



**Committee and Date**

North Planning Committee

17<sup>th</sup> February 2015

**NORTH PLANNING COMMITTEE**

**Minutes of the meeting held on 20 January 2015**

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

**2.00 - 5.04 pm**

**Responsible Officer:** Shelley Davies

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**Present**

Councillor Arthur Walpole (Chairman)

Councillors Paul Wynn (Vice Chairman), Joyce Barrow, Steve Davenport, Pauline Dee, Vince Hunt, David Lloyd, Peggy Mullock and John Cadwallader (Substitute for David Minnery)

**109 Apologies for Absence**

Apologies for absence were received from Councillors David Minnery (Substitute: John Cadwallader) and Gerald Dakin.

**110 Minutes**

That the Minutes of the meeting of the North Planning Committee held on 16<sup>th</sup> December 2013 be approved as a correct record and signed by the Chairman.

**111 Public Question Time**

There were no public questions, statements or petitions received.

**112 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 P. Wynn declared a non-pecuniary interest in relation to planning application 14/03484/OUT Ash Hall, Ash Magna, Whitchurch, as he knew the land owner.

**113 Proposed Residential Development Land East of Teal Drive, Ellesmere, Shropshire (14/03370/FUL)**

The Principal Planning Officer introduced the application for the erection of 68 dwellings to include on-site open space provision and drew Members' attention to the schedule of additional letters. It was explained that the application had been considered at the previous meeting held on 16<sup>th</sup> December 2014 at which Members had been minded to refuse the application. Further information had been provided in the relation to concerns that Members had raised and was contained in the Officer's report which recommended approval of the application.

Brian Udal, local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- He was speaking on behalf of 100 local residents directly affected by this application;
- Development should accord with an up to date development plan;
- The application was a departure from the development plan and contrary to CS5;
- Too much weight had been given to other considerations;
- The preferred Wharf development offered employment and other benefits to the town;
- The site scored positively for flood risk despite regular flooding occurring; and
- The traffic issues had not been properly addressed.

Councillor Alan Clark, Ellesmere Town Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- He had been a Councillor for 22 years and had seen many changes and development to the Town;
- The Town Council had looked at planning for the Town in the long-term;
- This development would create the type of problems that the Town Council were trying to eradicate such as flooding and traffic issues; and
- He asked the Committee to support the Town Council's long-term plans for Ellesmere.

Penny Bicknell, 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 a number of points were raised including the following:

- A highway network assessment was submitted with the application;
- SAMDev could only be given limited weight;
- Ellesmere was a key town for growth in North West Shropshire;
- This was the first full application for Ellesmere;
- The application was not excessive or inappropriate and was in a sustainable location; and
- Development would be able to start on site in Spring this year.

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

- The proposal was not a minor application and would double the size of the existing development;
- Development was needed in the right place for planning for the future;
- SAMDev should be given more weight;
- The Wharf site was the preferred site for development in Ellesmere; and
- Planned development should be taken into account.

The Principal Planning Officer explained that there were unresolved objections in relation to SAMDev and it could only be given limited weight until adoption. It was added that the Wharf development was a long-term plan where housing would not be delivered until a later phase, however, this application would be delivered quickly.

During the ensuing debate the majority of Members repeated the concerns expressed at the previous meeting and considered that greater weight should be given to the emerging SAMDev Policies and saved local plan policies.

The Solicitor gave advice to members about the need to give clear and precise reasons in the event they were minded to refuse the application and these reasons should be capable of being evidenced. The Solicitor then outlined the potential implications that could ensue in terms of a substantial costs award being made against the Council where the reasons were not evidenced or lacked clarity.

**RESOLVED:**

That Planning Permission be refused contrary to the Officer's recommendation for the following reason:

It was acknowledged that the housing proposed by the development would contribute economically and socially by boosting the housing supply including open market and affordable housing and highway improvements to which weight was given. However it was considered that this was outweighed by the harm identified. The Committee were concerned that the development would result in a unacceptable harm to the open countryside and furthermore weight was given to the fact that the proposed development was not plan led being contrary to both current saved policies of the North Shropshire Local Plan H5 and emerging policies in the Site Allocations and Management of Development DPD, which classified the site as being within open countryside contrary to Shropshire Core Strategy CS4, CS5 and CS6.

**114 Land Adj No. 33 Chester Road, Whitchurch (14/02830/OUT)**

The Principal Planning Officer introduced the outline application for the erection of 15 dwellings to include access noting the description of development had been amended to read 'up to 15 dwellings'. It was 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 R Jones, Local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- Local residents were against the development and their concerns had been well documented;
- The Planning Officers report was weighted in favour of the development;
- There were issues of overlooking at the south of the development; and
- There had been little evidence to reassure residents that these issues would be resolved at the reserved matters stage.

Nigel Thorns, 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 a number of points were raised including the following:

- The site was in a sustainable location and closer to services than applications previously approved;
- The site was modest and was hidden from view by houses fronting Chester Road;
- The proposal was not back-land development but a normal estate layout;
- The access for the development had been installed previously to accommodate the proposal; and
- The indicative layout plan addressed the issues of overlooking.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Peggy Mullock, as the Local Member, made a statement, and then left the room, taking no part in the debate and did not vote. During her statement a number of points were raised including the following:

- The main concern in relation to the application was the topography of the site which would create overlooking issues;
- The site was too small to accommodate 15 dwellings; and
- She considered the application to be back-land development.

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 a number of point were raised including the following:

- A proposal on same side of the road was previously rejected by a planning inspector;
- It was concluded that the development would result in substantial changes to the area;

- The number of dwellings proposed was too high and it was back-land development;
- Bungalows would be more in keeping with the topography of the site;
- The development would create run-off and flood risk for houses down hill; and
- If Members were minded to approve the application, the application should come back to Committee at the reserved matters stage to ensure the issues of drainage, density and type of dwelling were addressed.

Responding to the comments made by the speakers, the Principal Planning Officer advised that the issue of house type was not relevant at this stage but pointed out that it was not appropriate to insist on bungalows across the whole site.

In the ensuing debate, Members continued to express differing views. Some Members continued to support refusal of the application and considered that the proposal would have an adverse impact on the surrounding area. Other Members continued to support approval as per the reasons set out in the report. On the casting vote of the Chairman, it was

**RESOLVED:**

That Planning Permission be **approved** in accordance with the Officer's recommendation subject to:

- The applicants entering into a S106 agreement to secure the affordable housing contribution;
- The conditions set out in Appendix 1;
- The description of development being amended to read "up to 15"; and
- The application for Reserved Matters being considered by the North Planning Committee.

**115 Proposed Residential Development South Of Ash Hall Ash Magna Whitchurch (14/03484/OUT)**

The Solicitor reported that there had been a Ministerial statement issued and new guidance in relation to planning obligations and small residential schemes and it was not appropriate to determine the application at this time until the Council had considered these matters.

**RESOLVED:**

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

**116 67 Aston Street Wem Shropshire (14/01530/REM)**

The Principal Planning Officer introduced the reserved matters application (access, appearance, landscaping, layout and scale) pursuant to Permission 08/00033 for proposed re-development of site for mixed use and drew Members' attention to the

schedule of additional letters. It was reported that the car parking provision had been increased to one space per unit.

Councillor Mandy Meakin, Wem Town Council, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- The development, although small in size, would have a large impact on Wem High Street,
- The access was onto the very congested High street and the visibility was poor;
- The retail unit would create further traffic movements; and
- There were concerns in relation to where refuse bins would be stored.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Council held on 27 February 2014, Councillor Pauline Dee, as the Local Member, made a statement, and then left the room, and took no part in the debate and vote. During her statement a number of points were raised including the following:

- The proposal would cause parking issues;
- Residents in Market Towns such as Wem relied on their cars;
- The car parking should be increased to 2 spaces per property; and
- Delivery vehicles to the retail unit would cause additional problems.

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

**RESOLVED:**

That Permission be **granted** in accordance with the Officer's recommendation subject to the conditions set out in Appendix 1 and the applicant entering into a S106 agreement.

**117 Land At Brookmill, Hampton Wood, Ellesmere (14/02078/FUL)**

The Principal Planning Officer introduced the application for construction of stables, manege and temporary mobile home and change of use of land from agriculture to equestrian use and drew Members' attention to the schedule of additional letters. It was confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on the surrounding area. The Principal Planning Officer reported a variation to conditions 13/14 to allow 2 mobile field shelters and advised that if Members were minded to approve the application an additional condition in relation to flood works in accordance with the flood mitigation plan was required.

Mr Leslie Smith, Local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- The Committee should refuse the application and take appropriate enforcement action to remove the unauthorised development;
- The site area had been amended since the application was submitted and now included all the field;
- The report failed to address the suitability of the land from seasonal grazing to intense equestrian use;
- The green meadow was previously grazed only in summer due to it being so wet in winter; and
- The site was an eyesore and the generator that would be used to deliver electricity would cause noise issues.

Councillor Chris Symes, Welshampton & Lyneal Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees during which a number of points were raised including the following:

- The Parish Council objected to the application and considered that it would be impossible to sustain an equestrian enterprise on a muddy wasteland;
- The site was unsuitable for livestock and arable farming; and
- The Parish Council questioned who would stable their horses on the site.

Mr Shaun Jones, 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 a number of points were raised including the following:

- The generator to be used on site would only be used until the mains electric was connected and would be housed in a box;
- The building would all be in flood zone 1;
- The enterprise would provide full time employment for the applicant's daughter;
- The applicant was willing to accept the additional conditions
- The horses would be stabled in the winter months; and
- The applicant was determined to make the enterprise a success.

Having considered the submitted plans the majority of Members expressed their objection to the application contrary to the Officer's recommendation.

#### **RESOLVED:**

Members were **minded to refuse** Planning Permission against the Officer's recommendation. The Committee raised concern in relation to the visual impact the proposed development would have on the countryside and questioned the viability of the enterprise.

A further report, on reasons for refusal would be considered at a future meeting of this Committee, in accordance with Shropshire Council's Constitution.

**118 Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the northern area be noted.

**119 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 17<sup>th</sup> February 2015 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....