

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 20 October 2021 at 6.00 pm in West Stand, AFC Telford United, Watling Street, Wellington, Telford TF1 2TU**

**Present:** Councillors G H Cook, N A Dugmore, E J Greenaway (as substitute for I T W Fletcher), K Middleton, S J Reynolds (as substitute for J Loveridge), K S Sahota (as substitute for R Mehta), P J Scott and C F Smith (Chair)

**In Attendance:** V Hulme (Development Management Service Delivery Manager), A Gittins (Area Team Planning Manager - West), K Denmark (Principal Planning Officer), H Rea (Legal Assistant), T-M Jones (Scrutiny Assistant), C Edgington (Planning Officer), N Fisher (Democracy Apprentice) and J Clarke (Senior Democracy Officer)

**Apologies:** Councillors I T W Fletcher, J Loveridge and R Mehta

#### **PC198     Declarations of Interest**

In respect of planning application TWC/2021/0737, Councillor G Cook advised that he was a member of Wellington Town Council but had not been involved in any discussions on this application.

In respect of planning application TWC/2021/0737, Councillor J Greenaway advised that she was a member of Lawley and Overdale Parish Council who were a consultee, but that she had not been involved in any discussions on this application.

#### **PC199     Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 22 September be confirmed and signed by the Chairman.

#### **PC200     Deferred/Withdrawn Applications**

None.

#### **PC201     Site Visits**

**RESOLVED** – that site visits take place at times to be confirmed on the following applications:

TWC/2021/0356 and TWC/2021/0358 – the Aga  
TWC/2021/0722 and TWC/2021/0724 – the Gower  
TWC/2021/0637 – former builders yard Barrack Lane  
TWC/2021/0795 and TWC/2021/0796 – land east of Station Road Newport

#### **PC202     Planning Applications for Determination**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding each planning application.

**PC203     TWC/2021/0737 - Land west of New Works Lane, Telford**

This was an application for the installation of a solar farm and associated infrastructure, enlargement of the existing car park and creation of a viewing area on land west of New Works Lane, Telford, Shropshire.

Councillor J Seymour, Ward Member, had requested that the application be determined by the Planning Committee.

Councillor J Seymour, Ward Member, spoke in favour of the officer's recommendation to refuse the application and reiterated the principle of the objections which were the inappropriate location with the Wrekin and Ercall being a strategic landscape, panels would be a blight on the scenery and could be viewed from the Wrekin and would not be hidden during the winter months, proposed rights of way were not enhancements as these currently existed and had already been restored, the generator adjacent to a picnic area and the flood risk.

Councillor A McClements, adjoining Ward Member, spoke in favour of the officer's recommendation to refuse the application and although this was in the adjacent ward boundary the solar farm would impact on the lives of residents who use and walk that area, particularly through Steeraway and the New Works and which led to flora and fauna and was used for recreation purposes by walkers, runners, cyclists and horse riders. Since the covid 19 restrictions this glorious green space had been enjoyed for both physical and mental health and wellbeing and was part of the Telford T50 route. The application was not in keeping with the rural open fields, farming and woodland as specified in the NPPF and would impact the visual topography as the size of the panels and the site would not blend or be hidden and mitigation would take some 10 years to implement. The site was close to a Local Nature Reserve (LNR) and Site of Special Scientific Interest (SSSI) and would be a detriment to the strategic landscape around the Shropshire Hills and the Area of Outstanding Natural Beauty (AONB).

Mr J Jenkinson, Applicants Agent spoke in favour of the application and against the officer's recommendation to refuse the application. Solar farms made good use of agricultural land and were safe and reliable and promoted high levels of biodiversity and the hedgerow would improve the poor headland and improve and enrich the habitat. The objections with regard to the RSPB and the effect on the Barn Owls were inconsistent with evidence and solar farm construction could take place without damage to nature. There would be an extended public car park and an expansion to the public rights of way network, together with the changes to the hedgerow which would be pleasant to walk along and these improvements would bring tourists to the area. The land had previously been disturbed and had consequently changed. Short

Wood had been used by quad bikes and low open structures would be used on the expanded car park together with screen planting to prevent this use. A modest amount of noise would be generated and this would be mitigated by the biodiversity gain and would put public access front and centre.

The Planning Officer informed Members that the site was 40 hectares of restored open cast coalmining within the Wrekin Forest Strategic Landscape adjacent to the Shropshire Hills AONB. The reasons for refusal were the impact on the Character in relation to Section 85 of the Countryside and Rights of Way Act (CROW) 2000, which requires decision makers to have regard to conserving and enhancing natural beauty and this application would impact on the land within the setting of an AONB and would be against the NPPF and local policies. The landscaping and visual assessment had been independently assessed as having limited visual impact. However, officers felt it was not about the visual impact but the impact on the character of the area and the experience by users of the Public Rights of Way and the perception of an open site. The application would notably detract from the scenic quality and the wooded hills within the ancient woodland and the patchwork of irregular fields and the sense of tranquillity and it was felt that the biodiversity net gain did not outweigh the harm on this site. Following additional information submitted by the applicant it was asked, if Members were minded to agree, that delegated authority be granted to the Development Management Service Delivery Manager to carry out a consultation with technical consultees to refuse the application. Based on the outcome of the consultation, reasons for refusal numbers 2 or 3 may have been addressed adequately but refusal reason 1 would remain.

The Chair confirmed that reason 1 be the main reason for refusal and that reasons 2 and 3 would be re-assessed.

During the debate some Members felt conflicted and could see the application from both sides and that if reasons 2 or 3 may be resolved and it was asked if the Council would be in a strong enough position if Members were minded to refuse the application. Other Members felt that the additional information should not be taken into consideration but supported the refusal on the grounds that this area was an asset to the local community as a recreational space which had been a lifeline for families and children during the covid pandemic and this was enough to support a refusal regardless of the other two reasons for refusal. Some Members considered that this was a difficult decision and needed to weigh up the open green space which was well used by the community against the green energy and reduction of carbon emissions and it was asked for clarity on the offer of a new car park and the picnic and viewing area. Other Members felt that from the photos the panels looked a distance away but when viewing from the location the panels would be too high to be seen over and would impact the open landscape and would obscure the view of the Shropshire Way and the strategic landscape. The Council had previously supported solar farms, but this was about the location of the site which was roamed by deer and other wildlife and had been a haven for thousands of residents and it would be many years before this area could be reinstated. Policies were in place to protect the strategic landscape and

flooding was an issue and this raised concerns. It was also asked how the panels would be cleaned and maintained, if there were any details of the local wildlife and badger setts and what impact the vibration and humming would have on the picnic area. It was agreed that green energy was acceptable but that there needed to be a balance and this area was one that needed protection. The Wrekin was a local icon in the County and the natural environment needed to be protected. The application was acceptable but in the wrong location.

The Planning Officer confirmed that reason 1 would be used for the refusal of the application but with regards to refusal reasons 2 in relation to biodiversity additional information had been submitted and this would need to be verified as some of the information related to work undertaken following the coalmining together with the new public rights of way programme and the new car park. The flood risks also needed to be verified and this would be consulted upon and it was asked that delegated authority be given to the Development Management Service Delivery Manager to carry out the consultation. It was considered that refusal reason 1 would be sufficient on its own. With regard to landscaping and the reinstatement of the site, this was part of the restoration management plan which was in force until 2030. It was suggested that this was raised with the enforcement team in order to ensure that landscaping had been undertaken or if this needed to be replaced. The cleaning and maintenance of the panels would be undertaken in accordance with legislation and best practice but this was not a material planning consideration. Deer were not a protected species. Bats, Barn Owls and skylarks had been mentioned, badgers had been considered but not published. The humming and vibration from the panels would be low level and not enough to become a planning consideration as it was not considered to cause a nuisance and could not be used as a reason for refusal.

The Development Management Service Delivery Manager confirmed that officers would not put a refusal before Members if it was considered it would not be successful. Late information had been received and it could not be processed prior to the meeting. It was asked that if Members were minded that they grant delegated authority to refuse the application subject to carrying out a statutory consultation and amend reasons for refusal accordingly.

On being put to the vote it was, unanimously:

**RESOLVED – that full planning permission be refused for the following reasons:**

- 1. The proposals would result in a detrimental change to the quality of the strategic landscape, failing to conserve and enhance the character of the landscape around the Shropshire Hills Area of Natural Beauty. This would result in significant harm to the character of the area and thus impact on the enjoyment of the area by receptors using the local public rights of way. The proposed mitigation is insufficient to overcome these harms. As such the proposals are contrary to Policies ER1 and NE7 of the**

**Telford and Wrekin Local Plan (2011-2031), paragraph 174 of the National Planning Policy Framework, and Policies P1 and WF1 of the Shropshire Hills AONB Management Plan (2019-2024).**

- 2. The application lacks detail with regards to the impacts of the proposals on designated sites, or the potential for Short Wood to impact on the operation of the solar farm due to shading. In addition, there is insufficient information contained within the application in respect of great crested newts, badgers, red list birds (notably Skylarks) and Barn Owls. As such, it is not possible to conclude that the proposals would not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Therefore, the proposals fail to comply with Policies ER1, NE1 and NE2.**
  
- 3. The proposals have failed to demonstrate that they would not result in increased flooding risk either on-site or off-site. As such the proposals fail to comply with Policy ER12**

**with delegated authority being granted to the Development Management Service Delivery Manager to amend or remove reasons for refusal 2 and/or 3 should she consider it appropriate to do so after consideration of further information being provided by technical consultees in respect of reasons 2 and 3.**

**PC204     TWC/2021/0858 - Land adj 3 Davenport Drive, Admaston, Telford, Shropshire**

This application was for the erection of 1no. dwelling on land adjacent to Davenport Drive, Admaston, Telford, Shropshire.

The Development Management Service Delivery Manager had requested that this application be determined by the Planning Committee due to the nature of the representations from the members of the public.

An additional letter of representation have been received which gave details regarding vehicular access, loss of privacy and open space which had previously been addressed in the report.

It was asked that delegated authority be given to the Development Management Service Delivery Manager to approve the application subject to conditions and informatives if members were minded to grant the application.

Mr C Bray, member of the public, spoke against the application and raised concerns regarding Policy CS15 urban design and the impact on the local identity and environment, loss of green network buffer and the lock wildlife corridor and that it did not meet the six functions with regard to ecological habitats, separation from the urban boundary, loss of connection to the Silkin Way, poor mitigation by adding bat and hedgehog boxes. The Ecological statement was carried out by a third party and did not demonstrate the true

picture of the green network land. He raised further concerns regarding Policy UD2 as the car park being created did not enhance the appearance of the site and was extremely close to the Silkin Way and would cause a nuisance. There was no clear benefit as the development was not affordable housing and highway danger would increase.

Mr K Davies, applicant, spoke in favour of the development and explained that he had looked carefully at comments raised and had addressed the feedback, amended the application and resubmitted this. The design and build embraced the character of the surrounding buildings and would contribute to the Council's housing targets. Access to the site was acceptable with a car park sufficient for three vehicles. The house would have a low carbon footprint and in line with the green agenda with no use of fossil fuels, south facing solar panels to rear of property, air source heat pumps and electric charging vehicle points and enhancements to the green network. An additional hedge would be planted together with wild flowers/native species borders, bat and bird boxes, bee bricks and hedgehog housing. He asked that Members considered the sustainability and ecological benefits to the green network.

The Planning Officer confirmed that Policy NE6 had been considered in relation to the impact on the green network with any harm being caused by the development being outweighed by the gains with the planting of native hedgerow, bat and bird boxes, solar panels, aluminium windows, air heat pumps and solar panels. The Ecology Officer had considered the land to be low value in regard to biodiversity. The siting of the dwelling would not have an impact on the Silkin Way, it was well designed with adequate parking and 17.8 dwellings per hectare. It was considered there was no loss of light or privacy and it was recommended for approval.

During the debate some Members felt that this application had been thoroughly explained by the officers and ticked all the boxes. Other Members asked questions with regards to the felling of 90 trees, why this area was not built on when the development was first built and if this was a buffer area for the Silkin Way, the size and shape of the proposed dwelling the impact on the existing habitat which would take several years to reinstate and the impact on the Silkin Way. Some Members further asked about the position of the parking space, the access point, the impact of construction traffic and to residents at number 20 and if this had been assessed by Highways Officers. It was also asked why the Ward Member had not called in the application and if no 18 and 20 owned a proportion of the driveway would they need to give permission for access. Some Members did not consider this site to be a "windfall". Further concerns were raised with regard to the drainage plan and if soakaways were not provided what would be the alternative and if the area was suitable for large vehicles to drive in with children playing.

The Planning Officer informed Members that not every site within the Green Network was assessed from the ecological perspective and the green network was only built on in certain circumstances. The ecology survey confirmed that there was low ecological value on this site and officers assessed that the

ecological credentials outweighed the detriment on this site. The land was privately owned with hedgerows and trees having value and would be enhanced with a new native hedge. The grass itself was of low ecological value. With regards to the trees, it was unknown when these were removed but as they were free from condition and were not under a Tree Preservation order (TPO) the landowner had a right to remove them. If the current owner built on the site the construction vehicles would part on the highway and this often happened with infill plots. The occupants drive over highway land and the applicant owned the adjoining land highlighted by the red line. With regard to “windfall” this was not in relation to a lucky thing but it was terminology that came forward when unexpected infill plots came forward for development and was a housing policy definition. A foul and water main should be available but there would be pre-commencement conditions with details of drainage being submitted and passed prior to commencement of any work. It was confirmed that the road was an adopted highway and refuse vehicles used the highway and there was no weight limit.

The Chair confirmed that a request had been received by an adjacent ward member to call in the application, but as no residents were affected in the adjacent ward permission was not given. The Ward Councillor was satisfied with the application and did not feel it necessary to call in.

Upon being put to the vote it was, by a majority:

**RESOLVED – that the application be refused.**

The Development Management Service Delivery Manager asked Members how they wanted to move forward and asked for the reasons for refusal.

Following a discussion it was proposed and seconded and by a majority:

**RESOLVED - that the application be refused for the following reasons**

**The benefits of the development did not outweigh the adverse impacts on the Green Network and its functions including the loss of separation between the built up area and the Silkin Way Public Right of Way and the adverse impact on biodiversity.**

The meeting ended at 7.57 pm

**Chairman:** .....

**Date:** Wednesday, 17 November 2021