



Committee and Date

South Planning Committee

18 December 2018

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 20 November 2018

2.00 - 5.11 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shington, Robert Tindall, Michael Wood and Tina Woodward

32 Apologies for Absence

There were no apologies for absence.

33 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 23 October 2018 be approved as a correct record and signed by the Chairman.

34 Public Question Time

There were no public questions or petitions received.

35 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 18/03579/FUL, Councillor David Turner declared that he was well acquainted with two adjacent landowners and would leave the room and take no part in the consideration of this item.

With reference to planning application 18/04768/TPO, Councillor Robert Tindall declared that he was a member of the Shropshire Hills AONB Partnership.

With reference to planning application 18/04768/TPO, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The

Shropshire Hills AONB Management Board. He confirmed that he had taken no part in any discussion relating to this application.

36 **Change in Order of Business**

RESOLVED: That item No. 7, Proposed Residential Development Land East of Shaw Lane, Albrighton, Shropshire (18/03579/FUL) be taken as the next item of business.

37 **Proposed Residential Development Land East Of Shaw Lane, Albrighton, Shropshire (18/03579/FUL)**

(In accordance with his declaration at Minute No. 35, Councillor David Turner left the room during consideration of this item.)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He provided a verbal update regarding information received following publication of the agenda, including objections from the Campaign to Protect Rural England (CPRE) and Albrighton Development Action Group.

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.

Mr G Catling, representing Albrighton Development Action Group, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor P Woodman, representing Albrighton 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 Malcolm Pate, local Ward Councillor, made a statement and 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:

- By taking the care facility out of the equation, this current application was a blatant attempt to divide the application into two parts;
- He was not against the housing on the site but would prefer the site to be accessed from Kingswood Road;
- Highways had originally objected and had not supported the initial application on highway grounds but following proposals to incorporate traffic calming measures, Highways had withdrawn their objection;
- Shaw Lane is the most congested road in Albrighton;
- 200 children use the current school driveway to and from their way to school;
- Drainage – The system could not cope now and there has been flooding in the area. Even with the proposed conditions, he could not understand how Severn Trent Water could alleviate the problems; and

- He urged refusal.

Mr C Jessup, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members regarding the access arrangements.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and the Area Highways Development Control Manager (South). Members reiterated their concerns regarding the sole vehicular access to the development onto Shaw Lane, traffic congestion, highway and pedestrian safety, and the lack of assurance that access from Kingswood Road to the south could be achieved in the future

RESOLVED:

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

- It is acknowledged that the application site forms part of an adopted Development Plan housing allocation and would deliver new market housing and a high level of affordable housing broadly in line with the development guidelines for the site set out in Policy S1.1a of the SAMDev Plan. However, these benefits are outweighed by the following negative factors which comprise:
 - the vehicular access to the development being solely onto Shaw Lane with no assurance at this stage that access from Kingswood Road to the south could be achieved, which is the preferred option for the site as shown on the SAMDev Policies Map S1Map, with the consequence that the nature and scale of the development would create traffic flows that would exacerbate the existing traffic congestion already experienced in the Shaw Lane area because of the close proximity of the School, Railway Station and Doctors Surgery, to the detriment of highway and pedestrian safety.

The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6; Site Allocations and Management of Development (SAMDev) Plan policies MD2 and S1.1, and paragraph 109 of the National Planning Policy Framework: It would not satisfy the environmental role of sustainable development set out in the National Planning Policy Framework."

38 Land East Of Badger Hall, Badger, Wolverhampton, Shropshire, WV6 7JR (18/01284/FUL)

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 the previous day 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.

Mr C Gallagher, representing The Gardens Trust and The Shropshire Parks and Gardens Trust, 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 Michael Wood, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, he drew Members attention to the comments/reservations of the Parish Council regarding the siting and shape of the breeding pool, and expressed a preference for the initial submitted proposal.

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

RESOLVED:

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

39 Penhaligon Stud, Norbury, Bishops Castle, Shropshire, SY9 5DU (18/03215/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.

Members had undertaken a site visit that morning 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.

Councillor S Edwards, representing Norbury Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr P Oakes, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Technical Specialist Planning Officer explained that with the grant of the temporary planning permission the Council had accepted that there was a functional need for a dwelling here and that a continuing functional need and the viability of the business has now been established. Other locations for the dwelling in the vicinity of the buildings has been considered; and this location together with the landscape plan would ensure retention of the oak tree.

RESOLVED:

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

- The conditions set out in Appendix 1;
- Completion of a S106 to secure an affordable housing contribution should it ever be demonstrated in the future that there is no functional need for the rural workers dwelling either from the original rural enterprise, or from other rural enterprises in the locality;
- An additional condition which would safeguard and protect the Oak tree during construction; and
- The additional condition as set out in the Schedule of Additional Letters.

(At this juncture, the meeting adjourned at 03:30 pm and reconvened at 03:45 pm.)

40 The Cottage Nordley Bridgnorth Shropshire WV16 4SX 18/04281/FUL

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 the previous day 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.

Ms H Woolley, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mrs J Madeley, on behalf of Astley Abbots 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 Christian Lea, local Ward Councillor, made a statement and 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:

- Both he and the other local Ward Councillor, William Parr, had concerns regarding the demolition of the cottage;
- The proposal was contrary to SAMDev Plan policy MD7a, which states that replacement dwellings should not be considerably larger than the original footprint. The outbuildings do not form part of the original footprint and so the proposed dwelling represented an overall increase of 60%;
- The proposed dwelling would be the largest property in the immediate area and so would be out of scale and would overshadow other properties;
- Replacement dwellings should occupy the original footprint;

- Would mean the loss of Grade 3 agricultural land and so would be contrary to Core Strategy Policy CS6 which aims to protect agricultural land. There was no justifiable reason for a change of use when the dwelling could be accommodated within the existing curtilage;
- The proposal would be contrary to Shropshire Council's aim to limit larger dwellings in the countryside. If granted, this dwelling would become unaffordable for a local person to purchase and it was difficult enough for young people to remain in an area where they grew up; and
- The existing property should be refurbished and renovated in a sympathetic manner.

Mr M Harris, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Principal Planner explained that the proposed vehicular access did not require planning permission so did not form part of this current planning application. Wherever possible Officers did encourage preservation and renovation but, in this case, it had been adequately demonstrated that this would not be a realistic approach. He further provided clarification regarding the landscaping, the permitted footprint, and the use and retention of temporary buildings during construction. On the Chair's casting vote, it was

RESOLVED:

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

- The conditions set out in Appendix 1 to the report;
- The additional condition as set out in the Schedule of Additional Representations;
- To ensure the establishment of a native hedge along the western boundary and the northern site boundary on removal of the existing buildings, condition No. 7 be amended as follows:

Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the planting of a hedgerow, formed of native species, along the northern and western site boundaries, along with details of any other trees and hedges to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, measures for post-planting maintenance and replacement of losses and boundary treatments.

The approved landscaping scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of three

years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

**41 Bank House, Longhills Road, Church Stretton, Shropshire, SY6 6DS
(18/04768/TPO)**

(At this juncture, the Vice Chairman, Councillor David Turner, took the Chair.)

The Tree and Woodland Amenity Protection Officer introduced the application and drew Members' attention to the location of the site and the two Douglas fir trees.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Evans, local Ward Councillor, made a statement and 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:

- This was the third application requesting permission to fell the two Douglas fir trees;
- The trees were far too tall and a danger to the neighbouring property. Branches had fallen into the garden of 17 Shrewsbury Road just missing the occupant's elderly mother;
- The owner of 17 Shrewsbury Road would like to sell his property but a seller is obliged to advise potential buyers of any disputes;
- Managing the trees is not an option;
- He had viewed these trees from Russell's Meadow and other areas of Church Stretton and had concluded that these trees would not be missed on the skyline;
- The dispute is causing stress to both the applicant and his neighbour;
- The report suggests that the trees may have to be removed in 10/15 years' time;
- On the grounds of health and safety, he urged Members to grant permission to fell the two trees.

Mr D Newbrook, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted proposal and noted the comments of all speakers. Members expressed differing views. Some Members commented that the trees were a feature and part of the landscape and suggested that many of the concerns raised could be addressed through appropriate

management of the trees. Other Members, although some did express a preference for retention, considered that the health and safety of residents and the neighbouring property outweighed retention and supported removal.

RESOLVED:

That, contrary to the Officer’s recommendation and for reasons of health and safety and to protect the property and occupants of the neighbouring property, permission to fell 2 No. Douglas fir trees be granted.

(At this juncture, the Chairman returned and took the Chair.)

42 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 20 November 2018 be noted.

43 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, 18 December 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date: