



### **Committee and Date**

South Planning Committee

9 December 2014

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 11 November 2014**

**2.00 - 4.36 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

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### **Present**

Councillor Stuart West (Chairman)

Councillors David Evans (Vice Chairman), Andy Boddington, Nigel Hartin, Richard Huffer, John Hurst-Knight, Robert Tindall, David Turner, Tina Woodward and Kevin Turley (Substitute) (substitute for Madge Shingleton)

### **80 Apologies for Absence**

Apologies for absence were received from Councillors Cecilia Motley and Madge Shingleton (substitute: Kevin Turley).

### **81 Minutes**

#### **RESOLVED:**

That the Minutes of the South Planning Committee held on 14 October 2014, be approved as a correct record and signed by the Chairman, subject to it being noted that the resolution at Minute No. 75 should refer to Core Strategy Policy CS5 and not CS6.

### **82 Public Question Time**

There were no public questions.

### **83 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 14/03768/OUT, Councillor J Hurst-Knight declared that, for reasons of pre-determination, he would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/02390/FUL, Councillor David Turner, declared that he was a member of the Management Board of the Shropshire Hills Area of Outstanding Natural Beauty Partnership.

#### **84 Land Off Park View, Broseley, Shropshire (14/01125/OUT)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from Shropshire Council's Archaeology Officers and the Planning Case Officer.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr E Miles, 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:

- His property adjoined the application land and he would find it dangerous when reversing to and from his garage;
- The entrance would be awkward and restrictive and would necessitate vehicles driving on opposite sides of carriageway and the blind points on the highway would further impact on highway and pedestrian safety;
- Concerned that in icy conditions vehicles would slide into his property;
- Flash flooding would be increased if a non-pervious road treatment was installed;
- External lighting would impact on his privacy;
- Broseley had met its housing commitment and there was a plentiful supply of mixed housing available in Broseley; and
- Proposal would be overpowering and incongruous.

Mr M Harris, 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 Planning Officer had assessed the proposal and was recommending approval;
- The original application had been withdrawn because of highway concerns. These concerns had been acknowledged and accordingly the number of dwellings had now been reduced;
- Archaeological Officers had considered the proposal and adequate conditions would be attached;
- Any impact on amenities could be adequately addressed through detailed consideration at the Reserved Matters stage; and
- The proposal would be in accordance with the National Planning Policy Framework (NPPF).

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Jean Jones, as local Member, participated in the discussion but did not vote. During her statement, the following points were raised:

- The site would be unsuitable for development and had been designated as countryside;
- Broseley was on target to meet housing development;
- The site would not be sustainable and Broseley had access to limited bus services;
- Employment opportunities were limited and use of private vehicles was essential to access employment;
- Would provide large expensive housing which was not needed;
- Would be contrary to the NPPF;
- Would have a detrimental impact on walkers and wildlife;
- Access could encroach on neighbouring properties;
- Highways and local people were against the applicant's suggestion of a one-way system; and
- She urged Members to consider the impact of the proposal on the amenities of the local people.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members expressed serious concerns regarding the narrowness of the streets and the potential for increased surface water run-off. They commented that the provision of large houses would not fulfil the overarching need of affordable housing and the proposal would be contrary to the Broseley Town Plan.

In response to comments/questions, the Area Planning and Building Control Manager explained the position to date with the Site Allocations and Management Development (SAMDev) Plan and drew Members' attention to paragraph 6.1.6 of the report which stated that prior to examination sustainable sites for housing where any adverse impacts did not significantly and demonstrably outweigh the benefits of the development would still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply was a minimum requirement and the NPPF aim of significantly boosting housing supply remained a material consideration, it would be difficult to defend a refusal for a site which was considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits. He further reiterated that no objections had been raised by Highway Officers.

**RESOLVED:**

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

- The proposed development does not represent a sustainable form of development;
- The site is outside any defined development boundary;
- Would have a detrimental and visual impact upon the environment and character of the area; and

- This proposal would exacerbate the already significant traffic problems in the area.

Accordingly, the proposed development would be contrary to the National Planning Policy Framework, Core Strategy policies CS5, CS6 and CS17 and Broseley Town Plan whereby the adverse impacts would significantly and demonstrably outweigh the benefits. In addition, greater weight can now be afforded to the emerging policies in the Site Allocations and Management of Development (SAMDev) documents.

#### **85 Watling Street, Craven Arms, SY7 9AD (14/01645/OUT)**

The Area Planning and Building Control Manager introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, layout, landscaping, drainage and access plans.

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 detailing further comments from the Shropshire Council Archaeology Officers.

The meeting adjourned at 2.40 pm to enable Members to consider further information circulated at the meeting detailing objections from Sibdon Carwood Parish Meeting and further comments from members of the public. The meeting reconvened at 2.43 pm.

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 David Evans, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Although Craven Arms was in need of affordable housing, this site was outside the development boundary and, although in SAMDev, was not supported by Sibdon Carwood Parish;
- The site lay on a ridge to the west of Craven Arms west of the Roman Road of Watling Street on the edge of the Area of Outstanding Natural Beauty (AONB) and close to Sibdon Church and Stokesay Castle (both listed buildings). The route of the Shropshire Way ran through a section of the site and the development would be prominent from Flounder Folly and the Roman Norton Camp;
- There was no public footpath along the B4368, which was the shortest route into Craven Arms. The school lay to the east of the A49 - this would not be a safe route for school children to use or to access services in the town;
- A previous application for this site had been refused on the grounds of it not being sustainable; and

- Would be built on good arable land, would not be sustainable, constituted overdevelopment and would negatively impact on the surrounding area.

Mrs E Holden, representing Sibdon Carwood Parish Meeting, 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 site would be unsustainable due to its location to services and crossed a historic natural boundary, namely Watling Street (Roman road);
- Affordable housing proposed would be in the wrong place and should be at opposite end of town; and
- Would be out of scale and contrary to the NPPF and Shropshire Council's Core Strategy Policies.

Mr S Thomas, 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 site had been allocated in SAMDev;
- Would be in accordance with CS11;
- Affordable housing had been identified as a key priority and this proposal would exceed required amount;
- Would be located in a developable area and adjoining the development boundary for Craven Arms;
- No objections from Shropshire Council Highways Officers;
- Extension of the 40mph speed limit would be financed by applicant;
- Dedicated footpath link would be incorporated; and
- The proposal was fully policy compliant.

In response to questions from Members, Mr Thomas provided further clarification on the location of the dedicated footpath and the type and number of affordable homes.

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

**RESOLVED:**

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

- A Section 106 to secure the funding of the cost to extend the 40 mph speed limit;
- Any subsequent application for reserved matters being considered by this Committee;
- An additional Condition as recommended by Shropshire Council's Archaeology Officers as set out in the Schedule of Additional Letters; and
- The conditions set out in Appendix 1 to the report.

**86 Edge Renewables, Lea Quarry, Presthope, Much Wenlock, TF13 6DG  
(14/02390/FUL)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from Much Wenlock Town Council and indicated that they had now withdrawn their objection to the scheme, further objections from a local resident and comments from the applicant.

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 his declaration at Minute No. 83, and 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 David Turner, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The area attracted a substantial number of tourists and contributed to the important visitor economy. The Shropshire Way and the Jack Mytton Way, which skirted this site, attracted many walkers and riders;
- The proposal would be contrary to SCC3 of the adopted Neighbourhood Plan;
- The applicant had developed a successful business around renewable energy and had created a number of jobs locally - which he welcomed. However, on balance, planning applications for low-profile development that had been brought forward in support of the business's growth had been supported, but he believed this was one step too far;
- In a recent survey he had carried out of all Much Wenlock residents a clear majority of respondents disapproved of smaller turbines and an even greater majority against larger ones. This had reinforced the results of the Much Wenlock Neighbourhood Plan residents' survey in 2012 which revealed strong local resistance to wind turbines, regardless of size;
- Much Wenlock Town Council's Planning Committee had made two incompatible comments illustrated by its objection in July when it described the site as being in an AONB and close to a Site of Special Scientific Interest (SSSI), and its withdrawal from this position in October when it described the site as an industrial area. As a reason for dropping its objection, it now cited the Neighbourhood Plan Policy concerning new business development without reference to the explicit qualification regarding harmful impacts and the Policy regarding individual and community scale energy without reference to its explicit presumption against wind turbines;
- He drew Members' attention to paragraph 115 and Footnote 9 to paragraph 14 of the NPPF;
- He drew Members' attention to the Shropshire Hills AONB Management Plan which indicated that "Proposals for wind turbines and associated infrastructure within the AONB should take account of factors including landscape character,

visual amenity and recreation, biodiversity, heritage assets and their setting” and “Within 100m of buildings one or two wind turbines of *up to 12m to blade tip* are likely to be acceptable within the AONB.”;

- The Design and Access Statement (D&A) stated that this turbine was necessary for training purposes so that the applicant could be accredited installers of these wind turbines in order to supply them to customers. He questioned whether the turbine would be raised and lowered for approximately two business days per month, as stated by the applicant, or would be regularly assembled and disassembled for training purposes, as stated in the Officer’s report;
- Construction - He requested further clarification on the concrete base and whether it would be flush with the ground as stated in the D&A or as stated in the Officer’s report which indicated that steel piles would be driven in to secure it without the need for concrete;
- Scale - The applicant had acknowledged that the site of the turbines could be seen from higher ground nearby. Other structures in the vicinity did not move, they had not been assembled and disassembled and did not have moving parts such as rotor blades;
- Landscape – The turbine would be higher than most of the trees. The trees would only provide screening when in leaf;
- Ecology - Bats and birds of prey, in particular peregrine falcons, were known to nest in the quarries;
- He urged refusal. However, he suggested that, if Members were minded to approve, consideration be given to:

The apparent discrepancy implicit in Condition 3.i. regarding the method of fixing the monopole to the ground;

Condition 4 regarding the colour of the turbine;

Condition 6a and 6b regarding the risks to birds, especially given the reported incidence of peregrine falcons;

Condition 7a which allows blade rotation in the winter between 09:00 and 17:00. It was only mid-November now and already it was sufficiently dark for bats to be abroad before 17:00; and

A condition limiting the number of days on which the turbine may be raised. The applicant had stated that it would be raised and lowered for approximately two days per month, and he suggested that a modest buffer be built in to allow erection for four days per month to avoid further subsequent amendment.

Mr John Woolmer, representing Campaign to Protect Rural England, 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 Much Wenlock Neighbourhood Plan did not support turbines;
- The proposal would be in an AONB and close to an area of SSSI and contrary to CS6, CS16 and CS17 and paragraphs 14, 113, 115 and 116 of the NPPF;
- Would have a detrimental impact on the environment, ecology, landscape and recreational opportunities; and
- Applicant had ignored all local objections re visual effects.

Mr S Charteris, representing 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:

- The company had been established 3½ years ago and in that time had been responsible for many renewable energy installations and had indirectly and directly employed approximately 50 people. This project would generate further employment;
- The proposal would now be for one turbine which would be used to train staff and to generate electricity;
- The turbine would be well-screened and would not be visible to neighbouring properties and would be located within the existing authorised operational development;
- There were other taller structures in the area;
- Would not be contrary to the NPPF and CS policies; and
- Would not impact on the area and would contribute to renewable energy and a reduction in omissions.

In response to questions from Members, Mr Charteris and the Principal Planner provided further clarification on the use of the turbine, construction and disassembly, and the hours/timings of intended operations.

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

**RESOLVED:**

That the application be deferred to a future meeting to enable the applicant to provide:

- More detailed information with regard to the hours/timings of operation, construction and disassembly and when and how much electricity would be generated; and
- Submit sufficient information to allow full and proper assessment of the potential impact on protected species.

(The meeting adjourned at 3.52 pm and reconvened at 3.58 pm.)

**87 Residential Development Land Adjacent Dark Lane, Broseley, Shropshire (14/02911/FUL)**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout, floor plans and elevations.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from Shropshire Council Highway Officers.



Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr D Onions, 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:

- A previous proposal had been reviewed and revised in response to objections. The number of dwellings had been reduced thus reducing density and the individual access points onto Dark Lane had been removed;
- Had met with Town Council and Planning Officers prior to submission of the application. Further dialogue would be maintained; and
- Would provide affordable housing, open and green space, CIL monies, New Homes bonus and create employment during the construction phase.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Jean Jones, as local Member, participated in the discussion but did not vote. During her statement, the following points were raised:

- She accepted that this was a much improved scheme and consultation with the Town Council and residents had been undertaken;
- The removal of the individual access points off Dark Lane constituted a big improvement although her concerns with the junction onto Dark Lane remained given the proximity of the school; and
- Expressed disappointment with the reduced affordable housing provision.

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

#### **RESOLVED:**

That planning permission be granted, subject to:

- A Section 106 Agreement relating to affordable housing provision, and to secure the provision and maintenance of the open space by an appropriate body; and
- The conditions set out in Appendix 1 to the report.

#### **88 Elm Road Stores, Bishton Road, Albrighton (14/03411/FUL)**

The Principal Planner introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, layout, previously refused plans and elevations, and the now proposed plans and elevations.

Members considered the submitted plans and expressed some concern regarding the close proximity to adjoining properties and the potential for disturbance to residents nearby during construction.

**RESOLVED:**

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

- A Section 106 Agreement relating to an affordable housing contribution;
- The conditions set out in Appendix 1 to the report; and
- Planning Officers be given delegated authority to amend the Conditions as follows:

The deletion of Condition No. 8 by virtue of it being a duplication of Condition No. 7; and

In order to protect the amenities of the occupiers of nearby properties an additional Condition be imposed to ensure an appropriate Construction Management Plan be submitted and approved in writing by the local planning authority prior to any demolition or construction works taking place.

**89 Land South Of A458, Off Oldbury Road, Bridgnorth, Shropshire (14/03768/OUT)**

In accordance with his declaration at Minute No. 83, Councillor J Hurst-Knight left the room and took no part in the consideration of, or voting on, this application. He did not return to the meeting.

The Area Planning and Building Control Manager introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, indicative site layout and the existing and proposed street elevations.

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

Mr M Pugh, 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:

- A letter from local MP Nick Boles had indicated that following the submission of SAMDev for examination, SAMDev would become the over-arching planning document;
- Shropshire Council had now demonstrated it had a 5 year land supply, so proposal would be contrary to the NPPF;
- Would open up the floodgates for further development; and
- Would have a detrimental impact and change the character of the Conservation Area.

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

**RESOLVED:**

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

- The proposed development would have a detrimental impact upon the character and appearance of the Oldbury Conservation Area and its setting through the erosion of the rural character of the north eastern approach to the village by built development on this site, and the loss of a visually prominent section of roadside hedgerow and trees. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 131, 135 and 138 of the National Planning Policy Framework (NPPF) and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire. In addition, greater weight can now be afforded to the emerging policies in the Site Allocations and Management of Development (SAMDev) documents.

(At this juncture, Councillor Robert Tindall left the meeting and did not return.)

**90 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 11 November 2014 be noted.

**91 Date of the Next Meeting**

It was noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 9 December 2014 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....