicant entering into a S106 agreement to secure the provision of affordable housing; and
- All matters reserved for later approval be determined by this Committee, subject to any objections being received.

Outline Planning Permission be granted in accordance with the Officer's recommendation.

**43 Land North Of Milford Road Baschurch (14/01123/OUT)**

The Area Planning Manager introduced the outline application and drew Members' attention to the schedule of additional letters. He confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area and advised the following amendment to condition 7:

*As part of any application for reserved matters that includes the medical centre details of a scheme for the localised widening/regularisation of the Milford Road carriageway to a width of 5.5 metres between the new access and its junction with the B5067 and improvement to junction radii shall be submitted to and approved in writing by the Local Planning Authority. The proposed improvements shall be fully implemented in accordance with the approved details prior to the medical centre first being brought into use.*

*Reason: In the interests of highway safety.*

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

- He had sympathy with the local residents who would be affected by the development;
- The proposal was supported by the Parish Council following careful consideration; and
- The land reserved for the medical centre was not a red herring and would be needed in the future as Baschurch was expanding;

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

**RESOLVED:**

That subject to:

- The conditions set out in Appendix 1;
- The amendment to condition 7 as detailed above;
- The applicant entering into a S106 agreement to secure the provision of affordable housing and the dedication of the land for a medical centre for the period of the plan (2026); and
- All matters reserved for later approval be determined by this Committee, subject to any objections being received.

Outline Planning Permission be granted in accordance with the Officer's recommendation.

**44 Mount Farm Tarporley Road Whitchurch (14/01264/FUL)**

The Principal Planning Officer introduced the application. She drew Members' attention to the schedule of additional letters in particular the European Protected Species three test matrix and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

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

- The site had been approved in Site Allocations and Management of Development DPD;
- Concerns had been raised by residents in relation to the foul and surface water drainage;
- There had been flooding issues a number of years ago;
- The sewage system was not fit for purpose and required upgrading; and
- Concern had been raised in relation to a temporary foul drainage scheme and stressed that a permanent scheme was required.

The Principal Planning Officer advised Members that the developer would not want the temporary foul drainage scheme to become a permanent solution.

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

**RESOLVED:**

That subject to:

- The conditions set out in Appendix 1;
- The additional condition as suggested by the Council Ecologist; and
- The applicant entering into a S106 agreement to secure the provision of affordable housing.

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

**45 Development Land South Of Chester Road Whitchurch (14/02222/OUT)**

The Principal Planning Officer introduced the outline application. She drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

In response to a query from a Member regarding electricity supply issues in Whitchurch, the Principal Policy Specialist reported that this had been acknowledged and solutions were being put in place to resolve these issues by the main electricity provider.

Having considered the submitted plans for the proposal, Members unanimously expressed their support for the officer's recommendation.

**RESOLVED:**

That subject to:

- The conditions set out in Appendix 1;

- An amendment to condition 2 as detailed on the schedule of additional letters; and
- The applicant entering into a S106 agreement to secure the provision of affordable housing.

Outline Planning Permission be granted in accordance with the Officer's recommendation.

#### **46 Land South of Hermitage Farm Shrewsbury Road Hadnall (14/01872/FUL)**

The Principal Planning Officer introduced the outline application. She drew Members' attention to the schedule of additional letters and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

In response to concerns relating to highway safety, the Highways Officer reported that there were plans for a pedestrian crossing which would provide an element of traffic calming.

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

#### **RESOLVED:**

That subject to:

- The conditions set out in Appendix 1;
- An amendment to condition 2 as detailed on the schedule of additional letters; and
- The applicant entering into a S106 agreement to secure the provision of affordable housing; and
- All matters reserved for later approval be determined by this Committee, subject to any objections being received.

Outline Planning Permission be granted in accordance with the Officer's recommendation.

#### **47 1 Cae Onan Morda Oswestry (14/02507/FUL)**

The Principal Planning Officer introduced the application and confirmed that Members had attended a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Ms Gemma Brett, Neighbour, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The proposed extension would result in a loss of light and privacy to her property;
- The light assessment failed to take into consideration the loss of light to her kitchen and landing;



- The height of the proposed extension was not mentioned in the Officer's report;
- The retaining wall was not able to bear the weight of the extension;
- The extension would overlook her landing resulting in a loss of privacy;
- The property was currently for sale and would add value to the house;
- The proposal would result in a loss of value for their home; and
- This would be the second extension in the area and would set a precedent.

Mr Mark Phelan, applicant, spoke for the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which the following points were raised:

- The proposal was to extend the living accommodation of the property which was insufficient compared to the sleeping accommodation;
- The extension could be built under permitted development rights;
- He had approached his neighbours to explain the proposal before the application was submitted;
- He understood the impact on the neighbouring property;
- A builder had confirmed that the wall was able to take the weight of the extension; and
- He was willing to lower the decking or remove it altogether.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Joyce Barrow, as the Local Member, made a statement, took no part in the debate and did not vote. During her statement the following points were raised:

- The proposal would be overbearing and result in a loss of light to the neighbouring property; and
- If permission was granted a condition should be added to ensure the side window was frosted.

During the ensuing debate Members expressed the view that the proposal was unacceptable and would adversely affect the amenity of the neighbouring property.

At this point the application was withdrawn by the applicant.

#### **48 Appeals and Appeal Decisions**

##### **RESOLVED:**

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

#### **49 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee would take place on Tuesday, 23rd September 2014 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....