



<u>Committee and Date</u>
South Planning Committee
1 April 2014

<u>Item</u>
<b>2</b>
<b>Public</b>

**Minutes of the South Planning Committee meeting held on Tuesday, 4 March 2014**

**2.00 pm – 3:58 pm**

**Responsible Officer** Linda Jeavons  
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**PRESENT**

Councillor D A Evans (Chairman)

Councillors Mrs C A Barnes, N J Hartin, R M Huffer, J Hurst-Knight, Mrs C M A Motley, W M Parr, Mrs D M Shineton, R Tindall, S J West and Mrs T Woodward (Substitute).

**129. APOLOGIES**

There were no apologies for absence.

**130. MINUTES**

**RESOLVED:**

That the amended set of Minutes of the South Planning Committee held on 7 February 2014, circulated prior to the meeting, be approved as a correct record and signed by the Chairman.

**131. PUBLIC QUESTION TIME**

There were no public questions.

**132. 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 13/03126/FUL, Councillor W M Parr declared that members of his family resided adjacent to the application site.

With reference to planning application 13/04309/EIA, Councillor D A Evans declared that, although being in the poultry business himself, this application would not impact on his business and he would have no dealings with this contract in the future.

**133. APPLICATION TO REGISTER THE GREEN AT MILSON AS A VILLAGE GREEN**

The Commons Registration Officer introduced the report of the Head of Legal and Democratic Services (Monitoring Officer) for an application to register The Green at Milson as a Village Green. He stated that the application had been made by Milson and Neen Sollars Parish Council by way of voluntary dedication under Section 15(8) of the Commons Act 2006. Shropshire Council was obliged to accept the application as long as there was sufficient evidence of ownership of the land and there were no leases or relevant charges attached to the land. Both these requirements had been met.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Mrs D M Shineton, as the local Ward Councillor, made a statement in support of the proposal, took no part in the debate and did not vote.

**RESOLVED:**

That the application to register The Green at Milson as a village green be accepted and the land shown edged red on the plan, as attached to the report, be added to the Register of Village Greens for the reasons as set out in the report.

**134. THE HILLS, THE DOWN, BRIDGNORTH, WV16 6UB (13/02194/FUL)**

The Special Projects and Minerals Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings and photomontages displayed, he drew Members' attention to the layout, location, elevations and noise levels. It was proposed to erect a single wind turbine with a maximum tip height of 77m, a hub height of 50m and a rotor diameter of 53m. A new 180m track would link the site to an existing farm track. The turbine would produce 500kW, sufficient for about 230 homes, reducing the farm's annual carbon dioxide emissions by up to 860 tonnes. Cabling would be laid underground to the point of grid connection. Construction would last 12-18 weeks. The turbine would supply electricity to power a poultry feed mill located at the farm with surplus electricity utilised within the farm or exported to the National Grid. He explained that the tip and rotor heights had been

reduced from 86.5m and 60m respectively following recent discussions with Shropshire Council Officers, and he explained that supplementary photomontages provided by the applicant demonstrated the effect of this change. The turbine would also be re-positioned so that it was situated further from the Jack Mytton Way long distance footpath / bridleway. The applicant had also agreed to make a voluntary commitment to contribute to a local community fund throughout the lifespan of the development at significantly above the industry recommended level.

Location – The Special Projects and Minerals Manager explained that the proposed site was located on a hillside to the south of the Mor Brook Valley 2.6km south west of Bridgnorth. The farm buildings were 350m north-west. The closest private residential dwelling was 550m south east and there were six properties within a 1km radius, including the applicant's. The Jack Mytton Way long distance bridleway was located 235m to the south west and followed a minor road at this location. Thatchers Wood a Site of Special Scientific Interest (SSSI) was located 320m to the north east.

Consultations - The Special Projects and Minerals Manager explained that the application had attracted objections from Chetton Parish Council, three adjacent Parish Councils, the CPRE and a Shropshire Equestrian organisation. No objections had been received from other planning consultees. 257 objections and 26 representations in support had been received from members of the public and were as listed in the report. The main objections related to concerns about visual amenity, tourism and leisure, highways, ecology, heritage, noise, equestrian interests, cumulative impacts, precedent for further development and questioning renewable energy benefits. The Stop Bridgnorth Wind Farms campaign group had produced a consultant's report which criticised the methodology used in preparing the application and had asserted that impacts had been underestimated. The applicant had responded to this.

The Special Projects and Minerals Manager explained that the National Planning Policy Framework (NPPF) advised that renewable energy proposals should be permitted where the effects of the development were or could be made acceptable. The benefits of renewable energy should be given significant weight, but this should not automatically outweigh environmental considerations. The Core Strategy promoted a low carbon Shropshire. The proposals would assist in achieving renewables targets whilst also providing more stable profitability for the farm.

The Special Projects and Minerals Manager explained that the Core Strategy Policy CS17 protects landscape quality. A visual appraisal, compliant with relevant methodology, assessed the appearance of the proposed turbine from locations surrounding the site. The appraisal recognised that there would be some significant changes to views within a 1km radius and the turbine would potentially be visible within the wider area. However, the applicant's photomontages support the conclusion that the proposed turbine would be seen as a small part of a wider panorama from a distance of 2km and beyond and would have a very limited impact. A heritage appraisal looking at 20

heritage assets in the surrounding area found that there would be no unacceptable impacts on these assets. This conclusion was supported by the Historic Environment section and they had not raised any objections. Other turbine sites were proposed in the surrounding area but an appraisal found that these would be sufficiently distanced so as not to give rise to cumulative effects.

The Special Projects and Minerals Manager stated that Public Protection had raised no objections with respect to noise. An appropriate condition had been recommended. The nearest privately owned property would be beyond the range of any shadow flicker effects. A Construction Management Plan was being recommended to manage traffic during the temporary construction period. There had been no objections from Natural England or the Council's Ecologist. Relevant separation guidance to vegetation had been adhered to. The turbine had been moved further from the Jack Mytton Way. Whilst it remained within the British Horse Society's recommended separation distance it would be screened or filtered behind topography and vegetation and would be perpendicular to rather than in front of the direction of travel as seen from most views. No objections had been received from the MOD or the civil radar operator NERL.

In conclusion, the Special Projects and Minerals Manager explained that the proposed facility would be a large structure in the countryside and had attracted public and parish council objections. The proposals had however been improved through re-alignment and height reduction, there were no objections from technical consultees and it was considered that there would be no unacceptable adverse impacts. The NPPF advised that the ability to generate renewable energy was a significant material consideration. The proposals also offered benefits in terms of farm diversification and the proposed community contribution would also be welcomed. It was concluded on balance that the development would be sustainable and the proposals would be capable of being accepted in relation to relevant policies and guidance, subject to the recommended conditions and legal obligation.

Mr H Trevor-Jones, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The turbine, if erected, would be as tall as a 68-storey building and higher than the Lord Hill statue and would dominate the landscape;
- The proposal would have a significant visual impact on 25 properties and a further 62 would have a lesser but noticeable impact;
- In total, 257 objections had been received and only 26 in support. Of those, 132 of the objections had been received from residents within a 2 km distance of the site and only two in support;
- Town and Parish Councils, Shropshire Riding and Carriage Driving Forum, National Trust and other bodies had all raised objections;
- He raised concerns with the accuracy and quality of data provided by the applicant; and

- He urged the Committee to refuse the application, to take into consideration the high number of objections and to take localism seriously.

In response to questions from Members regarding concerns relating to the accuracy and quality of data, Dr Chris Douglas speaking on behalf of the objectors, provided clarification and drew Members' attention to information detailed in the report commissioned by 'Stop Bridgnorth Wind Farms'.

Councillor Mrs S Bayliss, representing Chetton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- This had proved to be a very contentious issue in the parish and had attracted a high number of objections;
- The proposal would have a negative impact on the surrounding area;
- Noise would impact on residents;
- Other Parish Council from the surrounding area had raised objections;
- Birds and raptors would fall foul of the blades; and
- Despite the Government promoting localism the views of the Parish Council were often ignored.

Mr H Richards, speaking on behalf of the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Shropshire Council Officers had assessed all the information provided by the applicant and were recommending approval;
- Appropriate conditions would be attached to any permission;
- Granting permission would not set a precedent;
- The scheme had been amended to take account of local views and the number of objections referred to related to the initial application; and
- This was an opportunity for Shropshire to make a contribution to the national drive to provide green energy.

In response to questions from Members, the applicant explained why he had chosen to go with one turbine rather than two. Mr Richards drew Members' attention to conditions (13a, 13b and 14) which would address noise issues and explained that the turbine would be fitted with appropriate lighting in line with appropriate requirements.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor R Tindall, as the local Ward Councillor, made a statement against the proposal, took no part in the debate and did not vote.

In the ensuing debate, Members welcomed sources of renewable energy, but expressed serious concerns with regard to the scale and location of this turbine, the incremental impact on the surrounding area and the detrimental

impact on leisure and tourism. They further commented that it would be obtrusive on the landscape, would have 360° visibility, be seen from far afield and would have a negative impact on the setting of the Area of Outstanding Natural Beauty and Site of Scientific Special Interest.

**RESOLVED:**

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

- The scale and location of the proposed turbine would have an unacceptable adverse effect on the character and scenic quality of the local landscape and neighbouring amenities and also on leisure and tourism interests.

**135. NORTH OF SYDNALL FARM, MIDDLETON PRIORS, BRIDGNORTH (13/03126/FUL)**

The Special Projects and Minerals Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings and photomontages displayed, he drew Members' attention to the layout, location and elevations. It was proposed to erect two 250kw wind turbines and an associated access track. The turbines would be 3-blade models with a hub height of 30m and a blade diameter of 30m, giving a total maximum height above ground level of 45m. The turbine would produce 500kW, sufficient for about 230 homes. Cabling would be laid underground to the point of grid connection 130m south. Construction would last 12-18 weeks. The applicant had made a voluntary commitment to contribute to a local community fund throughout the lifespan of the development.

Location – The Special Projects and Minerals Manager explained that the application site was located 8kms to the west of Bridgnorth off the B4634 Bridgnorth to Ludlow road, on agricultural land to the northwest of Sydnall Farm. The turbine locations would be over 50m from any field boundary and the nearest privately owned property, was 530m to the west.

Consultations – The Special Projects and Minerals Manager explained that Ditton Priors Parish Council had not objected subject to a number of reassurances. An adjacent parish had objected, as had 29 members of the public and the Campaign for the Protection of Rural England (CPRE), one public letter of support had been received and no objections had been received from other planning consultees. The main objections related to concerns about visual amenity and scale, highways, residential amenity, cumulative impacts, precedent for further development and questioning renewable energy benefits.

The Special Projects and Minerals Manager explained that the renewable energy benefits of the proposals were a significant material consideration. The proposals would also assist in achieving more stable profitability for the farm in accordance with Core Strategy Policy CS5 and the site had been chosen because of the high wind speed and the capacity of the site to absorb the development.

The Special Projects and Minerals Manager further explained that a visual appraisal, compliant with relevant methodology, had assessed the appearance of the proposed turbine from surrounding locations and had concluded that, whilst there would be significant change near to the site, the landscape of rolling hills and mature vegetation had a good capacity to absorb the development. Most sensitive receptors would be more than 1.5km away and the turbines would not be out of scale with the surrounding landscape. Photomontages accompanying the visual appraisal support this conclusion. A heritage appraisal had concluded that the setting or significance of designated heritage assets would not be affected. The proposed turbines may be seen in relation to the St Giles' church tower at Chetton in wider panoramic views but the proposals would not detract from its overall prominence in the landscape. This conclusion was supported by the Historic Environment section who had raised no objections. Other turbine sites were proposed in the surrounding area but an appraisal had found that these were sufficiently distant so as not to give rise to cumulative effects.

The Special Projects and Minerals Manager drew Members' attention to the comments of Public Protection Officers who had raised no objections with respect to noise. The nearest privately owned property would be beyond the range of any shadow flicker effects. A Construction Management Plan was being recommended to manage construction traffic. Natural England had not objected and no objections had been received from the Ministry of Defence or the civil radar operator NERL. Rights of way had requested that the western turbine was micro-sited further from the nearest public footpath and a condition covering this had been recommended.

In conclusion, the Special Projects and Minerals Manager explained that the proposed facility would be a large structure in the countryside and had attracted a number of public objections. However, there had been no objections from technical consultees and it was considered that there would be no unacceptable adverse impacts. The ability to generate renewable energy was a significant material consideration. The proposals also offered benefits in terms of farm diversification and the proposed community contribution was to be welcomed. It was concluded that, on balance, the proposals could be accepted in relation to relevant policies and guidance, subject to the recommended conditions and legal obligation.

Mrs S Bury, representing the CPRE, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The CPRE objected to the proliferation of turbines, whether in or out of the Area of Outstanding Natural Beauty (AONB);
- Approval of this application would set a precedent;
- She drew Members' attention to the Planning Practice Guidance for renewable and low carbon energy which indicated that the need for renewable energy should not automatically override environment protections and the planning concerns of local communities; local topography should be taken into account; careful consideration should be given to proposals in National Parks and in the AONB and in areas close to them where there could be an adverse impact on the protected area; and the protection of local amenity was an important consideration and should be afforded proper weight;
- The proposal would have a detrimental impact on the Shropshire hills, the Cleve Hills which were rich in archaeology, AONB and tourism; and
- Was contrary to planning guidance.

Mr S Bate, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would contribute to climate change and renewable targets;
- Any conflict with policy would be outweighed by the benefits of the scheme;
- Would aid diversification of the business;
- The turbine would be absorbed and integrated into the landscape and would not cause any detrimental harm or adverse impact to the surrounding area, leisure, aviation or tourism; and
- The proposal was in accordance with national and local policies, the applicant had engaged with consultees and worked with Officers prior to submission.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor R Tindall, as the local Ward Councillor, made a statement, took no part in the debate and did not vote.

In the ensuing debate, Members expressed differing views. The majority of Members expressed concerns regarding the incremental impact on the surrounding area, the scale and location, particularly with the close proximity to the AONB, bridleways and footpaths and considered that it would significantly impact on the landscape. Other Members supported the application and considered the proposal to be sustainable and that it would not unduly impact on the landscape and surrounding area. A Member commented that, if approved, a precedent would not be set and each application was considered on its merits.



**RESOLVED:**

That the Officer's recommendation to approve the decision be rejected on the basis of concerns about the scale and visual impact of the proposed turbines and their proximity to the Area of Outstanding Natural Beauty.

*(Following the meeting and on legal advice this application will be returned to the next meeting for a formal decision to be taken.)*

**136. PROPOSED DWELLING ON SOUTH SIDE OF BENTHALL LANE, BROSELEY (13/03406/FUL)**

The Principal Planning Officer (Bridgnorth) introduced the application and drew Members' attention to the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting. He confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings displayed, he explained and drew Members' attention to the layout, elevations, topography, access and parking arrangements.

The Principal Planning Officer (Bridgnorth) explained that to preserve the amenity of neighbouring properties some windows would be obscured glazed; the site was outside the development boundary of Benthall and had not been identified in the current Local Plan; and drew Members' attention to the National Planning Policy Framework (NPPF) which stated that relevant policies should be considered as being out-of-date if a five year land supply had not been identified.

Councillor P M Whiteman, representing Barrow Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Both Broseley Town Council and Barrow Parish Council were opposed to the application;
- It would be outside the development boundary and the land had never been considered as being appropriate for housing;
- It was not and never had been a brownfield site;
- A letter written by the local MP suggested that this application for open market housing should be resisted;
- The property would overlook the neighbouring property; and
- An affordable dwelling, as per the nearby Tiffany Cottage, would be more preferable than an open market dwelling.

Mr T Rowlands, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The NPPF deemed policies to be out-of-date if a five year land supply had not been identified;
- The house had been designed to fit the space and would provide the elderly applicants with an appropriate dwelling;
- A blanket objection had been produced. There had been an unbalanced number of objections – 11 objections had been received but the majority of these objections had been made by the same family; and
- The impact on the neighbouring property would be reduced by suitable screening and vegetation.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor D Turner, as local Member, participated in the discussion and spoke against the proposal but did not vote.

In the ensuing debate, Members expressed differing views. Members commented that an affordable dwelling would be more preferable to an open market dwelling; and expressed their annoyance with regard to the current situation regarding the five year land supply. They acknowledged and welcomed the condition relating to the access onto Benthall Lane and stated that it was important that this condition be strictly imposed and enforced.

**RESOLVED:**

That, subject to a Section 106 Legal Agreement relating to the affordable housing contribution and the conditions as set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

**137. BRADELEY FARM, BOURTON, MUCH WENLOCK, TF13 6JN (13/04309/EIA)**

The Special Projects and Minerals Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings and photomontages displayed, he drew Members' attention to the layout, location, elevations, topography, drainage and access. The proposal was to build a four-shed poultry unit to replace the existing pig production enterprise. The poultry sheds would have associated feed bins, control rooms and a service yard area. Two of the existing pig rearing buildings would be removed and one would be converted for ancillary use. The sheds would each measure 98 metres long, 25 metres wide and 4.84 metres to the ridge and would be fitted with high-speed extractor fans. Feed bins 9.2m high would be positioned on concrete plinths between the sheds. A biomass boiler housed in an existing building would heat for the poultry sheds. A sustainable water management

scheme would be provided. Improvements were also proposed to the existing farm access onto the Much Wenlock road. The site would employ four people. Planting would be undertaken to the north, east and west of the site to screen the development. The proposal fell within schedule 1 of the Environmental Impact Assessment Regulations and in accordance with Shropshire Councils Scheme of Delegation had to be referred to this Committee for decision.

**Location -** The Special Projects and Minerals Manager explained that the site was an established pig and arable farm located to the south west of Bourton and 5km south of Much Wenlock. The proposed poultry units would be located to the immediate northwest of existing farm buildings

**Consultations –** The Special Projects and Minerals Manager explained that Much Wenlock Town Council had not objected provided the site was properly screened and landscaped and there were no outstanding objections from planning consultees. The applicant had provided further information on odour and noise in response to comments from the Environment Agency. A local resident had not objected but had highlighted the limitations of the local road network. However, Shropshire Council's highways section had raised no objections.

The Special Projects and Minerals Manager explained that the Core Strategy policy CS5 supported rural diversification on appropriate sites. It was recognised that the proposals would help to deliver economic growth, rural diversification and improved food security and would be a replacement for an existing use. It was necessary therefore to assess their effects in relation to the effects of the existing pig rearing use. In terms of traffic, there would be a marginal increase, but with less intensive manure removal. In terms of odour and noise there would be improvements relative to the current situation as the buildings would be further from the two agricultural workers cottages at Bradeley Farm. The Environment Agency had confirmed that the poultry units would be regulated under the Environmental Permitting system (unlike the current pig unit) and this would incorporate noise and odour management plans. Appropriate conditions had been recommended to provide added reassurance. In terms of visual impact the proposed site was set down in a valley over 900m from the nearest privately owned residential properties. The proposed planting scheme would mitigate views from the nearest public footpath 50m to the east. The site was 2.5km from the nearest part of the Shropshire Hills AONB and was not visible due to distance and the intervening topography. The sheds would be of a 'low profile' design, would be located in a topographic depression adjacent to existing agricultural buildings, would generally be viewed only from a distance and the proposed landscaping measures would further assist in integrating the site into its surroundings. The pig farm produced one million gallons of pig slurry and around 1200 tonnes of pig manure per year; this would be replaced with approximately 250 tonnes of poultry manure. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations were available away from ground and surface water sources. None of the land fell within a Nitrate Vulnerable Zone.

In conclusion, the Special Projects and Minerals Manager explained that it was considered that the proposals represented an appropriate form of diversification for the existing farm business. It would assist in securing the future of the business whilst continuing to contribute to the local economy and employment. It would also provide locally sourced food, supplying a strong national demand for poultry meat. It was considered that the Environmental Impact Assessment accompanying the application demonstrated that the environmental impacts of the proposed development would not be significant and were capable of being effectively mitigated. The recommended conditions would also be supplemented by detailed operational controls under the Environment Agency's permitting regime. It was concluded that the proposals were capable of being accepted in relation to relevant development plan policies and guidance.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor D Turner, as local Member, participated in the discussion and spoke for the proposal but did not vote.

**RESOLVED:**

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

- Condition No. 5 being amended to ensure that the colour of the roof sheets shall be BS18B29.  
Reason: To ensure the materials are appropriate in the landscape.
- Condition No. 11 being amended to ensure no construction works take place on Sundays and Bank or Public Holidays.  
Reason: To safeguard the amenities of the area.
- Condition No. 12 being amended to ensure that lorries when transporting birds for depopulation shall not leave the site outside of 23.00 and 2.00 hours.  
Reason: In the interests of residential amenity

**138. SCHEDULE OF APPEALS AND APPEAL DECISIONS**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 4 March 2014 be noted.

**139. DATE OF NEXT MEETING**

**RESOLVED:**

That the next meeting of the South Planning Committee be held at 2.00 pm on Tuesday, 1 April 2014 in the Shrewsbury Room, Shirehall.

CHAIRMAN.....

DATE.....