



Committee and Date

Central Planning Committee

11 December 2014

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 13 November 2014

2.00 - 5.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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Present

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Miles Kenny, Pamela Moseley, Peter Nutting, Kevin Parry, Tim Barker (Substitute) (substitute for David Roberts) and Jon Tandy (Substitute) (substitute for Vernon Bushell)

62 Apologies for absence

Apologies for absence were received from Councillors Vernon Bushell (Chairman) (substitute: Jon Tandy), Tudor Bebb, Jane MacKenzie and David Roberts (substitute: Tim Barker).

63 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 16 October 2014 be approved as a correct record and signed by the Chairman, subject to it being noted that the decision at Minute No. 57 should read, ".....transport provision; the success of the small scale facilities is dependent on the entrepreneurialship of the people who run them; the safety....."

64 Public Question Time

There were no public questions, statements or petitions received.

65 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.

With reference to planning application 14/03033/FUL, Councillors Andrew Bannerman and Peter Nutting stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information

presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning applications 14/00335/OUT and 14/03338/OUT, Councillor Tim Barker stated that, for reasons of predetermination, he would make a statement and withdraw from the table and take no part in the consideration of, or voting on, these applications.

66 Proposed Development Land East of Station Road, Condover, Shrewsbury (14/00335/OUT)

With reference to Minute No. 57, the Principal Planner introduced the application and explained the risks involved in refusing the applications for the reasons previously given as outlined in the addendum, he also drew Members' attention to the location and layout.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

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

- He urged Members to refuse this application for a second time;
- Would be contrary to paragraph 7 of the National Planning Policy Framework (NPPF). A housing estate situated on the side of a small village would lead to distortion of and damage to the communities that had taken many decades to evolve;
- Would be contrary to paragraph 12 of the NPPF. The community had made its intentions clear – new development should be in small pockets distributed throughout the village;
- Paragraph 111 of the NPPF required authorities to encourage the use of brownfield sites and where significant development of agricultural land was demonstrated to be necessary local authorities should seek to use areas of poorer quality land in preference to that of higher quality. Paragraph 112 emphasised this duty and nowhere had the necessity to develop agricultural land been demonstrated and since February 2014 livestock had been grazed and two crops had been grown;
- Concerned by the extra volume of traffic that would be generated alongside the HGVs, farm machinery and the dangerous junctions onto the A49;
- Facilities – No-one would be solely reliant on the two shops and the reference to a plethora of other services was a wild exaggeration;
- There were 18 mainly small businesses on the industrial estate, Farm Friends Nursery employed 16 staff. Raising turkeys and growing potatoes was seasonal and as the latter was not labour intensive any vacancies for employment would be minimal;
- Any need for a double classroom at the school should be addressed by the education authority and not used by the developer as justification to build an estate; and

- Other land had been identified and the community should not be ignored.

Councillor David Lane, representing Condover Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He drew attention to a recently dismissed appeal for land in Dorrington and pointed out specific similarities to this application:

The site was in open countryside, where new development was strictly controlled under Shropshire Council's Core Strategy Policy CS5 and only limited types of development, such as accommodation for essential countryside workers and other affordable housing was permitted;

The site had not been identified in the emerging Site Allocations and Management Development (SAMDev) Plan;

The Shropshire Five Year Housing Land Supply Statement currently indicated that there was a 5.47 years supply of deliverable housing land in the County as at 31 March 2014;

The proposal would fail to satisfy the three dimensions to sustainable development in the NPPF: the economic, social and environmental roles. Given the five year housing land supply position, the scheme would not be necessary to meet the County's housing development requirements or the community's needs in terms of health, social and cultural well-being. It would also fail to accord with and therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside on the edge of the village and fail to protect or enhance the natural environment; and

The proposal would be contrary to national and local policies regarding sustainable development and the provision of housing;

- The proposal would double the number already included for the village within SAMDev;
- The land in question was a mixture of grade 2 and 3 arable land;
- The site had high archaeological potential;
- European Protected Species had been confirmed to be breeding on this site;
- Three new development sites had been included in the new Condover development boundary and at least one of these sites was brownfield.

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

- The NPPF was now a prescriptive document;
- The outcome of appeals suggested that local authorities were now obliged to support sustainable development;
- Officers were recommending approval and had confirmed sustainability;
- The proposed footpath link would be traffic free; and
- The proposal would be in accordance with CS4.

In accordance with his declaration at Minute No. 65 and by virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Tim Barker, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- He reiterated his concerns made at the previous meeting and commented that the proposed development would not be sustainable and the community character and nature of Condover would be substantially changed;
- Would result in the loss of good agricultural land;
- The site formed part of a much larger field; and
- Would be contrary to national and local policies.

In response to questions and comments, the Area Planning and Building Control Manager explained that applications should not be refused where an issue could be appropriately dealt with by condition and any reasons for refusal should be clear and capable of being objectively evidenced and justified; and any deferral could result in an appeal against non-determination. With reference to the Dorrington appeal, the Principal Planner explained that this application had some differences from the Dorrington appeal but clearly outlined that the benefits arising from this scheme in Condover would be substantially different and drew Members' attention to the proposed facilities/benefits, namely the provision of affordable housing, highway improvements works and the community facilities including school car park, hall, recreation and play facilities and allotments. He further explained that under delivery of housing could have implications on Shropshire Council's ability to demonstrate a five year land supply.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

- Notwithstanding the community benefits included within the application, the proposal would fail to satisfy the three dimensions to sustainable development defined within the National Planning Policy Framework: the economic, social and environmental roles. Given the Council's current five year housing land supply position, the proposed scheme is not considered necessary to meet Shropshire Council's housing development requirements of the community and would therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside, utilising high quality agricultural land and would fail to protect or enhance the natural environment. Accordingly, the proposal would fail to accord with the aims and requirements of saved policy HS3 of the Shrewsbury and Atcham Borough Plan, adopted Core Strategy policies CS4, CS5, CS6 and CS17, and emerging site allocation and management of development policies MD1 and MD3.

67 Proposed Development Land South Of Plealey Lane, Longden, Shropshire (14/01704/OUT)

The Technical Specialist Planning Officer introduced the application and confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further objection comments from members of the public and comments from Shropshire Council's Highway Officers.

Mrs J Ingham, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Longden was a rural community with small scale facilities;
- Because of the nature of the layout of the development (a cul-de-sac) the occupants would be unlikely to interact with the community;
- Concerns with regard to the volume of traffic that would be generated by the development, and because of the limited employment opportunities in the area this would be exacerbated with residents journeying by car to access employment;
- It had not been demonstrated that school traffic would use the proposed access arrangements;
- No adequate drainage proposals had been submitted;
- A number of trees, including trees up to 350 years old would be felled;
- Great Crested Newts had been discovered and this required further investigation;
- Would lead to further applications; and
- Unclear if a proper bat survey had been undertaken.

Councillor P Carter, representing Longden Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The Parish Council welcomed additional housing but only if it was sympathetic to the area;
- The proposal would not meet the needs of the community, would increase the size of the village by 40% and be contrary to Parish Plan;
- No consultation had been undertaken and pre-application discussions would have highlighted concerns;
- The narrow, single track road network was already busy with agricultural and school traffic. No traffic assessment had been carried out to seek the views of users. Residents would have to commute to work;
- Inadequate bat survey undertaken and Great Crested Newts were present;
- The proposed footpath might not be achievable as it crossed private land;
- A significant number of mature trees would be removed;

- Not sustainable;
- If approved, strict control on the ecology was imperative; and
- Any Reserved Matters application should be considered by the Parish Council and this Committee.

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

- All comments received from consultees and interested parties had been addressed and he drew Members' attention to the information from Highway Officers as set out in the Schedule of Additional Letters;
- Discussions had been undertaken with the School Head with regard to access and associated facilities. Any works to the school would be funded by the applicant. Car park had been welcomed by the school;
- Footpath linkages would be surfaced and the footpath crossing private land was already a public footpath and used by the public;
- Substantial landscaping would take place;
- The site was not classified as being good agricultural land so would be in accordance with the NPPF; and
- The development would be sustainable and in accordance with the NPPF.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Roger Evans, as local Member, participated in the discussion and spoke against the proposal but did not vote. During which he raised the following points:

- No discussions had been entered into by the applicant with the Parish Councillor or the local Ward Member;
- Would be contrary to Parish Plan;
- This and other proposed applications would exceed the number of units projected for 2026;
- Limited employment in the area;
- Highway network already congested and access to the site would be restricted;
- Other sites had been identified for small developments. The size of this application would overwhelm and change the rural character of the village;
- Oak trees would be felled; and
- He questioned if parents would use the proposed parking at the school.

In response to comments from speakers and Members, the Technical Specialist Planning Officer and Principal Planner confirmed that the Sport England objection had been withdrawn and conditions would be attached to any permission to ensure the continued provision of sports facilities; details of the proposed equipment store would not have to be provided for an outline planning application; and provided clarification on the number of dwellings proposed in Longden.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

- The proposal would fail to satisfy the three dimensions to sustainable development defined within the National Planning Policy Framework: the economic, social and environmental roles. Given Shropshire Council's current five year housing land supply position, the proposed scheme is not considered necessary to meet Shropshire Council's housing development requirements of the community and would therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside, and would fail to protect or enhance the natural environment. Accordingly the proposal would fail to accord with the aims and requirements of saved policy H3 of the Shrewsbury and Atcham Borough Plan, adopted Core Strategy policies CS4, CS5, CS6 and CS17, and emerging site allocation and management of development policies MD1 and MD3; and
- The proposed development would result in the loss of a significant number of mature trees with high amenity values. It is not accepted that the replanting scheme proposed would adequately compensate or mitigate for the loss of the mature trees. Accordingly, the proposal would fail to comply with the aims and requirements of adopted Core Strategy policies CS6 and CS17 or the guidance within the NPPF.

68 Development Land North Of A458 Ford Shrewsbury Shropshire (14/01819/OUT)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, indicative layout, access and indicative elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Councillor R Blythe, representing Ford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Ford was designated as open countryside and the site fell within the Conservation Area;
- Access would be onto the busy A458;
- Already insufficient parking at school and this would exacerbate the problem;
- Inadequate ecology survey had been undertaken;
- Concerns with regard to surface water run-off. The brook floods and this proposal would exacerbate the problem;
- School was already at its optimum number; and
- This proposal would be disproportionate in scale and size of existing community.

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

- The proposal would be sustainable and within walking distance of the village;
- Highways Agency had raised no objections;
- Dwellings would be built to a high standard suitable and in keeping with the Conservation Area;
- £25,000 would be made available to the Parish Council to overcome and mitigate traffic concerns;
- Only two objections had been received and one of these was from Parish Council; and
- This would be a sustainable location.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Roger Evans, as local Member, participated in the discussion and spoke against the proposal but did not vote. During which he raised the following points:

- Following consultation, Ford had been designated as open countryside;
- Shropshire Council now maintained they had a five year land supply;
- Limited employment in the area; and
- Following a survey by the Parish Council a low housing need had been identified and other applications granted in the area had met any identified need.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Legal Agreement to secure affordable housing in accordance with the prevailing rate at the time of submission of reserved matters; and
- The conditions set out in Appendix 1 to the report.

69 Shropshire Ambulance Service Ambulance Station, Abbey Foregate, Shrewsbury, SY2 6LX (14/03303/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout, access, landscaping and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

In the ensuing debate, Members considered the submitted plans. They noted the comments of the Public Protection Officers and noted that appropriate conditions

would be attached to mitigate any noise concerns and highway improvement works would take place at the junction with Sparrow Lane and Abbey Foregate.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure the affordable housing on site; and
- The conditions set out in Appendix 1 to the report.

70 Land West Of Mulberry House Great Ryton Shrewsbury Shropshire SY5 7LW (14/03338/OUT)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the location.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the Planning Officer and objection comments from members of the public.

Ms S Mackay, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- During the SAMDev consultation process Ryton had expressed a wish to be designated as countryside;
- Facilities and services would have to be accessed by car;
- This proposal would add to the existing imbalance in Ryton and would offer no community benefit;
- Would be contrary to NPPF, CS5 and SAMDev, be socially unsustainable and encroach into open countryside;
- Significant weight could now be afforded to SAMDev and Shropshire Council could now demonstrate a five year land supply; and
- The proposal failed to satisfy the three dimensions to sustainable development defined within the NPPF, namely the economic, social and environmental roles.

Councillor David Lane, representing Condover Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Condover Parish Council was in favour of development but had been targeted by developers;
- Ryton was designated as countryside, so proposal would be contrary to SAMDev;

- The two four-bedroomed dwellings would not meet the housing needs of the village and he questioned how they could be considered sustainable; and
- He drew attention to the recent dismissed appeal for Dorrington.

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

- The proposal would be in accordance with the NPPF, was in accordance with guidelines and had been assessed by Officers;
- Would result in a visual enhancement of the site;
- Landscaping, design etc. would be addressed at the Reserved Matters stage;
- Highways had raised no objections;
- Sustainable location;
- The only objections had been from the adjacent householder and the Parish Council; and
- Would provide additional housing.

In accordance with his declaration at Minute No. 65 and by virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Tim Barker, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote. During his statement the following points were raised:

- He reiterated that Shropshire Council could now demonstrate a five years land supply and this would be an "on balance" decision and drew Members' attention to the three dimensions of sustainability as set out in the NPPF.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members held differing views and in acknowledging that Shropshire Council could now demonstrate a five year land supply and this area was designated as open countryside some Members recommended refusal. In response the Solicitor advised that a refusal on the grounds being proposed might not be defensible if challenged. Therefore, in accordance with Part 5, Section 17.4 of the Constitution it should only be a "minded to" decision and would be brought back to the next relevant Planning Committee so further advice could be given on the proposed reasons and legal implications. A motion to defer with minded to refuse was defeated and a motion to approve was then tabled.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure the provision of off-site affordable Dwellings; and
- The conditions set out in Appendix 1 to the report.

71 Proposed Residential Development to the NW Of Ford, Shrewsbury, Shropshire (14/03451/FUL)

The Area Planning and Building Control Manager introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the Planning Officer and objection comments from members of the public.

Mrs M Blyth, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Site fell outside the development boundary on agricultural land so would be contrary to CS5;
- The bridleway was a much valued amenity and well used. No access rights existed along this route;
- 72 residents had signed a petition which demonstrated the local opposition to this proposal;
- There had been no demonstrated need for housing in Ford and the site would be unsustainable;
- The development would seriously impact on residential amenity; and
- All vehicles throughout development and thereafter would pass Clifton Coach House and the noise would have a detrimental impact on family life. As such the proposal would be in contravention of Article 7 of the UN Convention on the Rights of Persons with Disabilities and Article 8 of the Human Rights Act.

Mrs Z Robbins, representing the Nesscliffe Hills & District Bridleway Association, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- There was no vehicular access rights over the bridleway and recently an opening in the fence and hedge line was made to gain access;
- No higher access rights than bridleway had been claimed or proved on this route and it was illegal to drive a motorised vehicle up a public bridleway;
- The surfacing of a bridleway should not be to the detriment of the main users; and
- The bridleway was the only off road through route in Ford, was a safe route and supported the initiative to get people out exercising. It was an important link in the Humphrey Kynaston Way and any detrimental impact on this route would have an impact on tourism and put leisure users at risk and be contrary to CS16.

Councillor R Blyth, representing Ford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- This was a greenfield site and agricultural land;
- Following consultation, Ford Parish Council had been designated as countryside under SAMDev;
- The entrance to the field had been made just prior to the application being submitted and he questioned if there was a legal right to actually use the access;
- The principle of developing the land had been assessed for possible development but was rejected because of its detached location from the main settlement and would not be sustainable; and
- The impact of agricultural vehicles on the highway had not been assessed by Highway Officers.

With the agreement of the Chairman, Mr S Thomas, the agent, was permitted to speak for up to six minutes and spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The five year land supply issue had, as yet, been unchallenged and would be the subject of further scrutiny;
- Ford had a range of services and amenities;
- Would make a small but vital contribution to housing and would be in accordance with the NPPF;
- The bridleway was currently used by existing properties and the use would remain unrestricted;
- Construction would have a short-term impact;
- Application could not be refused on issues relating to ownership of bridleway;
- Officers would have had due regard to the Human Rights Act when making their recommendation; and
- This would be a small scale scheme in a sustainable location.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Roger Evans, as local Member, participated in the discussion and spoke against the proposal but did not vote. During which he raised the following points:

- Pre-application advice had been sought from Planning Officers but no consultation had been undertaken with the Parish Council or the local Ward Member;
- The area was designated as open countryside;
- No employment;
- Social – two large houses would not satisfy any need;
- The site was in a remote location and access would be down a narrow lane;
- Other applications had been granted without any identified need; and
- Proposal would be contrary to CS6 and CS17.

In response to comments from Members, the Area Planning and Building Control Manager explained that the ownership of land was not a reason to refuse an application and the applicant had fulfilled his obligation and had published a notice in the newspaper in an attempt to ascertain ownership; the type of road surface could be imposed by conditions; and the personal circumstances of nearby residents could not be taken into account when determining an application.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That consideration of this item be deferred, with Members minded to refuse the application for the following reasons:

- The application on the basis that the proposal would be detrimental to the residential amenities of neighbouring residents. In addition, the proposal would fail to satisfy the three dimensions to sustainable development defined within the NPPF: the economic, social and environmental roles. Given the Council’s current five year housing land supply position, the proposed scheme is not considered necessary to meet Shropshire Council’s housing development requirements or the community’s needs in terms of health, social and cultural well-being and would therefore undermine the strategy for the location of housing. Accordingly, the proposal would fail to accord with the aims and requirements of saved policy H3 of the Shrewsbury and Atcham Borough Plan, adopted Core Strategy policies CS4, CS5, CS6 and emerging site allocation and management of development policies MD1 and MD3.

72 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the central area as at 13 November 2014 be noted.

73 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee would be held at 2.00 p.m. on Thursday, 11 December 2014 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date: