



## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 29 April 2014**

**2.00 - 4.06 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-Chair), Charlotte Barnes, Nigel Hartin, Richard Huffer, John Hurst-Knight, Cecilia Motley, Madge Shingleton, Robert Tindall and Tina Woodward (Substitute) (substitute for William Parr)

### **152 Apologies for Absence**

An apology for absence was received from Councillor W M Parr.

### **153 Minutes**

#### **RESOLVED:**

That the Minutes of the South Planning Committee held on 1 April 2014, be approved as a correct record and signed by the Chairman.

### **154 Public Question Time**

There were no public questions.

### **155 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 13/04877/EIA, Councillor D A Evans declared that he was acquainted with the applicant and would leave the room and take no part in the consideration of, or voting on, this application.

### **156 Manor Farm, Wistanstow, Craven Arms, SY7 8DG (13/04877/EIA)**

In accordance with his declaration at Minute No. 155, Councillor D A Evans left the room prior to consideration of this item and the Vice-Chairman took the Chair.

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, elevations, layout, access and landscaping proposals. With reference to location, he advised that the land sloped to the south east with a fall of 16m across the site. The closest residential property was over 600m to the west of the site and the village of Wistanstow was around 700m to the east of the site. He confirmed that Wistanstow Parish Council had raised no objections and there were no objections from technical consultees; the Highways Agency was satisfied that the proposals would not have a detrimental impact on the A49; and Shropshire Council's Highways Development Officers had raised no objections provided the access was constructed first in accordance with the approved drawing.

The Principal Planner explained that the Core Strategy Policy CS5 supported rural diversification on appropriate sites. It had been recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. In terms of traffic, there would be a marginal but acceptable increase. Odour and noise would be regulated under the Environmental Permitting system and appropriate conditions had been recommended to provide added reassurance. The proposed site was within the Area of Outstanding Natural Beauty (AONB) where special safeguards applied (eg National Planning Policy Framework (NPPF) paragraph 116) and in a separate location from the existing farm buildings. However, a visual appraisal had found that it would not be overlooked when existing topography and vegetation and proposed landscaping was taken into account. It was considered that the benefits of the scheme and the degree of visual containment were sufficient to justify development on this margin of the AONB.

In conclusion, the Principal Planner explained that it was considered that the proposals represented an appropriate form of diversification for the existing farm business and would consolidate what was there already and would continue 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 (EIA) accompanying the application demonstrated that the environmental impacts of the proposed development were not 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.

Members considered the submitted plans for the application during which the Principal Planner explained that some of the excavated material would be redistributed to provide a level surface and any unused material would be exported off site. Any material that was compliant with agricultural conditions could be redistributed and did not necessarily have to go to landfill. Members unanimously supported the proposal.

**RESOLVED:**

That, subject to the conditions set out in Appendix 1 to the report and Condition No. 5 being amended to ensure that the external surfaces of the development shall be BS18B29, planning permission be granted in accordance with the Officer's recommendation.

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

**157 Davro Iron & Steel Co Ltd, Ridgewell Works, Stourbridge Road, Wootton, Bridgnorth, WV15 6ED (14/00030/OUT)**

The Principal Planner introduced the application, explained the history of the site and confirmed that Members had undertaken a site visit the previous day to view the site and assess the impact of the proposal on the surrounding area. He drew Members' attention to the Schedule of Additional Letters circulated prior to the meeting which detailed an amendment to Condition No. 11 as suggested by Shropshire Council's Planning Ecologist and confirmed that the Environment Agency had raised no objections subject to the additional comments and conditions as set out in the Schedule of Additional Letters being applied to any permission. With reference to the drawings displayed, he drew Members' attention to the location, indicative site plan, access arrangements and landscape proposals.

The Principal Planner explained that the site fell within the Green Belt and drew Members' attention to paragraph 89 of the National Planning Policy Framework (NPPF). This indicated that subject to the proposals having no greater impact on the openness of the Green Belt than the existing development on the site it would not constitute inappropriate development within the Green Belt. It was the Planning Officer's view that the redevelopment proposed in this application would not impact on the openness of the Green Belt.

The Principal Planner explained that an extensive marketing exercise to find a buyer for the industrial premises had been undertaken, following which the applicant had reappraised the situation and decided the best option was to relocate the business back to the Black Country. High end value open market residential housing was considered to be the best option to meet the associated costs of relocation.

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 T Woodward, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. She acknowledged that the public objections that had been raised would be addressed by appropriate conditions and policies. She noted that Shropshire Council's Highway Development Control Officers had raised no objections; commented that the reduction in HGV presence would be beneficial; and welcomed the single access point and wider visibility splays. The employment had been welcomed in the area over the years but she acknowledged that the site was no longer suitable or viable. She urged the applicant to come forward with a high quality scheme.

In response to questions from Members, the Principal Planner explained that the affordable housing contribution would be set in line with the requirements of the Type and Affordability of Housing Supplementary Planning Document. However, the exact contribution would be determined at the reserved matters stage following a valuation and assessment exercise.

**RESOLVED:**

That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the following:

- A Section 106 Agreement relating to affordable housing provision;
- The additional conditions suggested by the Environment Agency and set out in the Schedule of Additional Letters;
- Condition No 11 be amended as set out in the Schedule of Additional Letters; and
- The conditions set out in Appendix 1 to the report.

**158 Development Land North East of Stone Drive, Shifnal, Shropshire (14/00062/OUT)**

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit the previous day to view the site and assess the impact of the proposal on the surrounding area. He drew Members' attention to the Schedule of Additional Letters circulated prior to the meeting which detailed comments and a suggested additional condition from Shropshire Council's Archaeology Officers and two further neighbour objections. He verbally reported that following the circulation of the Schedule of Additional Letters further comments and concerns relating to drainage had been received which had raised similar concerns to those already received and addressed in the report. In addition, he reported and appraised Members on the further comments relating to drainage received from Shifnal Flood Group. He explained that the Section 106 Agreement would include a contribution towards drainage and it was considered that a betterment over the existing drainage arrangements would be achieved. Shifnal Town Council had raised no objections to the proposal.

With reference to the drawings displayed, the Principal Planner explained that the land had been allocated as a housing site in the revised preferred options stage of the Site Allocations and Management of Development Plan (SAMDev) process. He drew Members' attention to the location, indicative site layout and proposed access and explained that 18 Silvermere Park would be demolished to provide a pedestrian/cycle link.

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 S West, as the local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. He had no concerns with regard to the site and acknowledged that it had been included in the revised preferred options stage of SAMDev but expressed serious concerns with regard to the drainage, potential

flooding and the inability of the existing drainage to cope with any further development. He further expressed concerns with regard to traffic and considered that a further 250 dwellings would put further pressure on the road network and solutions should be found before any development work commenced.

Mr G Phillips, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He objected and expressed concerns with regard to the drainage and its ability to cope with further development;
- The problem of stagnant water would be exacerbated by further development and could not be controlled or improved by conditions;
- Problems upstream would be alleviated by the proper repair of the culvert;
- A proper and full investigation of the blockage should be undertaken; and
- The culvert had been blocked since the mid 90s and none of the houses that bordered the mere were responsible for the blockage. The culvert should be repaired rather than installing a new overflow.

Ms K Ventham, 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:

- This site had been included throughout the SAMDev process and remained a preferred site;
- They had worked with Planning Officers and undertaken consultation prior to submitting this proposal;
- Amendments had been made to the proposal following consultation;
- They had attended meetings of the Shifnal Flood Group and agreed to make a contribution to alleviate concerns;
- Following discussions with Highways a contribution towards a wider package of improvement works had been agreed; and
- The proposal would meet housing targets.

In response to questions and concerns, the Floods and Water Manager provided clarification on the drainage and disposal of water in the area. He explained that the site currently drained as a Greenfield site and the introduction of attenuation ponds would ensure that less water would flow into Silvermere and a betterment would be achieved as a consequence of the new development. Building over a watercourse would not be permitted.

In response to questions, the Highways Development Control Manager (South) provided clarification on highway issues. She explained that discussions had taken place between the applicant and Shropshire Council prior to the development of a Travel and Movement Strategy for Shifnal, and a petition requesting that adequate Transport Solutions for projected traffic volumes expected in and around Shifnal be developed will be presented to a meeting of Council on the 8 May 2014.

In the ensuing debate Members noted the comments of all speakers and continued to express their concerns relating to the drainage arrangements. Accordingly, it was

**RESOLVED:**

That this application be deferred in order that a schematic plan and details can be provided detailing how the drainage and disposal of both surface water and foul water drainage will work and be managed to a satisfactory standard.

**159 Proposed Residential Development Land, Worthen, Shropshire, SY5 9HT (14/00398/OUT)**

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit that morning to view the site and assess the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the indicative layout, proposed access arrangements and topography. A new access would be created off the B4386 Shrewsbury-Montgomery Road and a new 300m stretch of pedestrian pavement would also be provided on the applicant's land along the frontage of the development, to improve local accessibility. He confirmed that the application was in outline, with all matters reserved. The proposal was for a mix of generally modest two-three bedroomed family homes designed to meet an identified local need and intended for 'open market' sale. The applicant had recently confirmed that the development would be phased to prevent market over-supply. All would have adequate parking, turning areas and good sized gardens. The proposed site was at a lower level than the road and some two storey dwellings could potentially be considered with bungalows nearest the road. It was proposed that foul drainage would go to the existing mains sewer.

With reference to policy, the Principal Planner explained that the emerging SAMDev did not allocate the site. It advised that a total of 30 new homes would be accommodated as infill developments within the wider community cluster which incorporated Worthen and the adjacent village of Brockton. However, the SAMDev had not yet been adopted and there was less than 5 years housing supply in Shropshire. Planning decisions must therefore be taken in accordance with the NPPF which suggested that housing schemes should be approved if they were considered to be sustainable.

The Principal Planner explained that the Parish Council had objected on grounds of non-compliance with planning policy, flooding and highway safety. Consultation had been undertaken and was as detailed in the report. Clarification had been requested on whether the pavement scheme would include a safe crossing point. The Council's archaeology section had requested a prior survey as there has been no previous archaeological research in the area. It was considered however that this was capable of being addressed fully at the reserved matters stage and an appropriate condition had been recommended. An affordable housing contribution and Community Infrastructure Levy (CIL) pavement would be due. There had been no objections from the Council's drainage and ecology sections. Highway officers had indicated verbally that they had no objections and had provided further clarification on the footpath proposals for the area, which the current scheme would assist in delivering. Thirty objections had been received from local residents and the main concerns

related to non-compliance with planning policy, sewerage, flooding highway safety and loss of amenity.

With reference to drainage, the Principal Planner explained that balancing facilities could be provided to prevent increased run-off so flooding of Worthen Brook would not be exacerbated. In terms of sewerage connection, this must be provided statutorily if Severn Trent agreed to accept the effluent from the site.

The Principal Planner further explained that the indicative layout supported the conclusion that a sensitive design need not impact adversely on surrounding amenities in this sloping field location. An archaeological investigation could be undertaken satisfactorily at the reserved matters stage. It was considered that the proposed pedestrian footway significantly enhanced the overall sustainability of the scheme. There was currently no such footway between the nearby settlements of Brockton and Worthen and a number of significant community facilities were located in the intervening area. The current scheme represented the only way of delivering a major part of the footway project as the land required was in the applicant's ownership. Key community facilities were located to the north of the highway so a crossing point was required as part of the wider footpath scheme which the Council as Highways Authority was seeking to progress. Officers had requested that the applicant provided an additional financial contribution towards the cost of this crossing point and an appropriate legal clause was recommended. However, the applicant had also pointed out that the scheme will generate significant CIL revenues and that it would be possible in principle to fund the crossing point out of this revenue stream instead. If members were minded to approve the application it was recommended that a caveat be added to the legal clause to the effect that unless the Council agrees that the crossing point could be funded from CIL revenues that the legal agreement requirement remains. He requested that delegated authority be given to Officers to impose a suitable phasing condition on any permission.

In conclusion, the Principal Planner explained that whilst the application might not comply with the emerging SAMDev it was considered that it would generally be sustainable and that accordingly the presumption in favour of sustainable development set out in the NPPF should apply. The benefits which the proposed footpath would yield to the local community, in allowing improved pedestrian access to community facilities between the 2 settlements should be noted. Accordingly, Planning Officers were therefore recommending approval subject to the recommended conditions and legal agreement.

Mr M Trevillion, a local resident, 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 proposal would impact greatly on his outlook and south-facing aspect of his property;
- He expressed concerns with regard to the drainage and its ability to cope with further development. The land was continuously saturated and the soakaway would remain full. A proper pumping system should be installed;

- Access to the site was just before the brow of the hill and the road was subject to many speeding drivers;
- The slope of the site was very severe;
- The nature of the development would be out of character with the area;
- The development was contrary to the Parish Plan and exceeded the agreed target figure of 25 homes for the area.

Councillor P Davis, representing Worthen with Shelve 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:

- The proposal would be contrary to their Parish Plan, which had been approved following extensive work over a number years;
- 30 objections had been made by local people – their opinions should be heard;
- A preference for a housing mix of two and three bedroomed properties and bungalows had been expressed. This should be achieved with infill housing not estates and large scale development;
- Planning applications had already been approved for the area and there were others in the pipeline;
- The proposal would be out of character for the area;
- The developer did not own all the land so would not be able to deliver the footpath.

Mr G Maxfield, 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:

- Shropshire Council could not demonstrate a five year land supply;
- The proposal would provide sustainable open market and affordable housing;
- The proposed traffic calming measures and crossing would act as a speeding prohibitor;
- The site would provide affordable housing located close to a doctors surgery, village hall and school etc; and
- The location was sustainable.

In response to questions from Members, Mr Maxfield provided clarification on what land was in the ownership of the applicant and location and extent of the footpath.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Mrs H Kidd, as local Member, participated in the discussion and made a statement against the proposal but did not vote. She commented that the community, after an extensive consultation exercise, had expressed a desire for infill development; a crossing would have to be installed at the western end of the village; the brook flooded frequently; the field sloped very steeply; and the proposed dwellings would be out of character with the main housing in that area being single dwellings running along the side of the road. She expressed concerns that the proposals could increase the level of strain on local sewerage and drainage capacity and hoped that the Parish Plan would be afforded sufficient weight.



In response to questions from Members, Councillor Mrs H Kidd provided clarification on the number of existing houses in the village, the distance between Worthen and Brockton and the public transport links. She commented that if the development did go ahead she would prefer the dwellings to run alongside the main road and be in keeping with the houses on the opposite side of the road.

In the ensuing debate, Members commented that the site would not be balanced or sustainable and suggested that the opposite end of the field would be more preferable for development. They acknowledged that progress had already been made in fulfilling and providing the quota of housing in the area and expressed concerns regarding the ability of the drainage to cope with additional dwellings.

In response to comments from Members, the Principal Planner reiterated that in the current sub-five year land supply situation decisions should be taken on whether a development would be sustainable; it was not for Members to determine if other sites would be more preferable; no objections had been received from consultees with regard to drainage; appropriate landscaping would integrate the site with the existing vernacular buildings; the site was considered to be sustainable in terms of drainage and sewerage; and traffic calming measures would be installed.

**RESOLVED:**

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

- The proposed development would have an unacceptable adverse impact on the character and setting of the rural area and so would not be sustainable. In particular:
  - (i) It would result in an unbalanced distribution of development between the settlements of Worthen and Brockton and is contrary to the Worthen with Shelve Parish Plan;
  - (ii) It would fail to promote or reinforce the local distinctiveness of the area; and
  - (iii) The proposed built form would not reflect the scale and proportions of the existing nearby housing.

**160 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 29 April 2014 be noted.

**161 Date of the Next Meeting**

It was noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 27 May 2014 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....