



**Committee and Date**

South Planning Committee

13 March 2018

**SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 13 February 2018**

**2.00 - 4.14 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

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**Present**

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Gwilym Butler, Simon Harris, Nigel Hartin, Madge Shington, Michael Wood and Tina Woodward

**85 Apologies for Absence**

Apologies for absence were received from Councillors Andy Boddington, Richard Huffer and Robert Tindall.

**86 Minutes**

**RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 16 January 2018 be approved as a correct record and signed by the Chairman.

**87 Public Question Time**

There were no public questions or petitions received.

**88 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 16/01608/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Transition Board.

**89 Woodcote Wood, Weston Heath, Shropshire (17/03661/EIA)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of the proposal on the surrounding area.

The Principal Planner explained that Woodcote Wood had been identified as a 'preferred area' for sand and gravel extraction in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). This had now been superseded in Shropshire by the Site Allocations and Management Development Plan (SAMDev) which referred to Woodcote Wood as an 'unworked site and commitment'. The 5.2ha site was bounded by the A41 to the east and the B4379 Sheriffhales road to the south and comprised a commercial Woodland, the central portion of which had recently been felled.

The planning committee of the former Shropshire County Council resolved to approve extraction of 2.55 million tonnes of sand and gravel at the site over a 13 year period in July 2006 (ref. SC/MB2005/0336/BR). However, an associated legal agreement covering off-site highway matters was not completed as required third party land was not available. Since this time the landowner had investigated the feasibility of achieving an alternative access which had led to the current proposals for an access directly onto the A41. At the same time, the applicant NRS Ltd had submitted updated environmental reports for the original quarrying application which would be considered as the next item on the agenda.

The sand and gravel processing plant was originally to be situated at the south central area of the original application site. The current proposals would re-locate it to a lower elevation within the proposed eastern extension. An unoccupied residential dwelling known as 'The Keepers Cottage' would be utilised for office accommodation during the operations, after which it would return to residential use. Restoration would be to broad-leaved woodland. The access road would be retained but all other quarrying items would be removed. The current proposals include a net gain of approximately 1.5 hectares of permanent broad leaved woodland. This was in addition to the woodland which would be created by restoration of the main quarry site. The application was accompanied by an Environmental Statement.

The Principal Planner further explained that Sheriffhales Parish Council had objected mainly on traffic safety grounds. There had been no objections from other consultees including Telford & Wrekin Council, the Environment Agency, Natural England, the Highway Authority, Trees, Conservation, Archaeology, Public Protection, Drainage services and Ecology. He drew Members' attention to the Habitat Risk Assessment accompanying the report. Natural England had not objected to this within the statutory consultation period. Chetwynd Aston & Woodcote Parish Council had made no objections. 23 letters have been received objecting to the proposals mainly on highway safety grounds and as detailed in the report. Three letters of support had also been received stating that the proposals would facilitate highway improvements and supply of sand and gravel with the least impact.

Policy: The Principal Planner explained that the Council's Environmental Policy Team Leader had indicated that whilst the site was not included as part of the landbank in Shropshire's Local Aggregate Assessment it had status as an unworked site commitment in the SAMDev plan, so it should not be considered as if it were an unallocated site. Notwithstanding this, an assessment of the quarrying scheme had been undertaken with respect to SAMDev policy MD5(3) which set out the circumstances in which unallocated sand and gravel sites may come forward. The proposals had been found to satisfy the relevant criteria.

Highway safety: The Principal Planner explained that Shropshire Council's highway consultants had not objected. They had advised that an originally proposed ghost island on the A41 was not needed and instead that a 2.4m stand-off should be provided along the site's frontage with the A41. The applicant had agreed to this and amended plans had been submitted. Highway Officers consider that the resulting improvement in northbound visibility from the B3479 junction would be beneficial in highway safety terms. A road safety audit had been undertaken and had been accepted by Shropshire Council's highway consultant. The committee report had been updated to reflect this. The applicant had also agreed to make a £50k financial contribution to deliver off-site highway improvement works including improved signage and line markings on the A41 approaches to the B3479 junction. In addition, the applicant had agreed to a package of other measures including:

- 1) Replacing the grassed verge on the southern side of the A41/B3479 junction with a hard surface to improve southbound visibility;
- 2) A planning condition securing realignment of the estate boundary wall to the north of the B4379 to facilitate an improved alignment for the B4379 junction;
- 3) A condition preventing quarry HGVs from approaching from the north in order to avoid right turning manoeuvres across the A41. This would be backed up by CCTV and appropriate monitoring and enforcement provisions.

Whilst local objectors may have preferred to see a roundabout on the A41/B4379 junction this was no longer possible as the third party land was not available. Nor could it be required, as access was no longer proposed to be from the B4379. A highway consultant acting for the prospective developer of a nearby quarry at Pave Lane had stated that Highways England DMRB standards for trunk roads should apply and a ghost island should therefore be provided. However, the A41 was not a trunk road and Shropshire Council's highway consultants had confirmed that the proposed access met relevant safety criteria. It was additionally stated that the application of trunk road junction standards to non-trunk roads was not compulsory and the current proposals would deliver benefits including the improvement in northward visibility from the B4379 junction. The National Planning Policy Framework (NPPF) advised that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (NPPF Para 32). Given the advice of Highway officers it is considered that any residual cumulative impacts would not be sufficiently severe to justify refusal. The additional benefits including in terms of improved visibility at the B4379/A41 junction and the proposed highway contribution weigh in favour of the proposals.

In conclusion, the Principal Planner explained that Woodcote Wood was a former allocation with an historical approval resolution and was named as an unworked site commitment in the SAMDev plan. The current proposals would facilitate development of the site by delivering an amended access and would also enable a more comprehensive restoration scheme. Objectors had expressed concerns particularly in relation to highway safety. Whilst the originally proposed roundabout was not deliverable other meaningful improvements to the highway are, including improvements to the B4379/A41 junction which would not otherwise be possible. The individual and cumulative effects of the proposals had been assessed. No technical consultees had objected and no issues had been identified which would be likely to give rise to unacceptable impacts. This was having regard to the design of the

scheme and the recommended planning conditions and legal agreement. It had been concluded that the proposed new access and plant re-location scheme can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

The Principal Planner drew Members' attention to the Schedule of Additional Representation, which had been circulated prior to the meeting, and which requested some minor flexibility in wording of the conditions if the Officer recommendation was accepted. Additionally, he confirmed that the period for Judicial Review was now six weeks and not three months as stated in the report.

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

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

Councillor Dr A MacWhannell, representing Sheriffhales Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor B Page, representing Chetwynd Aston and Woodcote Parish Council, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Kevin Turley, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He suggested that there was no reason why an island could not be achieved in the south corner of the development;
- A Safety Audit had suggested that a right turn into the site would not be safe; and
- He urged Members to refuse the application.

With the permission of the Chairman and owing to the fact that an additional Parish/Town Council and objector had been allowed to speak against the proposal, the agent was permitted to speak for up to six minutes. Mr R Williams, the agent, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, Mr Williams provided clarification on the controls and safeguards in place to prevent HGV drivers accessing the site from the wrong direction.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions, the Principal Planner provided clarification regarding the Highway Agency's Design Manual for Roads and Bridges (DMRB) standards. He drew Members' attention to the legal agreement which would cover traffic routing, enforcement provisions and the requirement for CCTV and other control and safeguards regarding highway safety.

**RESOLVED:**

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions and legal obligations as set out in Appendix 1 to the report and subject to the additional conditions as set out in the Schedule of Additional Letters.

**90 Woodcote Wood, Weston Heath, Shropshire (SC/MB2005/0336/BR)**

The Principal Planner introduced the second of the two related applications on the agenda for the Woodcote Wood site and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of a proposal on the surrounding area. He drew Members' attention to the Schedule of Additional Representations circulated prior to the meeting.

The Principal Planner explained that the scheme had received an approval resolution in July 2006. It had not been possible to complete an accompanying legal agreement but the Woodcote Wood landowner was able to demonstrate that the proposals were still being actively pursued. Given the period of time which had elapsed since the original resolution the applicant needed to submit updated environmental reports under the Environmental Impact Assessment Regulations. These had been undertaken and covered ecology, noise, dust, ground and surface water, archaeology, landscape and visual impact. The update process also identified the need for the amended access and relocation of the proposed quarry plant site and an application for this had been considered at this meeting (see agenda item 5 – planning application 17/03661/EIA and as detailed at Minute No. 89).

The Principal Planner further explained that Sheriffhales Parish Council had objected on the grounds of highway safety, whilst also expressing concerns about dust and noise. Highway matters had been considered in the previous item (see agenda item 5 – planning application 17/03661/EIA). Telford & Wrekin Council had expressed support for the officer recommendation. The Environment Agency had raised no objections and a Water Monitoring and Management Plan condition had been recommended. Natural England had raised no objections to the new access application which included an ecological report covering the entire proposed quarry site. They had been consulted on a Habitat Regulations Assessment and the statutory period of notice had now been given and no objections had been received. Shropshire Council's ecology section had raised no objections. Conservation Officers had accepted the conclusions of the heritage assessment that there would be no adverse impacts. Public Protection had not objected and acknowledged that baseline conditions for noise and dust had not changed significantly since 2006 and had recommended noise and dust conditions. There had been no drainage objections and an updated visual appraisal confirmed that the site continued to benefit from good natural screening by virtue of topography and the retained woodland edge and was also relatively remote from the nearest residential properties. Three comments had been received from members of the public - one objecting, one neutral and one in support. The objection was on procedural grounds and the support was from a near neighbour who acknowledged the need for sand and gravel production.

Policy: Whilst the individual policies had changed since the application had been submitted the general thrust of minerals policy remains the same. NPPF paragraph 142 confirms the importance of maintaining an adequate and reliable supply of minerals and Paragraph 144 requires that mineral planning authorities should give great weight to the benefits of the mineral extraction. Shropshire Council's Environmental Policy team leader confirmed that Woodcote Wood had the status in the SAMDev plan of an 'unworked site commitment'. Notwithstanding this, the Officer report concludes that the proposals clearly meet the relevant SAMDev policy tests for unallocated sand and gravel proposals.

In conclusion, the Principal Planner explained that Woodcote Wood was a former allocation with a historical approval resolution and is named as an unworked commitment in the SAMDev plan. Updated environment information had been submitted and confirmed that there had been no material changes in the environmental or geographic context of the site. A related application for a new access at the site was a separate item to be considered at this meeting. The inter-relationships between the two applications had been assessed and addressed in the respective reports. It had been concluded that the updated environmental information accompanying the current application had demonstrated the continued acceptability of the site and accordingly the proposals remained compliant with relevant policies and guidance.

Mr R Small, speaking on behalf of Mr M Bubb, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor G Tonkinson, representing Sheriffhales Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Kevin Turley, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He reiterated his concerns regarding access arrangements; and
- Expressed concerns regarding the presumption of acceptance regarding the clearance of scrub and the detrimental environmental impact this would have upon the site.

Mr R Williams, the agent, spoke in support of the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions, the Principal Planner provided clarification regarding windfall sites, the Habitat Regulation Assessment, heritage assets, permitted development rights for forestry operations and archaeology matters.

**RESOLVED:** That,

1. Having noted the updated environmental information submitted in support of the Environmental Statement accompanying the application, planning permission be granted as per the Officer's recommendation, thereby re-ratifying the original approval resolution dated 25 July 2006, subject to:

- The conditions as set out in Appendix 1 to the report;
- Condition No. 13 being amended as follows:

“No development shall take place until the sole access proposed under application reference 17/03661/EIA has been constructed to the written satisfaction of the Local Planning Authority.”

- The additional conditions as set out in the Schedule of Additional Letters.

2. The requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 be updated and transferred to planning application 17/03661/EIA on the basis that the substantive issues are more appropriately dealt with in that application than the current proposals.

**91 The Chalet, Crumps Brook, Hopton Wafers, Kidderminster, Shropshire (16/01608/FUL)**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations. She confirmed that Members had undertaken a site visit and had viewed the site and had assessed the impact of a proposal on the surrounding area. She drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillors Gwilym Butler and Madge Shington, as local Ward Councillors, each made a statement and then left the table, took no part in the debate and did not vote on this item. During their statements, the following points were raised:

- The proposal would not have a detrimental impact upon the adjacent Site of Special Scientific Interest or Right of Way; and
- Would be an improvement and be in keeping with the local character of the area.

In the ensuing debate, Members considered the submitted proposals and noted the comments of all speakers. In response to a question, the Technical Specialist Planning Officer provided clarification on access arrangements.

**RESOLVED:**

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

**92 Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT (17/05426/VAR)**

The Principal Planner introduced the application and with reference to the drawings and photographs displayed, he drew Members' attention to the location and layout. He confirmed that Members had undertaken a site visit and had viewed the site and had assessed the impact of a proposal on the surrounding area.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, as local Ward Councillor, submitted a written statement as read out by the Chairman and as set out in the Schedule of Additional Letters circulated prior to the meeting.

In the ensuing debate, Members considered the submitted proposals, noted the comments of all speakers and expressed the need to support local businesses.

**RESOLVED:**

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report, subject to Condition No. 2 being amended to read as follows:

"The playing of amplified recorded sound/music and amplified live sound/music in any outside area, including in marquees, shall not take place after 23:00 hours and not before 09:00 hours the following day."

**93 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 13 February 2018 be noted.

**94 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 13 March 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.



Signed ..... (Chairman)

Date: .....