



### Committee and Date

South Planning Committee

3 November 2015

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 6 October 2015**

**2.00 - 5.10 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 Chairman), Andy Boddington, Nigel Hartin, John Hurst-Knight, Cecilia Motley, Madge Shingleton, Robert Tindall, David Turner, Tina Woodward and Vivienne Parry (Substitute) (substitute for Richard Huffer)

### **62 Apologies for Absence**

An apology for absence was received from Councillor Richard Huffer (Sub: Viv Parry).

### **63 Minutes**

**RESOLVED:** That the Minutes of the South Planning Committee held on 8 September 2015, be approved as a correct record and signed by the Chairman.

### **64 Public Question Time**

There were no public questions, statements or petitions received.

### **65 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 14/03290/EIA, Councillor David Evans declared that he was acquainted with the family and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/04245/FUL, Councillor John Hurst-Knight declared he was acquainted with the applicant and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/03290/EIA, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning application 14/03290/EIA, Councillor Viv Parry declared that she was a member of The Shropshire Hills AONB Partnership.

With reference to planning application 14/03290/EIA, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning application 14/04245/FUL, Councillor Stuart West declared that he was the local Ward Councillor for the adjoining Shifnal Ward and reserved his right to speak on this item.

## **66 Land at Heath Farm, Hoptonheath, Shropshire (14/03290/EIA)**

In accordance with his declaration at Minute No. 65, Councillor David Evans left the room during consideration of this item. The Vice Chairman took the Chair for this item.

The Team Manager – Development Management explained that a previous decision had been the subject of a successful legal challenge on the basis that no comments had been received from Natural England. Shropshire Council had elected not to challenge the Judicial Review but sought to seek comments from Natural England. The Judicial Review process led to the planning permission being quashed and not refused and the application was now before this Committee for reconsideration.

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and access. He confirmed that Members had undertaken a site visit on a previous occasion 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.

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

Dr J Thain, representing Hopton Heath Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Thomas, the agent, spoke for 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 15.1) Councillor Nigel Hartin, as local Ward Councillor, made a statement against the proposal and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- There had been much opposition to this application. An application to extend the existing operation would not have received as many objections;

- The level of traffic created would have a detrimental impact on the highway and the access onto the B4385;
- Would be too close to residential properties and there were a significant number of properties within the 400m zone;
- The economic benefits of the scheme would be limited and the potential damage to local tourism interests would lead to a net loss;
- Would be contrary to Core Strategy policies CS5 and CS13; and
- He questioned the robustness of the Significance and Integrity tests;

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to comments, the Principal Planner reiterated that Natural England, Ecology Officers and the Environment Agency had raised no objections and robust mitigation measures would be put in place.

**RESOLVED:**

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

- The proposal fails to comply with Core Strategy Policy CS5 as it relates to large scale development in the open countryside and which fails to maintain and enhance countryside vitality and character improve the sustainability of rural communities or bring benefits to the local community. Whilst the economic benefits of the scheme are acknowledged it is considered that these are limited to the developer and would be outweighed by the potential damage to local tourism interests. As such, the scheme promotes one form of economic development at the expense of another in conflict with Core Strategy Policies CS13 and CS16; and
- The proposals are located in the catchment of the River Clun which is associated with an internationally designated Special Area of Conservation which is unique in Shropshire and is afforded the highest level of protection under the EU Habitats Directive (92/43/EEC) and the Conservation of Habitats and Species Regulations 2010. The Special Area of Conservation requires the highest level of protection in order to conserve the habitat of the freshwater pearl mussel which is dependent on maintaining high water quality. Notwithstanding the withdrawal of objection by Natural England, it is considered that the proposals have the potential to add to pollution within the Clun Catchment and would require a very high level of control in order to ensure continued compliance in this location next to a watercourse. It is considered that the potential risk of a breakdown in control measures and an associated pollution incident represents an unacceptable risk which fails to comply with the above regulations and with Core Strategy Policies CS6 and CS17.

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

(At this juncture, the meeting adjourned at 15:14 and reconvened at 15:19.)

**67 Proposed Development Land to the East of Avenue Road, Broseley, Shropshire (14/04019/OUT)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and layout. With reference to paragraph 4.10 of the report he stated that it should refer to five objections and not 46. He confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Councillor I Pickles, representing Broseley Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Jean Jones, as local Member, made a statement against the proposal, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- The development would occupy ground which was outside the development boundary or had been designated as employment land. Very few employment sites had been identified in Broseley. The provision of public transport was poor and local residents struggled to travel outside the area for employment;
- Would further impact on the already poor road network;
- Further housing provision was not needed and land outside of the development boundary should remain as a greenfield site;
- Both the housing and industrial elements should have separate access provision; and
- Would put pressure on the existing services in the town.

Mr S Thomas, the agent, 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 plans and noted the comments of all speakers. In response to questions, the Principal Planner explained that the emerging SAMDev Plan had stipulated that access to the employment land should be off Avenue Road; the deliverability of the employment land might be dependent upon this being a mixed-use site; and access to the employment land off Pound Lane could be considered but might not be appropriate given the character of the road and the location of the nearby five-way junction.

**RESOLVED:**

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

- The Committee acknowledge that the housing proposed would be in a sustainable location, contributing economically and socially by boosting the housing supply, and would also provide limited support for the existing services in the town. However, these factors are outweighed by the following

harm: The proposed housing development would fall outside of the development boundary for Broseley shown in the adopted and emerging Development Plan where Core Strategy policy CS5 restricts new housing development to dwellings to house essential countryside workers and to meet identified local affordable housing need. No such need has been demonstrated in this case. In addition, the proposed development would result in the loss of part of the Broseley employment land allocation in the emerging Development Plan, which is close to adoption and to which significant weight can be given. The serviced access to the smaller area of employment land that the proposed development would provide is not considered to be a material consideration of sufficient weight to justify a departure from present and emerging Development Plan housing policy or a reduction in the size of the employment land allocation in the emerging Development Plan. Furthermore, weight was given to the fact that the proposed development is not plan led in accordance with paragraph 17 of the National Planning Policy Framework. The proposal is therefore contrary to Core Strategy policies CS5, saved Bridgnorth District Local Plan policies S1 and H3, policy S4 of the emerging Site Allocations and Management of Development Plan and aspirations of the Broseley Town Plan 2013 to 2026.

**68 Land Off Tanyard Place, Shifnal, Shropshire (14/04245/FUL)**

In accordance with his declaration at Minute No. 65, Councillor John Hurst-Knight 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, elevations and landscaping. He confirmed that 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 the ensuing debate, Members considered the submitted plans and expressed differing views. Some Members questioned the need for this type of dwelling; expressed concerns with regard to the access arrangements; considered it to be over-development of the site; and the incremental impact of this and all the applications permitted in Shifnal would have an adverse impact on health provision and other services. Some Members saw no reason to refuse to refuse the application. Members expressed their displeasure that, despite their objections, neither the local Ward Councillor nor a representative from the Town Council had registered to speak at this meeting.

In response to concerns, the Principal Planner explained that the application had been vetted by Shropshire Council's Drainage Engineer and appropriate conditions would be added to any permission; the proposed buildings would be located outside the floodplain; the Conservation Officer had been consulted on the design; and the site would be located close to the centre of Shifnal.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the requisite affordable housing contribution; and
- The Conditions as set out in Appendix 1 to the report.

**69 Rushbury C of E Primary School, Rushbury, Church Stretton, Shropshire, SY6 7EB (15/02416/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 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 15.1) Councillor Cecilia Motley, as local Ward Councillor, made a statement in support of the proposal and then left the table, took no part in the debate and did not vote on this item. During her statement the following points were raised:

- The proposal would make use of an existing outbuilding and would be mutually beneficial to both the school and a local business.

In the ensuing debate, Members considered the submitted plans and unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

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

**70 Proposed Dwelling On South Side Of Benthall Lane Benthall Broseley Shropshire (13/03406/FUL)**

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

Councillor M Whiteman, representing Barrow Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr T Rowland, the agent, spoke for 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 15.1) Councillor David Turner, as local Ward Councillor, made a statement against the proposal and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The development would be outside the development boundary and located within open countryside;
- Would be contrary to Barrow Parish Plan; and
- At the time the application had originally been approved Shropshire Council could not demonstrate a five year land supply.

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

**RESOLVED:**

That, contrary to the Officer's recommendation to refuse, planning permission be granted.

(At this juncture, Councillor Nigel Hartin left the meeting and did not return.)

**71 Proposed Development Land South of 14 Legges Hill, Off Speed's Lane, Broseley, Shropshire (14/02683/FUL)**

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

Councillor M Whiteman, representing Barrow Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor J Jones, representing Broseley Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

Mr T Rowland, the agent, spoke for 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 15.1) Councillor David Turner, as local Ward Councillor, made a statement against the proposal and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He drew Members’ attention to paragraph 2.1 of the report and the site location;
- Broseley was essentially an industrial new aged town with few modern properties;
- He expressed concerns regarding the cumulative effect on the highway. At weekends there were always cars parked and some residents had put protection in place to guard against vehicle damage; and
- Would be contrary to Broseley Town Plan.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to a comment, the Principal Planner drew attention to Condition No. 13 which would remove permitted development rights and would protect against any further development on the site.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the requisite affordable housing contribution; and
- The Conditions as set out in Appendix 1 to the report.

**72 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 6 October 2015 be noted.

**73 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 3 November 2015, in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....