



Date: Tuesday, 19 December 2017

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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## **SOUTH PLANNING COMMITTEE**

### **SCHEDULE OF ADDITIONAL LETTERS**

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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<b>SOUTH PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 19<sup>th</sup> December 2017</b>		
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<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	SC Planning Policy
<p>The environmental policy team leader has provided the following clarification regarding the planning policy status of the Woodcote Wood site:</p> <p>'I have considered this further and re-iterate my view that the status of the Woodcote Wood site is explicitly referenced in SAMDev as an 'unworked site commitment' in the SAMDev Plan and this status has been consistently referenced as part of the latest, and previously published AMR's / LAA's. This status recognises that:</p> <ul style="list-style-type: none"> <li>• The site was allocated in the joint MLP 2000, following a detailed comparison by the Inspector of the site against alternatives, particularly Pave Lane;</li> <li>• It was subsequently the subject of a resolution to grant planning consent by Shropshire County Council's planning committee, following much more detailed consideration of all the relevant material planning considerations, although this consent was not issued in the absence of a completed planning legal agreement;</li> <li>• In local plan terms, this means that the principle of the acceptability of the site has been established and this obviates the need for it to continue to be identified as a site allocation, hence 'unworked site commitment';</li> <li>• The SAMDev Inspector's report introduced Main Modifications which demonstrate that both the Inspector and the MPA (see Statement of Common Ground p.1): <a href="http://shropshire.gov.uk/media/8261/ev108-sc-mpa-statement-of-common-ground-17-10-14.pdf">http://shropshire.gov.uk/media/8261/ev108-sc-mpa-statement-of-common-ground-17-10-14.pdf</a> had explicitly considered and endorsed recognition of the Woodcote Wood site as an 'unworked site commitment' (para 127, P.33): <a href="http://shropshire.gov.uk/media/8232/samdev-plan-inspectors-report.pdf">http://shropshire.gov.uk/media/8232/samdev-plan-inspectors-report.pdf</a> and (MM28, p. 15): <a href="http://shropshire.gov.uk/media/7676/samdev-plan-schedule-of-main-modifications-june-2015.pdf">http://shropshire.gov.uk/media/7676/samdev-plan-schedule-of-main-modifications-june-2015.pdf</a></li> </ul> <p>Clearly the planning committee will need to consider carefully whether there have been any material changes to the site proposal since the original resolution, but it's agreed status as an unworked commitment means that it is quite unlike the level of consideration which would need to be given to a windfall site (e.g. under Policy MD5) which did not benefit from the previous detailed consideration referenced above'.</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	SC Highways Consultant
<p>The following comments have been received in response from SC Highways Consultant:</p> <p>Having undertaken further site investigations and reviewed the revised details submitted, it is considered that the proposed simple priority junction arrangement to serve this prospective development is acceptable.</p> <p>At the time of my latest visit the B4379 was closed to through traffic due to road works, and that temporary traffic signals were in operation on the A41 approximately 1 mile north of the site, at Pave Lane. The traffic passing the site was considered to be unencumbered and in free flow and generally consistent with the previous traffic surveys undertaken. However, due to the road closure of the B4379, the activity at its junction with the A41 was unlikely to be fully representative of normal activity. With only 3</p>		

vehicles (2 LGV and 1 car) observed turning right from the A41 into B4379, and only 2 vehicles exiting the B4379 onto the A41 (1 LGV right and 1 LGV left), in the 40mins of observation. Therefore, it could be expected that traffic speeds, on this occasion, along the A41, could have been slightly elevated, but not unduly so, due to the lack of vehicles slowing down and making turning manoeuvres at the existing junction (B4379).

It is considered that a simple priority (T) junction, at this location, will have a positive effect on passing traffic. Insofar as, the additional vehicles, particularly HGVs, slowing down to make turning movements, will effectively 'slow' following traffic, and with the increased visibility of the B4379 junction, this 'slower background traffic will improve movements in/out of this junction. Similarly, the same situation will exist in the opposite direction, resulting in both junctions complementing each other and aiding general highway safety, at this location

It was also noted that the much of the vegetation has already been cleared from behind the frontage boundary wall within the site, and it can be clearly seen that with the removal, and/or setting back, of the boundary wall that the potential visibility from the proposed site access, and the adjacent junction (B4379) would be significantly improved. Together as the forward visibility of these two junctions along the A41.

In addition, the depression and alignment change in the carriageway of the A41, at its junction with the B4379, is considered unlikely to be severe enough to compromise the visibility splay proposed. This is also demonstrated by the visibility long section drawing (J32-3161-PS-016) supporting the revised access arrangement.

In the circumstances, WSP remains of the opinion that the use of a simple priority junction arrangement, at this location, with appropriate visibility splays (based on actual vehicle speed readings) will be an acceptable form of access serving the development proposed. Such a scheme will also provide significant betterment to adjacent A41/B4379 junction, by providing visibility across the site frontage.

Furthermore, I acknowledge that the applicant can only influence land which is in their control. Therefore, it is considered that given the potential substantial cost savings likely to be forthcoming from the construction of a simple priority junction, rather than the previously proposed 'ghost island' junction. Then the applicant should be encouraged to make a reasonable financial contribution to the Council (via S106) to enable the highway authority to undertake appropriate negotiations with the adjacent 3rd party landowners. So that appropriate highway visibility improvements at the A41/B4379 junction, can be considered and delivered by the Council to better serve the local community aspirations, as well as further improve road safety at this location.

Notwithstanding the above, concern has been raised by objectors to this development that the required 'road design standards' have not been addressed in the consideration of this planning application, and in particular the letter from Woodsyde Developments Ltd.

It is considered that the Technical Note, prepared by Mode Transport Planning, submitted to support the revised access proposal, effectively addresses most of the points raised by Mr Gough (Woodsyde).

Although, it should be clarified the use of the Design Manual for Roads & Bridges (DMRB), as sited by Woodsyde, specifically relates to trunk roads and motorways, only. Therefore, its use by the Council, on the local highway network is discretionary, and not considered appropriate given the location of this application and the existing highway circumstances/constraints of the A41. **Page 2**

In addition, concern has been raised regarding the Highway Authority's reversal of a previous requirement for a new roundabout being introduced at the A41/B4379 junction, associated with the development of this site. It should be clarified, this request for roundabout junction was specific to the proposed access to the site being directly off the B4379, requiring all traffic associated with the development, and in particularly HGVs, making a right turn manoeuvre from the B4379 onto the A41. Therefore, it is not appropriate to require such a junction improvement at this location on this planning application as all associated traffic movements for the development are already confined to the A41 corridor. Thereby, failing to comply with the required Planning Tests and making such a request 'unreasonable and/or not directly related to the development'.

The current proposal is considered to meet the required planning tests, and the previous 'no objection' response (20/09/17), subject to conditions, etc. remains valid.

Item No.	Application No.	Originator:
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	SC Highways

The Council's Highways Development Management officer has confirmed that a condition can be attached to any permission granted for 17/03661/EIA in order to restrict right turning movements. A Traffic Regulation Order would be difficult to achieve, as one arm will be a private road. The other options is to include the restriction in the proposed legal agreement. The highways officer is in agreement that the construction management plan can control movements during construction. With regard to the B4379 junction, then the additional land can form part of a dedication agreement between Shropshire Council and the Land owner.

Item No.	Application No.	Originator:
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	Application agent

The agent has confirmed that a Road Safety Audit was undertaken for the original scheme which found the scheme to be acceptable. This became redundant however as the current updated proposals now involve a prohibition on turning right into the quarry from the north. An updated safety audit has been commissioned and Members will be updated on this at the committee.

Item No.	Application No.	Originator:
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	Case Officer

Additional recommendations:

1) Flexibility in wording conditions:

Given the complexity of the above applications and the associated recommended conditions it is requested that, if Members are minded to accept the officer recommendations, officers are given some flexibility to make minor non-material changes to the detailed wording of conditions, if necessary. If any material changes are deemed to be necessary then the application(s) would be reported back to committee. Approval is therefore sought to delegate the issue of the decision to the Planning Services Manager subject to the conditions including any minor amendments considered necessary and subject also to the s106 agreement accompanying application 17/03661/EIA.

2) Timing of issue of decisions:

If Members are minded to accept the officer recommendations it is suggested that an additional stipulation be added to the recommendations requiring that the permission for

application SC/MB2005/0336/BR is not issued until the permission for application 17/03661/EIA has been issued (following completion of the associated legal agreement). This would avoid the situation whereby decision SC/MB2005/0336/BR was issued without the means of access to the site having first been secured under decision 17/03661/EIA.

3) Notifying Secretary of State

As Environmental Statement applications the Secretary of State will need to be notified of any decisions to approve the applications prior to issuing any decisions.

Item No.	Application No.	Originator:
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	Conservation Officer

The application site for sand and gravel extraction lies within the boundary of the historic parkland associated with Woodcote Hall, which, together with its associated church – which is Grade II\* listed – and ancillary service buildings, is Grade II listed. These assets lie to the north of the site, and are well screened as a result of intervening topography and mature tree cover. The site of a former pheasantry and the extant associated keeper’s dwelling, which are likely to date to the same period as the Hall and the laying out of the estate in the mid-19th century, lies in close proximity to the east of the extraction area and within the area proposed for machinery and plant, outside this application boundary but covered by a parallel application. These would be considered to be non-designated heritage assets, together with the sandstone boundary walls along the roads to the east and south of the site.

In considering this application for planning permission, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Chapter 12 of the NPPF is of most relevance. Each of the above makes specific provision for the protection of the historic environment as a key element in the promotion of local distinctiveness as part of sustainable development.

As the proposal is located in close proximity to the designated heritage assets identified above, the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings. Paragraph 135 of the NPPF makes provision for the consideration of non-designated heritage assets, where their significance is likely to be affected.

The Heritage Assessment provided as part of the Environmental Statement has addressed the potential effects of the extraction site on the setting of heritage assets in the immediate vicinity and within a 1km radius; wider landscape setting impacts have been assessed in the accompanying LVIA. We concur with the findings of these assessments, and agree with the mitigation measures proposed, which will result in a neutral effect on the landscape setting through the retention and replanting of woodland swathes on all boundaries. Together with the distance and form of intervening topography, the impact on the setting of the heritage assets is negligible and their significance preserved.

The recent application 17/03661/EIA, to extend the site to the East for the provision of plant and processing, and provide site offices in the former Keeper’s Cottage, which will be restored, has been the subject of a separate response. The use of appropriate materials in this work and re-use of stone from the boundary wall is essential to enhance the character and local distinctiveness of the surrounding built environment and historic landscape. As the details of these have not been submitted at this stage, conditions to control the above elements would be recommended as follows: all materials should

match existing or be reclaimed, based on the principle of re-use and repair on a like for like basis.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6 & 7	17/03661/EIA	Case Officer
The committee report refers in section 1.4 to an anticipated decision timescale for the Pave Lane Inquiry of 18/12/17. This was the case at the time the report was written. However, the Inspector has now removed reference to the anticipated decision issue date from the latest Inquiry timeline document.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	Objector – Knights Solicitor
A letter has been received from solicitors objecting on behalf of landowner and supporter of the Pave Lane site reiterating previously raised objections to the scheme. The following conclusions are made:		
<p>It is considered that in terms of planning policy, Woodcote Wood is not an allocated site for mineral working; it does not satisfy the policies referred to above in its current form; it does not have planning permission for mineral working and therefore to grant planning permission would be a departure from the Development Plan. The planning application should be refused on this basis. In terms of highway issues, it is considered that the Planning Committee should carefully review the Council's recommendations regarding access to the proposed development against the previously agreed 2006 access arrangements. We ask the Committee to be clear in their own minds on the following matters:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> In 2006 the Council insisted that the development be accessed by a roundabout junction, to address the deficiencies of the B4379/A41 junction;</li> <li><input type="checkbox"/> DMRB highway standards recommend that on a road that accommodates over 13,000 vehicles per day a ghosted right turn junction is provided, not a simple priority junction;</li> <li><input type="checkbox"/> The applicant's own transport consultants originally recommended a ghosted right turn junction in their Transport Statement, in line with DMRB standards;</li> <li><input type="checkbox"/> The A41 has an adverse historic collision record involving rear end shunts and goods vehicle/HGV traffic;</li> <li><input type="checkbox"/> The development proposals, by their very nature, will generate slow moving HGV turning movements into and out of the site access onto the A41;</li> <li><input type="checkbox"/> The Council are recommending that an additional vehicular access is introduced of a similar design to the existing sub-standard B4379/A41 simple priority junction;</li> <li><input type="checkbox"/> The Council has failed to respond to any written submissions, or confirm that the proposed access arrangement have been the subject of a Road Safety Audit; and</li> <li><input type="checkbox"/> Having requested a copy of the Road Safety Audit and Designers Response (if they exist) the document has not been placed on the Council's planning system or provided to interested third parties</li> </ul> <p>We consider that the highway situation has not been properly dealt with and would call upon the Committee to refuse the application on highway safety grounds alone in circumstances where unanswered or unsatisfactory responses have been provided by officers of the Council and no technical justification for the highway solution proposed has been provided. We would repeat the objections which we have previously made reference to (apart from the point in relation to Telford and Wrekin Council and the fact that as a cross boundary application, the planning application should have been submitted to that Council as well) and would ask you to note that if notwithstanding our clients objections, the committee resolve to grant planning permission, we do have instructions to then consider and review with our client a challenge in the High Court by</p>		

way of judicial review proceedings.		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6 & 7	SC/MB2005/0336/BR & 17/03661/EIA	Telford & Wrekin Council
<p>(i) That Telford &amp; Wrekin Council agrees with the recommendation to approve planning application 17/03661/EIA subject to the planning conditions and legal obligations set out in Appendix 1 of the Development Management Report, and</p> <p>(ii) That Telford &amp; Wrekin Council agrees with the three recommendations in respect of planning application SC/MB2005/00336/BR relating to 1. the approval of the application subject to the planning conditions set out in the Development Management Report, 2. the requirement for the legal agreement to be transferred to planning application 17/03661/EIA and 3. for this application to be reported back to Committee in the event of application 17/03661/EIA not being approved.</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
8	17/01834/FUL	Neighbour
<ul style="list-style-type: none"> <li>- No support from anyone who lives in Broseley</li> <li>- Suggests Shropshire Council does not value the views of local residents</li> <li>- Tree assessment map not correct; site plan inaccurate/misleading</li> <li>- Do not see a solution to refuse collection sites</li> </ul>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
9	17/03311/FUL	Neighbour
<p>Objects:</p> <ul style="list-style-type: none"> <li>- The site is a sensitive one in the centre of the village visible for miles around.</li> <li>- The proposed house is opposite two Listed Buildings and next to a third.</li> <li>- A much larger house on the plot was turned down only two years ago.</li> <li>- It is another in a long line of applications submitted by this parishioner, many in the name of her children who are not village residents.</li> <li>- If this proposal 'ticks all the boxes' it could encourage many other in the village to apply for similar development.</li> <li>- Why do we have a Parish Council and what is the point of the Parish Plan since the wishes of the residents are clearly ignored without sufficient explanation as to why this application should be granted.</li> </ul>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
9	17/03311/FUL	Parish Council
<p>Further comments received from Kemberton Parish Council reiterating their objections. The full text of the letter may be viewed on the electronic planning file and is summarised below:</p> <ul style="list-style-type: none"> <li>-Consider that no consideration or weight has been given to their opinions.</li> <li>-Question eligibility of applicant for an affordable dwelling and concerned of a floodgate situation where other village residents with land holdings may make similar applications to build on green belt land.</li> <li>-No reference to the recently adopted Kemberton Parish Plan in the Committee Report and there is an obligation that this must be considered in ant decision.</li> <li>-The Plan clearly states that the conservation area, character and historic buildings are fundamental to the residents.</li> <li>-Site layout drawings do not show the proximity of three grade 2 listed buildings immediately adjacent to the proposed dwelling.</li> </ul>		



-Site is at the centre of the conservation area on a very elevated ridge; the hedge at the rear of the application site mentioned in the report can be removed, with the rear elevation having three sets of French windows. Suggest that these are in readiness for its removal to take advantage of views, and once removed the dwelling would have a demonstrable impact on the historic landscape that can be seen from miles away and throughout the lower village.

-Essential that the Committee carry out a site visit.

-Please also refer to the extract from the Parish Plan:

***“There is a limited need for additional housing in Kemberton. The overall overwhelming consensus was that the village character needs to be preserved. Additional housing was not sustainable as the village had very limited amenities and infrastructure.***

***Any form of development should be limited to an individual residential house (either starter or family homes), or a conversion of an existing building. These properties should also be private built homes and fall within the village existing curtilage.***

***There is a lack of employment, very limited public transport, no public open space and no medical or educational facilities.***

***The surrounding areas such as Shifnal Town and Telford and Wrekin have already been identified as areas of increased housing development and the associated improvement in the infrastructure and amenities such as school expansion.***

***Social housing needs that can rely on support services such as local employment and transport links has already been identified and provision made in the Shifnal Town plan and the wider area of Telford and Wrekin.”***

-If permission is granted, despite the overwhelming case against its sustainability, request that appropriate conditions are put in place.

-Section 106 or similar restriction needed to restrict value of home to 60% fixed equity of the open market value for perpetuity, and the property should only be offered for purchase by local residents, workers, carers who reside in the Parish, to ensure its affordability status for future generations.

-Any materials to be approved by the Parish Council and to be sympathetic to the conservation area and historic building.

-Existing hedge to the rear must be retained and maintained at its current height for perpetuity and replanted as required as and when needed.

-The land edged blue on the drawings should be retained as a conservation area as badgers and wildlife are in the immediate vicinity, and to protect the future impact on historic buildings.

-Applicant was refused a large imposing four bedroom house only two years ago, but this is a potential future risk.

#### Officer Response:

The Kemberton Village Plan is not a formal neighbourhood plan and therefore does not form part of the Development Plan. It has not been adopted by Shropshire Council, either in whole or in part, for Development Management purposes. Its content cannot override the National Planning Policy Framework (NPPF), The Shropshire Core Strategy, Site Allocations and Management of Development (SAMDev) Plan and the associated Type and Affordability of Housing Supplementary Planning Document (SPD).

The NPPF states, at paragraph 89 with respect to development in the Green Belt, that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but then lists a number of exceptions which include:

“limited infilling in villages, and limited affordable housing for community needs under policies set out in the Local Plan;”

The 'policies set out in the Local Plan' in the NPPF context are Development Plan policies CS5, CS11, MD7a and the SPD on the Type and Affordability of Housing as set out in the Committee Report at section 6.1 relating the Principle of Development. The same section of the report sets out how the applicant meets the eligibility criteria of the SPD for a single plot exception site affordable dwelling.

The Committee Report considers the impact of the proposed development on the conservation area and setting of listed buildings at sections 4.1.3 (Conservation Officer comments); 6.3 and 6.4. These sections explain why Officers consider the proposal would not harm the character or appearance of the conservation area and setting of listed buildings.

There is no statutory requirement for application site layout drawings to show all properties in the vicinity. Officers carry out site visits and have access to mapping systems which show all properties and their relationships to application sites in assessing proposals.

The planning conditions recommended address materials and landscaping among other matters.

The Section 106 Agreement which would form part of any approval would be the standard agreement used for all single plot exception site affordable dwellings to ensure that they remain affordable in perpetuity.