



### Committee and Date

South Planning Committee

8 September 2015

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 11 August 2015**

**2.00 - 4.38 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

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### **Present**

Councillor David Evans (Chairman)

Councillors Stuart West (Vice Chairman), Andy Boddington, Richard Huffer, John Hurst-Knight, Cecilia Motley, Madge Shingleton, David Turner, Tina Woodward, Heather Kidd (Substitute) (substitute for Nigel Hartin) and William Parr (Substitute) (substitute for Robert Tindall)

### **39 Apologies for Absence**

Apologies for absence were received from Councillors Nigel Hartin (Sub: Heather Kidd) and Robert Tindall (Sub: William Parr).

### **40 Minutes**

**RESOLVED:** That the Minutes of the South Planning Committee held on 14 July 2015, be approved as a correct record and signed by the Chairman.

### **41 Public Question Time**

There were no public questions, statements or petitions received.

### **42 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 15/01472/FUL, Councillor Andy Boddington declared and expressed his displeasure that he had been contacted by the agent who had sought his advice on how approval for this application by this Committee could be achieved. He confirmed that he had made no comment and explained that he would never be influenced by such lobbying, remained open-minded and any decision he made would be based on planning grounds.

With reference to planning application 15/01472/FUL, Councillor Cecilia Motley declared that the owners of Henley Estates were known to her but she had not been contacted by or discussed this application with them. She confirmed and expressed

her displeasure at being contacted by the agent prior to the meeting but confirmed that she had made no comment and would remain in the room and participate in the debate of this item.

With reference to planning application 15/01472/FUL, Councillor William Parr declared that the owners of Henley Estates were known to him but he had not been contacted by or discussed this application with them.

With reference to planning application 15/01850/FUL, Councillor David Turner declared that he was acquainted with the applicant and a principal objector and would leave the room and take no part in the consideration of, or voting on, this application.

**43 Proposed Residential Development Land at Hemford Bromlow, Minsterley, Shropshire (14/03447/OUT)**

At this juncture, the Principal Planner read out the following statement following the successful High Court challenge to the November 2014 Ministerial Statement on Affordable Housing Contributions:

“Last November planning minister Brandon Lewis announced the new policy on affordable housing provision in a ministerial statement. This advised that planning authorities should no longer seek affordable housing contributions through section 106 agreements on residential developments of 10 homes or fewer and 5 homes in designated rural areas.

Two Berkshire councils lodged a High Court challenge to the Ministerial Statement which succeeded last week. The High Court Judge agreed with the councils that the consultation process over the policy had been unfair and unlawful. He argued that there was a failure to take into account “obviously material” considerations, including the full implications for the supply of affordable housing land. The Government has now withdrawn the Ministerial Statement and the associated National Planning Practice Guidance on this issue.

Shropshire’s affordable housing policy is set out in Core Strategy Policy CS11 and detailed further in the adopted supplementary planning document on Type and Affordability of Housing. Some agents had cited the Ministerial Statement as justification for not entering into affordable housing agreements in Shropshire. However, in the wake of the Ministerial Statement the Council’s Cabinet resolved to maintain its existing affordable housing policy pending the outcome of the High Court challenge.

The Judge’s decision has an immediate effect on developers’ negotiations. Accordingly, all qualifying housing proposals in Shropshire will continue to be subject to an affordable housing contribution under Policy CS11. The Department for Communities and Local Government has advised that it will be seeking permission to appeal against the decision.”

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from a member of the public.

Mr M Green, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Ms A Henson, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Heather Kidd, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She supported the Parish Council's views on this application, given that it accorded with the Parish Plan;
- The reservations expressed by the local ornithologist had not been significant; and
- She considered that the additional traffic generated by one dwelling would not have a significant impact on the crossroads and the positioning of the dwelling in relation to the highway would be acceptable.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members supported the proposal subject to appropriate conditions, and acknowledged that appropriate conditions with regard to landscaping and materials would be added to any permission granted at the reserved matters stage.

**RESOLVED:**

That, contrary to the Officer's recommendation, planning permission be granted, subject to appropriate conditions and to the completion of a Section 106 Agreement to secure an affordable housing contribution.

**44 Hazeck, The Mines, Benthall, Broseley, TF12 5QY (14/05209/FUL)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mrs E Morgillo, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Turner, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The site visit had demonstrated how the development had not taken place in accordance with the approved plans;
- He reiterated the views of Barrow Parish Council which were as set out at paragraph 4.1.1 of the report. Furthermore, the Parish Council had been consistent in its approach to development in the Conservation Area and had recently objected to an application from a neighbouring property. This application had subsequently been refused under delegated powers due to scale, mass and positioning and its significant and detrimental impact on the amenities of the occupiers of Hazeck and its overbearing and dominant impact on the occupiers of the adjacent dwelling;
- At a previous meeting he had drawn attention to the changes to what was originally a modest bungalow which had been largely hidden in a plot which contained a mixture of trees and shrubs and bounded by a low wall to one that was now totally out of character in the Conservation Area;
- He hoped that the Committee would pay particular attention to the measures proposed to safeguard the Norway Spruce;
- Would be contrary to paragraphs 56, 58 and 60 of the National Planning Policy Framework, Shropshire Core Strategy policies CS6 and CS17, and Broseley Town Plan policies DS2 and H3; and
- The previously granted permissions already constituted inappropriate development and this current proposal would further impact on the Conservation Area and the amenity of neighbouring properties and he urged refusal.

Having considered the submitted plans and noting the comments of all speakers, the majority of Members expressed their objection to the application.

**RESOLVED:**

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

- The proposed extension, by reason of the monopitch form, and the increased mass and enlarged footprint of the dwelling when the cumulative impact of permitted extensions are taken into account, would result in a development detracting from the character and appearance of the Broseley Conservation Area, contrary to Shropshire Core Strategy policies CS6 and CS17, Broseley Town Plan policies DS2 and H3, and paragraphs 56 to 58; 60; 64 and 131 of the National Planning Policy Framework.

**45 Land to the west of Squirrel Lane, Ledwyche, Ludlow, Shropshire (15/01472/FUL**

The Principal Planner introduced the application and with reference to the drawings and photo montage displayed, he drew Members' attention to the location and layout. He 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.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Shropshire Councillor Viv Parry.

Mrs P Smith, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Mrs N North, representing Ludford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor R Osborne, representing Bitterley Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr A Arcache, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. With the agreement of the Chairman, and, in view of the number of persons speaking against, which was contrary to the Policy for Speaking at Regulatory Committees, Mr Arcache was afforded up to six minutes to speak.

In response to questions from Members, Mr Arcache provided clarification on future land usage and stock density, life span of the panels, decommissioning and removal arrangements and the proposed community benefits.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Richard Huffer, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He drew attention to the high number of objections to this scheme from residents, Bitterley, Cayman and Ludford Parish Councils and Ludlow Town Council;
- Would result in the loss of 30+ acres of highly productive land;
- The nearby field had been classified as being Grade 2; and
- The proposal would have a detrimental impact on the surrounding natural and historic environment.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. The majority of Members expressed the view that the land had been cropped on a regular basis and was good productive land; the

proposal would be incongruent in the countryside and would impact on views from Caynham Camp, St Laurence's church, Whitcliffe Common and others; constituted large scale development; and would be detrimental to the tourism industry and local economic development.

**RESOLVED:**

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

- The proposal constitutes large scale industrial development and is inappropriate in terms of location, fails to protect and enhance the natural and historic environment and the character and high quality of the local countryside and setting of Ludlow, and would have an adverse impact on leisure and tourism. The renewable energy benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts and as such would be contrary to Core Strategy Policies CS5, CS6, CS13, CS16 and CS17 and paragraphs 14, 17, 28 and 109, of the National Planning Policy Framework.

(At this juncture, the meeting adjourned at 4.00 pm and reconvened at 4.08 pm.)

**46 Proposed Residential Development Land North of Haughton Road, Shifnal (15/01741/REM)**

The Principal Planner 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 on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the applicant.

In response to questions from Members, the Principal Planner confirmed that the chimneys would not be functional and the parking provision conformed to adopted parking standards. In response to concerns, he explained that, given the comparable size of emergency vehicles and refuse vehicles, the submitted tracked drawings had been considered to be acceptable and adequately demonstrated how refuse vehicles would manoeuvre through the development.

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

**RESOLVED:**

That, subject to the conditions set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

**47 Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL (15/01850/FUL)**

By virtue of his declaration at Minute No. 42, Councillor David Turner left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings and photo montage displayed, he drew Members' attention to the location, layout, elevations and previously refused scheme.

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.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from a neighbour.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to a question, the Principal Planner confirmed that, if granted, a condition to restrict the future use of the site could be attached.

**RESOLVED:**

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

- A Section 106 Legal Agreement in respect of an affordable housing contribution;
- The Conditions as set out in Appendix 1 to the report; and
- The following additional condition:

Notwithstanding the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the commercial office accommodation in the conversion and extension scheme hereby approved shall not be used as residential accommodation.

Reason: To ensure that an employment use on the site continues in accordance with policy EJ2 of the adopted Much Wenlock Neighbourhood Plan 2013-26.

**48 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 11 August 2015 be noted.

**49 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 8 September 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....