

**KINNERLEY PARISH COUNCIL**  
**Meeting of the Council**  
**Held at Maesbrook Village Hall**  
**At 7.00pm on Monday 22<sup>nd</sup> February 2016**

**PRESENT**

Cllr Charles Green (Chair), Cllr Betton Cambridge (Vice-chair), Cllr Nick Barclay, Cllr Sheila Bruce, Cllr Bill Jones, Cllr Maurice Jones, Cllr Alan Lewis, Cllr John Pinder, Cllr Sharon Quayle and Cllr David Slaughter

**IN ATTENDANCE:** Cllr Arthur Walpole (Shropshire Councillor)

**CLERK:** Mrs Kate Sanderson

**15 member of the public were present**

Cllr Charles Green welcomed members of the public and advised the meeting that Rick Bright had formally resigned as a Parish Councillor with immediate effect, earlier in the day. Rick was thanked for his years of service as a Councillor and the positive contribution he brought, with his professional knowledge and experience, to the role as a Councillor.

**22.16 APOLOGIES FOR ABSENCE**

None

**23.16 DECLARATIONS OF INTEREST AND DISPENSATIONS**

- i. Cllr S Quayle declared a personal interest in the Cross Keys agenda item as a member of the Cross Keys Action Committee.
- ii. Cllr N Barclay declared personal interests in planning applications 15/05034/FUL - Erection of office development for existing local business - Land North of Sandeman Dovaston and 12/03866/FUL - Reposition previously approved replacement dwelling (previous ref 06/14437/FUL) - The Hollies Dovaston Kinnerley
- iii. Cllr C Green – National Grid Mid Wales Connection project (Dispensation granted 17<sup>th</sup> June 2013 Minute Ref 104/13)

**24.16 MINUTES OF COUNCIL**

The minutes were submitted and circulated as read.

**RESOLVED that the minutes of the Council meetings held on 25<sup>th</sup> January 2016 be approved and signed as a correct record**

*It was agreed to bring forward the next agenda item.*

**25.16 PRESENTATION FROM STEVE BROWN, HIGHWAYS, TRANSPORT & ENVIRONMENTAL MAINTENANCE COMMISSIONING MANAGER, SHROPSHIRE COUNCIL**

Steve Brown presented Shropshire Council's plan to involve Town and Parish Councils in the process of forming the Highways maintenance programme and to contribute to the testing stage of the proposed initiative. The level of financial resources is reducing and there is a need to increase the level of engagement with Town and Parish Councils. As there will be less money to be spent, it must be spent in a more informed way. There are plans to improve the Highways Management website to allow the programmed works to be available to view on a Town and Parish Council level. It was proposed that a nominated Town or Parish Councillor could submit highway maintenance suggestions for inclusion in the Highways programme.

Steve Brown answered questions from the Parish Council.

*It was agreed to bring the following agenda item forward because of Steve Brown being present at the meeting.*

## **26.16 HIGHWAYS**

### **a) Proposed Molverley/Pentre overlay**

A verbal update was given by the Clerk and Cllr Walpole. Cllr Walpole confirmed that he was meeting with Shropshire Council officers on the 1<sup>st</sup> March and it is hoped to follow this with a local site meeting. Due to the proposed project costs, this is not a revenue but a capital project. It was noted that previous promises to deliver this project had not been delivered on. Steve Brown confirmed that he was aware of the request and agreement was made to give the project consideration.

### **b) To report any Highway Matters**

The following was reported:

- i. The road is flooded by Brookhouse Farm as the drains appear to be blocked.

**The Clerk was asked to report the above to the responsible bodies.**

## **27.16 PUBLIC PARTICIPATION SESSION**

**Statement from Rick Bright: (copy of statement provided by Rick Bright for inclusion in the formal minutes).**

This is a statement that deals firstly with information about the lead up to the office submission, in my new found freedom of being a member of the public and given the circumstances it is I think helpful to comment. The second aspect is to briefly comment on some inaccuracies of the objector comments. I do accept these are perhaps personal comments, I leave the professional planning comments for Dave (Parker).

With regard to the planning background..... Contrary to objector comments, this application is the first choice development option and has been since the outset. As far back as 2003 I met with Tim Rogers of OBC to discuss potential office development options on this site, and preliminary comment and emails were quite positive. But instead, I decided at that time to remain at the current address and an extension/refurbishment took place. We have now outgrown those premises.

I have been roundly criticised (indeed I have even received abusive letters and emails from some of the very same objectors), for making a residential application in 2014. The key underlining purpose of doing this was to seek a development boundary allocation. At that time Shropshire could not prove a 5 year land supply and thus NPPF policy took precedence. thus it gave an

opportunity beyond the immediate KPNP because if it had of succeeded I would still be here today, just the same, but requesting a change of use (i.e. residential to office), and if it failed, it showed that no new development sites of any type were likely to come forward. Notwithstanding that, throughout this entire period in my former capacity of a Parish Councillor, I have retained a professional and dignified silence so as not to offer any influence on planning decisions.

The residential Appeal which so many of the objectors refer, is the very reason I believe the office consent should be given. It is now perfectly clear that no additional change to the development boundary anywhere in the Parish will take place even through appeal, and if it does it will be for housing only. Notwithstanding that, in the same KPNP period we have already lost an employment site to housing opposite the school and so the Parish has an overall net loss of employment land. This application can go some way to address this.

I now want to briefly address a few responses to the issues raised by the objectors

Bright & Associates was set up in 1991 it is a local business, and as a family we have lived in this community over the same period of time. Personally, I recognise the community as being one of both residential and business mixes.

I can confirm that we do not employ anyone from Swansea or Telford (Personally, I have nothing against either location but these were specifically noted in one of the objector letters!)

By suggesting we move to Pentre Industrial Estate simply demonstrates to me, how little understanding the objectors have of the business which is a professional consultancy, we need a high quality office with adequate spacing and setting. I couldn't think of a more unsuitable location, local or otherwise.

To suggest we move to Shrewsbury we put at risk two staff from Oswestry and if we move to Oswestry we risk one from Shrewsbury. We need staff to work in the office and not remotely as has been suggested. And believe me staff are hard to find, I don't want to lose any of them!

The Dovaston location is in any event a proven attractor for potential new staff and we do note in job advertisements that we are 'based in rural Shropshire', given that our business is Landscape Planning this is a key attractor for the professional Landscape Architect. As a business, we are happy being in a rural setting, and we want to stay in Dovaston, we have been doing business here over 25 years, we just want to move to a site with more space. It is an application for Class A2 (Financial and Professional Services) not some form of unrestricted industrial development.

In the past we have taken school leavers and provided professional training, these staff have gone on to achieve good career opportunities elsewhere. We will continue to offer local employment and have been liaising with Shropshire Training with regard to apprenticeships. Local applicants will carry a substantial advantage and we will always try to locally source employment. It makes sense financially and is sustainable, not least for staff retention. Alternatively the people we attract as staff are likely to move and live nearby, in themselves contributing to rural life, schools, shops, pubs and so forth. They are just as likely to cycle to work than car (many have done so in the past) or indeed use the bus service (again we had a member of staff who recently used this throughout two years of time with us), that is typical of the nature of a landscape professional. We have never had a complaint of noise or intrusion, and if we have one business delivery a week via a delivery van it is unusual. (In fact it is probably less).

And finally I would hope that the Council are not persuaded by a 'numbers game' of objectors. At the time of writing there were 18 objections on the web site. However, if I were to call upon staff and their immediate family as well as our many Clients it would be easy for us to present a positive number of support easily in excess of ten times the number of objectors, but again I have preferred to follow a code of dignified silence, but would point out that those who shout loud are not always correct in what they say.

This Parish should not become a backwater for sole domestic use, it should be a dynamic settlement offering a whole range of uses and this is expressly set out in the KPNP.

And lastly (somewhat regrettably) can I introduce this evening the elephant in the room. This elephant is called NIMBY, not in my back yard. There are possibly three properties who could justifiably be concerned about size, landscaping and so forth, Thorngarth, Church View and Maple Cottage. To my knowledge Rob Draper at Maple Cottage actually hasn't objected. So all the other objectors follow a 'quasi development boundary' argument hiding behind the KPNP. And yet, a similar application also submitted for this Parish in the early part of this year (and discussed at Parish last month) for a new maintenance shed building to support an existing construction/building business next to Oakhurst House is also out of the development boundary, and yet oddly enough not one of those who profess to uphold the KPNP raised an objection, not even a comment.

**A member of the public read the following statement to the meeting:**

On behalf of my partner and myself and in support of our neighbours, I would like to object to the planning application for commercial premises on land to the north of Sandyman, Dovaston.

There can be little doubt that if granted this development will have a highly detrimental impact on both the privacy and quality of life of adjacent properties, to say nothing of the rural amenity they presently enjoy in what is a peaceful, residential location.

We are also very concerned that if approved this application will inevitably open the door to a number of similar, random commercial schemes from land owners who presently are unable to get approval for residential development on land that is outside the development boundary.

Contrary to what Mr Bright's agent has tried to assert in his recent communication to local residents, the term 'Development Areas' as defined in the Neighbourhood Plan encompassed all development, not simply housing. It is therefore disingenuous to claim otherwise.

Mr Bright claims that the location of his present business premises acts as a disincentive when recruiting staff, if true, we fail to see how this proposal will help improve things. How can it, there are no support services within Dovaston whatsoever and the site is half a mile further away from the limited amenities found within Kinnerley.

We also remain unconvinced that this application represents genuine business growth especially coming so soon after Mr Bright's previous application and subsequent Public Appeal to build three private houses on the exact same site. Clearly he didn't see the need for additional office accommodation at that time, and as a consequence one has to conclude that this is simply an attempt to build on this site by any means.

Regardless of the justification given by Mr Bright for this scheme, the proposed development has to be regarded as unsustainable, backland development of a greenfield site that is outside the agreed development boundary. Preventing this type of development received near unanimous support during the KPNP process, and this has been re-emphasised more recently, with 18 individual letters of objection to this scheme on the Planning Portal and not a single letter of support. I feel that this together with the 28 local names on an email sent to Mr Bright's agent last week, politely requesting that this application be withdrawn, amply demonstrates the strength of objection that exists within the Parish.

For all these reasons and dozens more besides, we strongly urge Kinnerley Parish Council to support the majority of local residents and oppose this application.

A **member of the public** advised that he lives in one of the affected properties and he is not a "NIMBY". This relates to an issue which is beyond the local area and he was concerned that a precedent will be set if allowed.

A **member of the public** gave apologies on behalf of another local resident. She advised that it is resident's job to protect the countryside for future residents and this is a development in open

countryside, which is clearly against the wishes of residents of the Parish. The Parish Council was asked to recommend refusal.

**David Parker (acting as agent for Sandeman application) provided the following statement in support of the application:**

Principle of Development - This is an established local rural business, providing local employment. The business suffers from a lack of space in its current location, and is looking to employ more staff, it therefore needs to re-locate. It has operated successfully nearby for many years, without complaint. National Planning policy in the NPPF states that "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should.....support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings...."

Location - Core Strategy Policy CSS requires that housing development must be within the development boundary. However, Employment development is expected to take place primarily in recognisable named settlement. Dovaston is a recognisable named settlement.

Scale - CS5 also says that Employment development proposals on appropriate sites will be permitted, particularly where they relate to small-scale new economic development diversifying the rural economy. The proposals are small-scale. The footprint of the building has been reduced in size by 25% from 300 sqm to 224 sqm. The height of the building is reduced from 5.76 metres to 5.54 metres on the northern block and 4.32 metres on the southern block. The building will therefore be similar in scale to a large bungalow.

The level of vehicular movements associated with the development will also be small scale, and probably less than the average vehicle movements of three residential properties, for which the highways department raised no concern on the previous application.

Layout - The previous proposal for 3 dwellings involved development within a few metres of the boundary of adjoining properties. The proposed office is sited towards the rear of the field, and is heavily screened.

Design - The adjoining road frontage is predominantly made up by rather plain bungalows and two-storey housing of a 'suburban' design. The proposed office building is of a very high quality and sustainable design. It would form a discreet but attractive addition to the architectural character of this part of the village.

Residential Amenity & Privacy - The proposed office is a 'good neighbour development. Other than the arrival of staff in the morning and their departure in the evening, there will be no outdoor activity on the site. The sections through the site show a considerable degree of separation between the office and existing properties. The building is 40 metres from Miranshah, 42 metres from Sandeman, 55 metres from Maple Cottage, 60 metres from Thorngarth, and nearly 70 metres from Church View. The screening provided by existing and proposed landscaping will further protect the visual and residential amenity of these properties.

Pattern of Development & Character of the Area - The proposed development is very similar in form and density to many of the larger detached properties immediately adjoining the site, including Maple Cottage, Dovaston Bank, and Netherfield. In terms of the character of the street scene, the proposed building is tucked behind existing properties and will be practically invisible from the main road through the village. Finally, taking a reasonable and objective interpretation of the wording of the KPNP policy 64, there are no grounds on which this policy could provide a defensible reason for refusal.

For the reasons outlined above, the Parish Council is respectfully requested to support the application.

**A member of the public** addressed the Parish Council about The Hollies planning application which has suddenly appeared. She stated that the applicant has tried to make the curtilage bigger by including a strip of land between the site and the Church. The 2006 agreement to build a house on the same footings as the original house was referred to, together with the new access which was won on appeal. Concerns were raised that the planning conditions linked to this appeal have never been enforced. The member of the public stated that she was surprised that this application was now to be put to the Planning Committee and that the planning officer had recommended approval.

**A member of the public** stated that the conditions relating to the 2006 permission include recovery and retention of the materials from the old house and he raised concerns that these materials have now been removed from the site.

## **28.16                      REPORTS**

- i. Police – none.
- ii. Shropshire Council – Cllr A Walpole gave a report which included information about the next full Council meeting where there will be further discussions on the financial strategy and fees and charges will be reviewed. There is a proposal to increase Council Tax by the maximum allowed of 3.99% without the need for a referendum. Shropshire Council's Big Conversation continues to engage with local residents.

## **29.16                      PLANNING DECISIONS**

- i. 15/05453/VAR - Variation of Conditions 2, 7 and 8 of planning permission 12/02627/FUL Erection of an affordable dwelling and detached garage/office - Land Adjacent Burnt House Kinnerley Oswestry Shropshire SY10 8EL – Application withdrawn

**NOTED**

## **30.16                      PLANNING APPLICATIONS**

The following planning applications were considered.

**RESOLVED: That the following comments be submitted to the Shropshire Council Planning Authority:**

- i. **15/05034/FUL - Erection of office development for existing local business - Land North of Sandeman Dovaston – to consider revised plans**

Cllr Nick Barclay advised the meeting that he had taken advice from the Monitoring Officer on his interest declaration for this application and he would read a statement and then leave the meeting and not take part in the vote.

*Cllr Barclay read out a statement opposing this application and then left the meeting.*

Following a lengthy discussion, Cllr C Green proposed that the Parish Council should oppose this development which is outside the development boundary, because of the recent appeal decision and due to the strength of objections from local residents which have not been addressed by the applicant or agent. This was seconded by Cllr M Jones.

***A minuted vote was requested.***

**Cllr M Jones, Cllr D Slaughter, Cllr J Pinder and Cllr C Green (4) voted FOR this motion. Cllr S Bruce, Cllr A Lewis, Cllr S Quayle, Cllr B Jones and Cllr B Cambridge (5) voted AGAINST the motion. The motion was defeated.**

*The following counterproposal was made:*

Cllr B Cambridge proposed that the decision for this planning application should be left with Shropshire Council and that the Parish Council should make no comment. Shropshire Council should be asked to send this application to the Planning Committee for decision and not under planning officers delegated powers. This was seconded by Cllr S Bruce.

**The above motion was RESOLVED unanimously.**

- ii. **16/00373/FUL - Erection of a two storey rear extension and insertion of rooflights in existing single storey lean to - The Quabbs Argoed Kinnerley SY10 8DJ**

Comment: The Parish Council agreed to support this application.

- iii. **To consider any planning applications received after the agenda was sent out – None**
- iv. **To consider making representation to the Shropshire Council planning committee for application - 12/03866/FUL - Reposition previously approved replacement dwelling (previous ref 06/14437/FUL) - The Hollies Dovaston Kinnerley**

**RESOLVED that Cllr C Green would represent the Parish Council at the Planning Committee meeting on 23<sup>rd</sup> February and it was delegated to the Clerk in liaison with Cllr C Green to prepare a statement to be read to the planning committee.**

### **31.16 FINANCE AND ACCOUNTS FOR PAYMENT**

- a) **Receipts** – none
- b) **Payments made before meeting** – none
- c) **Payments for Approval**
- i. Clerk's Salary for February 2016 - £605.74 – Chq no 10684
  - ii. Information Commissioner – Data Protection Registration Fee - £35.00 – Chq no 10685
  - iii. Maesbrook Village Hall – Room Hire - £10.00 – Chq no 10686

**RESOLVED: That the above payments are APPROVED for payment and the bank signatories INSTRUCTED to sign the Cheques.**

### **32.16 STREET LIGHT MAINTENANCE CONTRACT 2016/17**

The contract for 2016/17 was considered and it was

**RESOLVED to reappointment Highline Electrical on a repair only basis, as an extension of the existing contract.**

### **33.16 GROUND MAINTENANCE CONTRACT FOR 2016/17**

The Parish Clerk reported that the financial year 2016/17 is the third year of a three year contract. The Parish Council was asked to note that the current contract with P&W Maintenance Contracting has been transferred to Maintenance Contractors (Oswestry) Ltd following liquidation of P&W Maintenance Contracting. A meeting has been held with the owner who has confirmed that there will be no change to the cost or service received, as the existing management and staff have moved to the new company. Relevant risk assessments and insurance information has been requested from the new company for the Parish Council's records.

#### **NOTED**

#### **34.16 INTERNAL AUDITOR**

**RESOLVED to appoint JDH Business Services to undertake the Internal Audit for 2015/16.**

#### **35.16 CIL – NEIGHBOURHOOD FUND**

The meeting was advised that the Neighbourhood Fund allocation due to be paid in April 2016 is £18368.71 and this was formally **NOTED**.

**RESOLVED to approve the draft annual monitoring form for submission to Shropshire Council.**

#### **36.16 CIL PROJECTS**

Possible projects in line with CIL regulations and the priorities agreed in the Place Plan were discussed and it was

**RESOLVED to appoint a CIL projects working party to consider the various projects, in line with the priorities agreed in the Place Plan and report back to the Parish Council. It was agreed that the members of the working party would be Cllr C Green (Chairman/Maesbrook), Cllr D Slaughter (Maesbrook), Cllr J Pinder (Edgerley), Cllr S Quayle (Argoed) and Cllr N Barclay (Kynaston).**

#### **37.16 KINNERLEY PARISH NEIGHBOURHOOD PLAN POSITION STATEMENT**

The statement, prepared by Cllr N Barclay, which had been circulated with the agenda was **NOTED**.

Cllr N Barclay was thanked for all the work that he had undertaken and the meeting was advised that he did not wish to continue in the role as KPNP Co-ordinator.

**RESOLVED to include information in the Telescope asking a member in the community to volunteer to take over the role of KPNP co-ordinator and that a review of the KPNP position statement should be a standing six monthly agenda item.**

#### **38.16 COMMUNITY DEFIBRILLATOR**

This item was deferred as information was not available.

## 39.16 OTHER REPORTS

- a) **Meeting at Shropshire Council re financial difficulties** –Cllr C Green gave a verbal report.
- b) **Local Joint Committee meeting** –Cllr C Green gave a verbal report.
- c) **Oswestry Area SALC Committee meeting** –written report from Parish Clerk to follow.
- d) **Cross Keys Action Committee** –Cllr S Quayle gave a verbal report.
- e) **National Grid - Mid Wales Connection** – Cllr C Green gave a verbal report.

The above reports were **NOTED**

## 40.16 CORRESPONDENCE

**The following correspondence was received and NOTED**

- i. Smaller Authorities Audit Appointments Ltd (SAAA) - Additional information relating to option to opt of SAAA scheme of audit. (Decision not to opt out agreed – for information only)
- ii. Powys County Council - Notification of submission of the Deposit Powys Local Development Plan 2015 to the Welsh Government and Planning Inspectorate for Public Examination and Notice of Proposed Focussed Changes Consultation
- iii. Shropshire Rural Hub - February 2016 newsletter
- iv. SALC - Information Bulletins & course information
- v. Shropshire Council Outdoor Partnership Team - Landowner & Farmers Guide – Public Rights of Way
- vi. Shropshire Council - Advice of change of date for Helicopter Noise Liaison meeting to 22<sup>nd</sup> March 2016
- vii. Shropshire Council - Alterations to the electoral register
- viii. Shropshire Council - Details of LJC meeting on 16<sup>th</sup> February 2016
- ix. Shropshire Clinical Commissioning Group - Non-emergency Patient Transport – Information for Parish Councils
- x. Oswestry Town Council - Invite to SALC Oswestry Area Committee meeting on 17<sup>th</sup> February 2016
- xi. The Corbet School - The Corbet News – February 2016
- xii. Shropshire Council - Big Conversation workshop summary

## 40.16 DATE AND TIME OF NEXT MEETING

21st March 2016 – Kinnerley Parish Hall at 7pm Annual Parish Meeting (please note, as agreed in May 2015 - this is the **THIRD** Monday, not the usual fourth, as the 28<sup>th</sup> March is a Bank Holiday)

**The meeting closed at 9.20pm**

**Signed** .....

**Date** .....

**Chair**