

**Committee and Date**

South Planning Committee

1 March 2016

SOUTH PLANNING COMMITTEE**Minutes of the meeting held on 2 February 2016**

2.00 - 3.53 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 David Turner (Vice Chairman), Andy Boddington, Nigel Hartin, Richard Huffer, Cecilia Motley, William Parr, Robert Tindall, Tina Woodward and Kevin Turley (Substitute) (substitute for Madge Shingleton)

99 Apologies for Absence

Apologies for absence were received from Councillors John Hurst-Knight and Madge Shingleton (Substitute: Councillor Kevin Turley).

100 Appointment of Vice-Chairman

The Chairman thanked Councillor Stuart West, no longer a Member of this Committee, for his help, support and commitment and wished him well in his new post as a Cabinet Member.

RESOLVED:

That Councillor David Turner be appointed Vice-Chairman for the remainder of the municipal year.

101 Minutes**RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 1 December 2015 be approved as a correct record and signed by the Chairman.

In response to a question from a Member and with reference to Minute No. 92, the Planning Services Manager gave assurance that relevant Officers could be in attendance at meetings but requested that Members give Officers due notice of any concerns prior to the meeting in order that appropriate attendance could be arranged.

102 Public Question Time

There were no public questions, statements or petitions received.

103 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 applications 15/04383/FUL and 15/04766/FUL, Councillor Andy Boddington declared that he was a member of The Shropshire Hills AONB Partnership.

With reference to planning applications 15/04383/FUL and 15/04766/FUL, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning applications 15/04383/FUL and 15/04766/FUL, Councillor Robert Tindall declared that he was a member of The Shropshire Hills AONB Partnership. For information, he advised that he was the Deputy Portfolio Holder for Estates and Built Assets.

With reference to planning applications 15/04383/FUL and 15/04766/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

At this juncture, the Solicitor advised Members that the Site Allocations and Management of Development Plan (SAMDev) had been adopted by Full Council on 17th December 2015. Accordingly, it was now part of the Council's adopted Local Plan along with the Core Strategy. Therefore policies from the old Borough and District Local Plans which had been saved were now no longer in force and should not now be afforded any weight.

The Solicitor explained that Section 38(6) Planning and Compulsory Purchase Act 2004 stated that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicated otherwise. The Local Plan was the starting point for decision taking and this now applied to SAMDev. However, it was important to note that interpretation of the Development Plan was a matter of law which meant reading policies as a whole and interpreting policy objectively in accordance with the language used and in its proper context.

The Solicitor reminded Members that the National Planning Policy Framework (NPPF) was national policy and remained a material consideration, to which it was clear from appeal decisions that significant weight must be attached. For example, the NPPF's presumption in favour of sustainable development and aim of significantly boosting housing supply remained important material considerations.

104 Development Land East of Garridge Close, Albrighton, Shropshire (14/03657/OUT)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. In response to a question from a Member, he explained that prior to the adoption of SAMDev an area of the site was situated within the Green Belt; however, following SAMDev the land was now excluded from the Green Belt and the application site now fell within the Albrighton development boundary.

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.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

Councillor David Beechey, representing Albrighton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and some expressed concern with regard to access, particularly if further development took place on the adjacent site. Members welcomed the conditions that would be attached to any permission which would address parking and ensure appropriate tree protection; and acknowledged that further consultation would be undertaken with the local highway authority if any future development at White Acres took place.

RESOLVED:

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

- The completion of a Memorandum of Understanding to secure an affordable housing contribution; and
- The Conditions as set out in Appendix 1 to the report.

105 Proposed Residential Development Land to the South of Rocks Green, Ludlow (15/04158/OUT)

The Planning Services Manager 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 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.

Mr J Murphy, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In response to comments, the Planning Services Manager explained that ownership of the land would not be a material planning consideration; despite the site being outside the SAMDev Plan, the NPPF supported development on sustainable brownfield sites so there were other material planning considerations that could be applied; and the revocation of the Certificate of Lawfulness would lead to an overall reduction in existing traffic and relative to what could potentially occur with this current proposal.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. A Member drew attention to SAMDev Policy MD3 which permitted sustainable development on sites outside of the Development Plan.

RESOLVED:

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

- A Legal Agreement to deliver an affordable housing contribution and revocation of permission ref SS/1/07/19486/CE for storage use on applicant's land;
- It being advertised as a departure to the Development Plan; and
- The conditions set out in Appendix 1, subject to Condition No. 10 being amended to ensure the dwellings shall consist of no more than 1½ floors of living accommodation.

106 Proposed Dwelling South of Cargan, All Stretton, Shropshire (15/04383/FUL)

The Planning Services Manager introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He drew Members' attention to a recent High Court judgement (Dartford Borough Council –v- Secretary of State for Communities & Local Government) which provided a judgement on the definition of previously developed land.

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.

Mrs D Humphreys, 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 David Evans, as local Ward

Councillor, made a statement in support of the application and then left the room, took no part in the debate and did not vote on this item.

At this juncture, the Vice Chairman took the Chair.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members considered the proposal to be sustainable and acknowledged that the design had been amended and improved following a previous refusal. A Member commented that planting and landscaping should be sympathetic and appropriate for a site within the Area of Outstanding Natural Beauty (AONB).

RESOLVED:

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

- A Section 106 Legal Agreement to secure an appropriate affordable housing contribution;
- It being advertised as a departure to the Development Plan;
- Appropriate conditions with regard to materials, access, landscaping and drainage; and
- Removal of Permitted Development Rights.

(At this juncture, the meeting adjourned at 2:57 pm and reconvened at 3:02 pm.)

(The Chairman returned to the meeting and resumed the Chair.)

107 Bodbury, Cardingmill Valley, Church Stretton, Shropshire, SY6 6JG (15/04766/FUL)

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 that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Lee Chapman, as local Member, made a statement in support of the proposal, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Would provide an opportunity for three generations to reside in one dwelling and care for each other in their own home;
- There had been no formal objections from neighbours and the one neighbour comment had come from a resident who lived over 1½ miles from the site; and
- There were taller properties in the area.

Mr A Southee, the applicant, 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 David Evans, as local Ward Councillor, made a statement in support of the application 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:

- He acknowledged the support from both the Church Stretton Town Council and the other local Ward Councillor for this application; and
- Considered the proposal to be acceptable if due regard was paid to the design and the use of appropriate materials.

At this juncture, the Vice Chairman took the Chair.

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

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

- Bodbury is a small detached dwelling situated in a prominent position on a hillside in the Shropshire Hills Area of Outstanding Natural Beauty and within the Church Stretton Conservation Area. The scale and height of the proposed extensions would make the existing dwelling considerably larger and more prominent. The development would greatly detract from the character and appearance of the Cardingmill Valley. It is not considered the personal circumstances put forward are sufficient to outweigh the harm identified. As a result the proposal is contrary to paragraph 115 of the National Planning Policy Framework, policies CS5, CS6 and CS17 of the Council's Core Strategy, policies MD2 and MD12 of the Council's Site Allocations and Management of Development and the Council's Type and Affordability of Housing Supplementary Planning Document.

(The Chairman returned to the meeting and resumed the Chair.)

108 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 2 February 2016 be noted.

109 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 1 March 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date: