

Oswestry Rural Parish Council

Minutes of an Extraordinary Parish Council meeting
held at 7 pm on Friday 19 April 2019
at Rhydycroesau Village Hall

Present:

Chairman Cllr. Paul Milner, Cllr. Janet Barlow, Cllr. Pam Broomby, Cllr. Arthur Brown, Cllr. Shirley Jones, Cllr. Martin Jones, Cllr. Les Maguire, Cllr. Phil May, Cllr. Tony Milner and Cllr. Peter Richardson.

Clerk:

Sharon Clayton

In attendance:

9 members of the public

320/19 Chairman's Welcome

The Chairman welcomed everyone to the meeting and invited the Clerk to explain why the meeting was taking place on Good Friday. The Clerk explained that a parish council meeting cannot take place without three clear day's notice and therefore, as the agenda was dated 15 April 2019, the earliest this meeting could take place was 19 April 2019.

NOTED.

321/19 Apologies for absence

Apologies were received from the following:

Councillor	Reason
John Davies	Holiday
Robert Milton	Holiday
Elliot Roberts-Jones	Work Commitment
Bob Kimber	Holiday

These apologies were ACCEPTED.

Cllr. Peter Davies was ABSENT.

322/19 Public Participation

The Chairman invited members of the public to present their views about the Black Country Metal Works planning application that was due to be considered by Shropshire Council's Northern Area Planning Committee on 30 April 2019.

One member of the public explained that in 2009 Whitehall Farm submitted a planning application to change use of farm buildings to trade use. In 2016 another planning application was submitted which included retrospective permission for the development that had already taken place since 2009. However, due to its complexity, Shropshire Council had asked that the application be withdrawn and that another planning application be submitted which only included the retrospective elements within it. Unfortunately, plans in the current application only show the present day site layout and not what it was like before development took place which includes the dismantling of two Dutch barns that were in the way of planned development. There are also rights of way running through the site. The 2009 application included changes to access and egress onto the busy A5 and this has not been done. The current application includes a right turn towards Mile End roundabout which is dangerous and should be re-thought. Homemade signs had now been erected directing traffic to proceed to Mile End roundabout and return along the A5 so that they turn left into the site. The directions also advise turning left when exiting, rather than right, and turn around at the next roundabout to head back towards Oswestry, thus suggesting that the Ironworks were aware of the dangers, but action was still awaited. The current plan could lead to crashes with vehicles passing the site at 60 mph. Generally, the planning application lacked detail.

One member of the public wanted to talk about a recent Oswestry Town Council meeting she had attended on 3 April 2019 at which the Iron Works application was considered. She expressed concern that one Town Council Member had said that all Members know the applicant, all had had hospitality at the Iron Works, so perhaps they all should leave the meeting as they all had an interest. She did not feel that Oswestry Town Council Members could consider the planning application impartially in such a situation and was concerned that the applicant had been allowed to carry on without planning permission and had made no attempt to implement any of the Conditions required. Since the Conditions imposed had not previously been met, she asked how people could have confidence that these Conditions would be met should the current application be approved.

One member of the public enquired of the Chairman that, since he is a Member of Shropshire Council's Northern Area Planning Committee, should he be taking part in the decision-making process and should he leave the room when it was being considered. Cllr. Milner explained that he did not have a pecuniary interest, but he would not be voting on the application when it was considered by the Northern Area Planning Committee, neither would he be voting this evening.

The Clerk explained that a pecuniary interest applies if a Member would gain financially but there may be times when a Member might have a non-pecuniary interest and it is for them to decide whether they declare it or not. It is not the Clerk's role to inform Members when they should declare an interest.

323/19 Disclosure of Pecuniary Interests

Members were reminded that they are required to leave the room during the discussion and voting on matters in which they have a disclosable pecuniary interest, whether or not the interest is entered in the Register of Members' Interests maintained by the Monitoring Officer.

Cllr. Paul Milner declared an interest as a member of Shropshire Council's Northern Area Planning Committee.

300/19 Dispensations

There were no requests for dispensations.

324/19 Declaration of Acceptance of Gifts and Hospitality

There were no declarations of gifts or hospitality.

325/19 Planning matters

RE-CONSIDERATION

18/02657/FUL - Black Country Metal Works Ltd., Whitehall Farm, Queens Head, Oswestry

Application under Section 73A of the town and Country Planning Act 1990 (as amended) for regularisation of extensions to existing buildings together with lawful uses relating to a mixed-use rural enterprise (A1, A3, B1, B2 and B8); improvements to existing vehicular access including creation of visibility splay; Change of Use of land to sculpture park and car parking areas.

Members again considered this application and, whilst Members acknowledged it was a real asset to the area by bringing people in, they were disappointed that the development had taken place without planning permission and had carried on without permission for the past 10 years. The application submitted in 2018 began with "retrospective planning permission" but "retrospective" was no longer stated in the current application. The first application in 2009 was for Change of Use of traditional farm buildings to office and business suite, plus use of portal farm buildings for storage of trade only ironmongery, plus mail distribution, plus alterations to office space. This application made no reference to retrospective and it was unclear whether the current application was available for re-consultation. Access onto the A5 should have been completed in 2012 in accordance with Condition 13 but nothing had been done to meet this Condition.

Concern was expressed about the dangers of vehicle movement between the site and the busy A5. The density of the traffic is such that there are very few gaps in the traffic flow that provide an opportunity to turn right either upon entrance to the site or upon exit.

Other development proposals in and around Oswestry would add to existing traffic making the A5 even busier and the existing site access and egress was unsuitable due to the speed of the traffic.

There are more vehicles on the road now than 10 years ago when the 2009 application was first submitted, therefore the Parish Council's main concern is highway safety and site access is critical. Shropshire Council's officer report was recommending approval provided alterations to access and egress were carried out within 12 months. The Planning Officer had said that the Parish Council had been adequately consulted even though very little information was available when the application was first submitted.

The Parish Council's previous comments were made on the understanding that, whilst the Metal Works is an asset to Shropshire, there would be further opportunity for the Parish Council to comment and therefore Members felt the Parish Council should object to the application until the Conditions set out in the 2009 application have been met and access issues addressed.

It was PROPOSED by Cllr. Peter Richardson, and SECONDED by Cllr. Les Maguire, that a recorded vote be taken. After being put to the vote, with the exception of Cllr. Paul Milner who abstained, it was AGREED that the following statement should be submitted to Shropshire Council:

"Further to the Parish Council's comment made on 26 March 2019 the Parish Council wishes to make it very clear that it objects to this application because Condition 13 on the 2009 application has still not been discharged.

Condition 13 states "Prior to the commencement of the development the applicant shall undertake access improvements the design of which shall be in accordance with Highways Agency design standards and to be certified as being complete by the Local Planning Authority in consultation with the Highways Agency." The reason: "To ensure that the A5 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption to the flow of traffic expected to be generated by the development and to protect the interest of road safety on the trunk road".

The Council expects the Conditions applicable to this current application to be adhered to and actioned within 12 months from the determination of the application.

The Council would also like confirmation as to whether this application is a new application, retrospective or a regularisation."

It was further AGREED to write to Oswestry Town Council to advise of the Parish Council's response to the application and to write to the Planning Officer, Philip Mullineux, informing that the Parish Council had not been adequately consulted about the application.

The meeting closed at 20.11.

Signed: _____

Date: _____

Chairman