

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 10th December, 2008 at 6.00 p.m. in the Civic Offices, Telford**

**PRESENT:** Councillors I.T.W. Fletcher (Chairman), R. Aveley (as nominated substitute for A.A Meredith (Vice-Chairman), R.G. Chaplin, J.A. Francis, G.M. Green, F.R. Picken, H. Rhodes and M.J. Smith.

**ALSO PRESENT:** Councillor H. Williams for planning application W2007/1254 and Councillor K.L. Tomlinson for planning application W2008/1038.

#### **PB-59        MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 19th November, 2008 be confirmed and signed by the Chairman.

#### **PB-60        APOLOGIES FOR ABSENCE**

Councillor A.A. Meredith (Vice-Chairman).

#### **PB-61        DECLARATIONS OF INTEREST**

None

#### **PB-62        PLANNING APPLICATIONS FOR DETERMINATION**

- (a) W2007/1254 – Plot E, Pool Hill/Doseley Road, Dawley, Telford, Shropshire

Members were reminded that this application was deferred by members at Plans Board on the 19<sup>th</sup> November 2008 to enable members to undertake a site inspection. This was an outline application for residential development on a plot of land to the east of Doseley Road and north of Pool Hill Road, Dawley. The site was located approximately one kilometre to south west of Dawley Centre and 1.5km from the Town Centre. It was irregular in shape and bounded to the north by Upper Pool Hill, to the west by Doseley Road and to the south and west by existing dwellings fronting Pool Hill.

The site covered an area of 1.21 ha and sloped steeply from the higher ground to the north and east towards the south. There was a drop of 14 metres from north to south and existing hedgerows and vegetation around the boundaries of the site that screened it. At present access into the site was from Pool Hill Road with the land being used for rough grazing. The Board were also advised that there were four mineshafts within the site and a further 2 shafts within 20m of the site.

Councillor H. Williams, one of the Ward Members for Dawley Magna, was invited to speak to the Board and outlined her concerns. She initially thanked

the Members for attending the earlier site visit and reiterated the comments that she had made at the previous Board meeting which centred on concerns for increased highway safety issues that would result from the development to both other road users and pedestrians, questioned the adequacy of the current drainage infrastructure if the development proceeded and the overall design of the development.

Members were also referred to the update sheet that had been prepared since the publication of the final report and that a revised design and access statement had been received from the applicant.

The Board were informed that the plans attached to the original report had demonstrated how the site could accommodate 35 dwellings with the one apartment block at the northern portion of the site only being of two storeys in height. As the proposed number of dwellings had been reduced the applicant's sought a reduction in the amount of the contribution for primary education and this had been agreed to be at the rate of £1250 per dwelling excluding any one bedroom dwellings.

Extra conditions were requested in connection with the future maintenance of the open area of land situated at the northern end of the site and other open space areas and the second extra condition to ensure that any remedial requirements were also undertaken in relation to the presence of radon gas on the application site.

Members were referred to the contents of the original report that had been presented to the Board meeting in September and following a discussion; it was,

**RESOLVED – that in relation to planning application W2007/1254 that the Head of Planning & Environment be granted delegated authority to grant outline planning permission subject to the applicant/owner entering into Section 106 obligations to provide a financial contribution to off-site outdoor recreational provision, education facilities, improvements to a public right of way and 22.5% affordable dwellings and subject to the conditions as outlined within the report together with the inclusion of extra conditions to provide that no development should be commenced until a scheme for the future maintenance of the open spaces on the site had been submitted and also to ensure that the presence of radon gas is taken into account.**

(b) W2008/0372 – Land at Greenacres Farm, Stanton Road, Ellerdine heath, Shropshire

The Board was referred to this application and that following a recent review of current case law in respect of the superseding of historic Section 106 agreements, it had been noted that the previous committee resolution in respect of the substitution of the original legal agreement for an agricultural workers dwelling was not in line with current best practice. Accordingly, Members were requested to reconsider the previous recommendation.

The crux of the matter was in the use of specific items in the earlier recommendation. The use of the term 'revocation' involved a distinct legal process through which the Council would formally seek to take action to quash the earlier agreement. This course of action however lies at odds with the preceding term that this action was voluntary.

To overcome this dichotomy, the conflict between pursuing a formal legal process as opposed to a direct agreement between the parties concerned, it was recommended that the earlier recommendation was simplified to confirm a single course of action.

For the clarification of any doubt, the voluntary agreement between the parties involved the applicant agreeing through a unilateral undertaking under Section 106 of the Planning Act not to implement the earlier planning consent if approval was granted for the provision of a similar dwelling in a different location.

The applicants had already submitted a draft agreement to the Local Planning Authority which had been considered by the Council's Solicitor. This agreement established that the applicant would not implement the approved application W2005/0591 for the agricultural workers dwelling. This agreement was felt by officers to offer sufficient protection to the Council to allow enforcement action to be taken through a court injunction if both dwellings were built. In due course, the earlier approval would lapse by virtue of the time limitation condition.

As it was intended that the proposed dwelling would be for use a temporary period within which it was hoped that the applicant would prove the commercial viability of the poultry operation over a period of three years, the agreement would also restrict occupancy of the dwelling to agricultural workers.

For clarity, the condition attached to the original consent in respect of installation of the mobile home and the timing of the stocking of the poultry unit with birds had been recommended.

Members were also referred to the additional information contained within the update sheet that had been prepared following the preparation of the report to amend the recommendation and delete reference to occupancy restrictions in the unilateral undertaking.

**RESOLVED – that in relation to planning application W2008/0372 that subject to the applicant entering into a Section 106 Unilateral Undertaking not to implement the earlier planning permission W2005/0591 then delegated authority be granted to the Head of Planning & Environment to grant planning permission subject to the conditions as outlined within the report.**

(c) W2008/0626 – Land at Newport Business Park, Audley Road, Newport, Shropshire

The Board were reminded that consideration of this application had been deferred at the Board meeting that was held on 24th September 2008 to allow a financial viability assessment to be undertaken.

The planning update to members explained that the applicants did not agree to provide 35% affordable housing, as set out in the Core Strategy Policy CS6 for Newport, due to difficulties in the current economic downturn climate, but would provide 20%. Officers negotiated 25% affordable housing. Officers had sought advice from the Council's Asset & Property dept who considered the applicant's financial listings not unreasonable and the Council did not have evidence to the contrary. Therefore officers considered that this 25% provision was on balance acceptable.

It was noted that Members had previously expressed concerns that this would set a precedent to other developments in Newport and that the Council ought to be sure that the justification for providing less affordable housing than that stated in Policy CS6 was justified. Hence Members requested the application be deferred for a more detailed analysis of the applicant's financial information.

Officers had since sought the advice of a consultant and had received their findings, which were summarised within the report. It was reported that the applicant had been advised of the consultant's findings and that additional information was required of them. This had recently been submitted but a further deferment was requested to allow time for this additional information to be assessed and further considered by Officers before the application was submitted to Members for determination.

**RESOLVED – that in relation to planning application W2008/0626 that consideration of the application be deferred in order to allow time to consider the details of recently submitted information.**

(d) W2008/0844 – Wellington Road Surgery, Wellington Road, Newport, Shropshire

This application was deferred at the Plans Board meeting on 29<sup>th</sup> October 2008 in order for the Council to investigate any alternative and additional car parking facilities for the surgery.

It was reported that the Council's Highways Engineer had looked for Council owned land within 400 metres walking distance of the surgery, but did not find any sites that would be suitable.

The applicants had also submitted a Travel Plan which they hoped would encourage patients and staff to travel to the surgery by alternative and sustainable modes of transport. However, the Council's Highways Engineer had stated that in appropriate circumstances Travel Plans were regarded as a

positive step forward in dealing with highway issues, but it must be noted that by the very nature of how the surgery operated a Travel Plan was likely to have a very small mitigating effect on car usage.

The Council's Highways Engineer had stated that the additional information provided by the applicant failed to enhance the provision of parking within the site, and therefore did not overcome his concerns with regards to highway safety in the immediate vicinity of the application site. He therefore maintained his objections to the planning application.

The Council's Highways Engineer had offered response to various suggestions that had been put forward by the applicants to mitigate any future traffic and parking problems as outlined within the report.

Members, during the debate that followed, expressed a view that the extra health provision that would be situated at the surgery would benefit the local residents within Newport and would outweigh the perceived traffic and parking issues that had been outlined within the report and through the cited concerns of the Councils Highway Engineer. Accordingly Members expressed support of the application and accordingly; it was,

**RESOLVED – that in relation to planning application W2008/0844 that delegated authority be granted to the Head of Planning & Environment to grant planning permission subject to the imposition of appropriate planning conditions to be included within the planning approval.**

(e) W2008/1038 – Land adjacent to, Princess Royal Hospital, Apley Castle, Leegomery, Telford, Shropshire

Members were reminded that this application had been deferred at the last meeting in order to request the applicant to investigate alternative sites closer to the centre of Leegomery.

The Board were informed that the Telford and Wrekin Primary Care NHS Trust had now stated that they would not be able to consider Leegomery Local Centre as a location for a temporary doctor's surgery, for two reasons:

- (a) A GP surgery is already situated at Leegomery Local Centre and another surgery there could compromise the existing medical practice
- (b) The PCT would be concerned at locating a temporary demountable structure there because they would not be able to guarantee the security of the building

The PCT had also confirmed that they were not able to find any other suitable sites in the Leegomery area that could accommodate a new GP surgery.

Councillor K.L.Tomlinson was invited to address the Board on behalf of Councillor K.T.Blundell who was currently absent. Councillor Tomlinson stated that whilst Councillor Blundell was not against the principle of the proposal per se she considered that the development should take place within the Leegomery Centre. This was on the basis of better access to the Centre being

achieved by the provision of an existing bus route and that there was also existing chemist provision.

Members were also referred to the updated information sheet that had been prepared following the publication of the report which advised of letters that had been received from the current doctor's surgery located within the Leegomery Centre in support of the location within Leegomery Centre being used and also further letters from the Parish Council in which they repeated the terms of their objections to the application, with further additional comments.

The Board were also referred to the additional letter and background paper from the applicant's agents. Members were again referred to the contents of the original report that had been submitted to the Board on 19th November 2008.

It had been established and concluded by Officers that the application site was an 'under doctored' area of Telford. The application site was considered to be an acceptable location for a temporary surgery whilst a more permanent site could be found in the Apley/Leegomey area. The site was situated relatively near to a regular bus route, adequate car parking could be provided, and it would have only a limited impact on the character and appearance of the surrounding area. The application complied with the relevant policies in statutory local plans by virtue of providing essential community services and benefits to the people of Apley/Leegomery.

As a result there was no change to the officer recommendation as a result of the above information.

**RESOLVED – that in relation to planning application W2008/1038 that temporary planning permission be granted subject to the conditions as outlined within the report.**

(f) W2008/1202 – Tibberton Primary School, Maslan Crescent, Tibberton, Shropshire

This application was for the erection of a demountable building on part of the school playing field at Tibberton Primary School. The demountable would be of a standard timber finish, single storey classroom building, which would be relocated from Holmer Lake. The building was intended to provide pre-school and out of hours facilities. Tibberton Primary School was situated in the centre of the village off Maslan Crescent, with an adjoining large playing field surrounded by housing.

The Board was referred to the report in which the relevant planning policy, planning history, planning considerations and the consultation responses that had been received were outlined.

Members were advised that the demountable building would be located on the playing field area near to the main school building. Members were also

advised that the proposed location had been amended following consultations with the local Parish Council. The proposed location of the demountable would require the junior football pitch to be repositioned 10.5 metres, and although it would result in the loss of an area of the playing field, the use of the existing pitches would not be affected. On balance, it was considered that the demountable facility would not have a significant impact on the overall area of formal open space. The Council's Leisure Services Section also had no objections to the proposal. The demountable would be an adequate distance from surrounding housing such that its function would not significantly detract from local residential amenities.

**RESOLVED** – that in relation to planning application W2008/1202 that planning permission be granted subject to the conditions as outlined within the report.

(g) W2008/1218 – 17 Highfield, Church Aston, Shropshire

The application was originally for consent to fell two Scots Pine trees and one Larch tree. However, following the Council's Woodland Officer's recommendations the proposed works had been amended to the felling of one pine tree and work to one other pine tree and one Larch. The trees were located at Highfield which was a residential cul-de-sac situated on the eastern edge of Church Aston. No.17 was a two-storey detached house and the rear garden featured several trees which were part of the wooded bank which adjoins The Folly footpath to the rear.

Members were referred to the relevant planning policies applicable to the application together with the consultation responses that had been received.

The Board was informed that the subject trees were the tallest trees in the rear garden of the property and were visible from outside the site. However the smaller Scots Pine tree which was proposed to be felled had been identified as being in poor condition by the Woodland Officer. The rear garden benefits from other smaller trees, which also contribute to amenity and provide screening.

On balance, the amended proposal to fell the one Scots Pine tree, and works to the other two trees was considered acceptable and would not result in a significant loss in the amenity provided by existing tree cover in this area. Although consent was granted for tree felling at the adjoining No.18 subject to a replanting condition, replanting was not considered necessary in this case, with only one tree now proposed to be felled. There were other trees in the rear garden to No.17 which would provide adequate amenity to retain the character of the area.

**RESOLVED** – that in relation to planning application W2008/1218 that tree preservation order consent be granted subject to the conditions as outlined within the report.

(h) W2008/1267 – Public Open Space, rear of Bromley Way, St Georges, Telford, Shropshire

This planning application related to the installation of a children's ball court and seating area on land to the north of Bromley Way in St Georges. The site, was located between Bromley Way and West Street, and to the west of Marrion's Hill, and was presently part of a larger flat area of grassland that was used for informal recreation. To the north of the site was a steeply sloping wooded embankment and to the west a group of mature trees. A small length of existing footpath would need to be diverted to accommodate the facility.

The proposed ball court would measure 12 x 20 metres, have a tarmac surface to it, and be surrounded by a 3 metre high mesh fence. A cycle rack, litter bin, and seating shelter would also be provided. The proposed play/recreational facilities were intended to be used predominantly by local children and young people aged between 3 and 16 for play, football, basketball, cricket, and socialising. The venue could also provide opportunities for occasional small localised events.

The ball court was intended to replace the one that had been closed down at the former Gower Street Youth Centre. Ward Councillors, the Parish Council, West Mercia Police, and the Beth Johnson Housing Association (owners of the properties in Bromley Way) had all been involved in finding an alternative location for the ball court. It was further understood that they all supported this facility and the site that had been chosen. Local children and young people had also helped in not only finding a site but also in identifying what facilities should be included within it.

The Board were also referred to the consultation responses, and relevant planning history, policies and planning considerations.

This replacement ball court was considered to be urgently required by the children and young people of St Georges. Many bodies and partners (as well as the young people themselves) had been involved in trying to find an alternative location for this facility, and although this site did not meet with the NPFA guidelines it was considered that it represented the only feasible and realistic location in St Georges. It was considered that the urgency and need to provide this ball court more than outweighed any problems of noise and disturbance that may be experienced by local residents when the facility had been installed.

**RESOLVED – that in relation to planning application W2008/1267 that planning permission be granted subject to the conditions as outlined within the report.**

(i) W2008/1255 – Garrison Roundabout, Land off New Trench Road, Donnington, Telford, Shropshire

This application sought permission for advertising consent to display three non-illuminated advertisement signs on the Garrison Roundabout, on land off

the New Trench Road, Donnington, Telford. The Garrison Roundabout is more commonly known as the 'Three Guns roundabout' due to its distinctive display of artillery, and is situated on the A518 near Donnington in a built-up area of Telford.

The proposed signs were similar in size to those now displayed on several roundabouts in the Telford area, and were intended to promote local businesses, as part of the Telford & Wrekin Community Sponsorship scheme. In this case the proposed signs would advertise recruitment for the Territorial Army. The signs would be 1200mm across, and this size had been agreed with the Council's Highways Officer as an acceptable size with regard to highway safety and visibility. In this location, the proposed signs were considered acceptable as they would not result in excessive visual clutter, and would not detract from the amenities of the surrounding area generally.

However, Members were referred to the update sheet that was prepared following completion of the report which cited the objections of Lilleshall & Donnington Parish Council who had stated that the signs would spoil the look and character of the roundabout particularly when regard was given to the character and historic standing of the guns. A number of Members also expressed concerns about the application and the proposed location of the signs at this particular roundabout and concurred that the erection of the signs at this location would be detrimental to the character and amenity of the roundabout and the surrounding locality.

**RESOLVED** – that in relation to planning application W2008/1255 that planning permission be refused on the grounds that the proposed signs would be considered to be detrimental to the character and amenity of the roundabout and the surrounding locality.

**PB-63        SITE VISITS**

No Site Visits were arranged.

**PB-64        PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED POWERS**

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 7.05 p.m.

**Chairman:** .....

**Date:** .....