

**Report submitted by Cllr Towers**

Wem Town Council Response to the Lowe Hill Road Planning Application Judgement from the Planning Inspector circulated by the Town Clerk on 31st January 2022.

Emails have been sent between us that describe the process and outcomes from what we have all been engaging with in this planning application. (see Appendix below)

Whilst the outcome is clear for us, I have been reflecting on the process and have some questions about it that I feel I would like planners to answer regarding the way planning policy is being implemented....at least when used for this application! I feel that it is important we understand this for when we deal with future planning applications, (as well as for myself when I sit on the Northern Planning Committee and have other applications presented to us). I would appreciate the Town Council's opinion on such questions as:

- A) Why did the Planning Officers decide the 1<sup>st</sup> application by themselves and not judge it sufficiently important to take it too the Planning Committee? This was a large application, and especially so for Wem where we haven't had one like this for a number of years.  
(If they had done this it may have changed the whole way things have turned out! They initially refused it not giving the strong reasons we gave in mounting our defence with the second application, instead their reasons were 'weaker' in my opinion, which when they judged satisfied and so withdrew them before the appeal hearing...leaving an 'open door' for the appellant)
- B) Why wouldn't the planning officers reconsider the access issues, when they had them pointed out in the second application. The appellant had offered alternatives originally and would have been open to reconsiderations.
- C) Why did the £7500 money for ecological benefit from the development go to the Ramsar Colemere site, and not for some green space in Wem, if this was felt to be important.
- D) Did the Planning Officers let the Planning Inspector know that the appellant had put the same application in again and that this had been turned down by the Planning Committee twice with the supporting reasoning from the Councillors?

If Councillors are in agreement with some/all of these...or have other questions, then is there something we should do to register our concerns and seek some answers to help challenge the planning officers handling of the process and so make it better for future applications?

Thank you – Cllr Edward Towers

**Appendix - Copy of emails exchanged between ourselves.****1. Cllr Soul**

Thank you Penny

This is disappointing but not entirely surprising as Shropshire Planning Officers did not present strong objections to the Appeal.

As well as being concerned about aspects of the appeal process, I am very disappointed that Wem will see virtually no Section 106 payments towards improving infrastructure or environmental projects and this development will now breach the agreed Local Plan boundary.

Nevertheless, we as a Council can be satisfied that we examined the application thoroughly and raised detailed objections at every stage.

It should be noted that this was an appeal against the original refusal made by officers under delegation, not the later application refused by committee. Planning Officers effectively withdrew their objections at the appeal stage.

Best regards

Geoff

**2. Cllr Towers**

On 31 Jan 2022, at 17:04, Edward Towers <[Edward.Towers@shropshire.gov.uk](mailto:Edward.Towers@shropshire.gov.uk)> wrote

Dear Team Wem,

I feel I must just send you all a note about the above.....to be kept 'in house' as it were! As you will have already seen from Penny's forwarding of the judgement from the Planning Inspector, we have lost the appeal against the proposed Lowe Hill Road development. You will not be surprised that I have been speaking to both Peter and Geoff over the weekend/today to share our mutual concerns about how this came to pass. Geoff has briefly explained some of the implications to us following on from this judgement. He rightly reminds us that this was an appeal made against the original refusal made by Shropshire Council's Planning Officers, not the later applications that he and I strongly spoke against to the Northern Planning Committee on two occasions – both of which voted to also refuse this application, perhaps much to the surprise of all. It seems they did not refer to this when making their submissions to the Planning Inspector. Shropshire Council planners simply said that the appellant had satisfied them about their concerns for refusing the initial application!

I should like to add to these by saying:

- we were extremely disappointed as strong representations were made to keep this development within the planning boundary. We are argued strongly no extra land was needed to compensate for that taken up by the gas main....which they knew about from the outset of taking on this allocated site! We acknowledge that there has to be new housing but it should be within the agreed Local Plan.....it's just that this plan isn't the right one. We were wanting better ones to then be presented. If you read the judgement the Inspector states that the local plan allows for alterations to the boundary to allow for community use.....but I can find no added community use on the land as a result. Am I missing something?....is he referring to the added use of the Colmere Ramsar site? If the agreed planning boundary can be broken here what does this mean for the agreed boundaries in the SAMDEV 2025 process elsewhere around Shropshire, should a developer wish to have more land than is allocated?
- Shropshire Council made no application for the developers to contribute to improving Wem's green infrastructure....£7500 will be paid to the Colmere Ramsar site rather to any environmental project in Wem.....once again it seems, the town will not be receiving the necessary compensatory investment.
- Obviously it seems that the traffic concerns raised when Peter and myself came into office were not even addressed in some way with the developer as this appeal was coming to the fore. I understand from the developer that it was Shropshire Council themselves that suggested this additional exit point out of the choices given them by the developer....so making 3 road junctions within 40 or so yards of highway....including one almost directly outside a school entrance/exit!

There is probably more that could be said about how it seems that this planning application was processed by Shropshire Council Planners, but probably not without some further research/discussions. Incidentally the Principal Planning Officer has just copied me into an email to the Chair and Vice Chair of the Northern Planning Committee saying that there are no surprises so far

as he is concerned!! Ummm! What needs to be stressed and ensured is that it the local voice is heard about all planning matters – and not just lip service to it. Officers should help assist us in serving the will of our electorate, not the other way around!! Sufficient to say at this point outline planning permission (that includes the access arrangements!) has now been granted, with all other matters reserved. There is no further realistic appeal possible. We shall have to watch very closely as the more detailed plans for this site come before us to ensure we are happy with all other aspects of layout, infrastructure, etc.

We must also watch this space on dealing with any public feedback/reaction, and if necessary put this matter on a Town Council agenda, so that a WTC can be given should this needed.

I hope all this helps us with our thinking regarding planning matters. Do come back to me if you need to about this.

Best wishes,  
Edward

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### 3. Cllr Drummond

Morning Everybody..

Just to say that I share the disappointment expressed by both Cllr Towers and Cllr Soul regarding the reported outcome of this appeal.

Both WTC representatives make the same point regarding this referring to the first application. So, does that mean the decision overrides the refusal to the second application ? Can someone please clarify the current position please?

There are clearly plenty of issues to be addressed, including access road layout and infrastructure benefits to Wem.

Hopefully, these issues can be clarified and debated in the near future.

In the meantime, thanks to Edward & Geoff for their involvement.  
Roger Drummond

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### 4. Cllr Soul

Morning all

Yes, Roger. The Appeal success means that the outcome of the second Application is now irrelevant. This is frustrating as it means the Planning Committee have been bypassed: the original refusal was by officers and in the appeal statement, they overruled themselves and withdrew objections. It also means there has been no debate on infrastructure payments.

We can still make representations on reserved matters but highways are not included on that and it is difficult to see any change to the nonsensical and dangerous junction layout that is proposed.

Realistically, all we can do now is move on, seek to ensure that in consideration of reserved matters we can the best deal we can.

Best regards  
Geoff

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### 5. Cllr Towers

Dear Roger,

Thank you for your support in this matter – appreciated!

To answer your question.....this decision comes before the other (2<sup>nd</sup>) application. This means that the Inspector didn't consider the points we made for this 2<sup>nd</sup> application, so far as Geoff and myself are aware. His focus was on the reasons for the Shropshire Council Planners refusing this first application and caused the Appellant to ask for an appeal hearing. The appellant also put in a further application and would have withdrawn this if the Committee had passed the second application....which they didn't. Instead, the committee twice voted against it – so they went on with their appeal for the 1<sup>st</sup> application. Shropshire

Council planners told the inspector....and indeed the Northern Planning committee that I now sit on since May.....that they were now satisfied that their two original reasons for refusal had been satisfied (you can see these in the Inspector's Report).

- Reason 1: See points 5-7 in the report about 'landscape and visual harm'....so they had the extra information that they wanted and ecological tests were acceptable.
- Reason 2: related to insufficient justification and information for the development of the land outside the SAMDEV planning boundary...see point 8....which he then goes on to reason is acceptable. He argues that the gas main (that they always knew about!) is a factor to be considered and that the Planners have now been able to withdraw these concerns regarding landscape and visual impact because this additional land enable the properties to be more spatially separated....so spacing them out more on the edge of town when compared with the intensity of land use by the bungalows across the road ....and blending better into the open countryside beyond. The Inspectors point 13 says that 'additional land may be included, albeit for community facilities'. I can see no added community facilities on this application. Are they suggesting that these community facilities are the Colemere site as the report says that 'Wem falls within the catchment area of the Midland Meres and Mosses Phase 2 Ramsar Site'?....which is a technical mapping issues that we in Wem knew nothing about! Boundary lines can be put in/withdrawn/alterd for all manner of reasons by their originators.....or is the £7,500 coming from this development to ease ecological concerns with the Lowe Hill site?

Shropshire Council didn't raise highways access issues and said they were ok with drainage, sewerage and other infrastructure matters (such as schools, medical services, connectivity of all sorts, etc) and so didn't make them an issue when refusing the 1<sup>st</sup> application....even though we tried in discussing these when the 2<sup>nd</sup> application came to committee. The committee accepted our advice and said 'no', as I have already said. Instead, Shropshire Council said they were satisfied that their two reasons for refusal had been satisfied.....and didn't ask the inspector to consider there had been a 2<sup>nd</sup> application (same!) that had come to committee and been refused....or giving the reasons that the committee came to this view. If it had been a varied 2<sup>nd</sup> application then they could have reasons for doing this....but it looks to be exactly the same one as their 1<sup>st</sup> one! It seems a legal technicality but the Inspector was only judging the 1<sup>st</sup> application and the evidence given in this regard!

Also, this appeal was to be heard in person and Geoff and myself were preparing to appear before the Inspector, but because Shropshire Council had withdrawn their objections for the reasoning above, the Inspector, at the last minute, switched to one by paper evidence only. This gave us two weeks to put in our submissions and then further added time to the appellant to respond after all other comments/objections have been received – and which of course they can view!

As it was not a 'reserved' matter....they could, in my opinion, have at least had a rethink about the access to the site and asked for an alternative access to be made by the appellant/applicant, which I know from my conversation with him, they would have accommodated – if only to ease acceptance of this application. Peter and myself had Highways come out and do a site visit....but they either couldn't or wouldn't shift their view on this. As it is the access is now 'fixed' and we will have this on-going problem of 3 junctions within 40 yards, one very nearly opposite the entrance/exit to a very big school!

I'm sorry to be so gloomy about this....but this is how Geoff and I have found things to be as we have tried to bring local sense to this large planning application. I hope this bring added clarity, where this may have been needed.

The current position is probably that the appellant (Metacre) have now got Outline Planning Permission for Savills - as they were contracted by Savills to do! Savills will now put this land up for sale to find a developer (best price!). The developer will then, in due course, put in a planning application for this (now extended!) site that meets all the conditions laid down by Shropshire Planners and Inspector that we will then be asked for our views upon.....in the usual way. The only thing anyone can alter is the access to the site.

All good wishes as we move forward,  
Edward

## 6. Cllr Drummond

Morning Edward. Thanks for your detailed history to the planning process of this conscientious application and particularly for your correction regarding the access which in my view is fundamental to the safety and effectiveness of traffic and pedestrian flow in the vicinity of Thomas Adams school.

Strangely, this application and access layout was raised in conversation prior to this weeks Probus lunch. I'm alarmed that SC traffic engineers and planners cannot recognise the limitations of the existing proposal when they are evident to "a man on the Wem Town omnibus".

Should WTC be talking to senior staff at Thomas Adams?

Thanks again.... Roger D