

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 29th April, 2009 at 6.00 p.m. at the Civic Offices, Telford**

**PRESENT:** Councillors I.T.W. Fletcher (Chairman), N.A. Dugmore (Vice-Chairman – in the Chair for planning applications W2008/0500 and W2009/0168), E.A. Clare (as substitute for M.J. Smith), R.G. Chaplin, J.A. Francis, G.M. Green, F.R. Picken and H. Rhodes.

**OTHER MEMBERS PRESENT:** Councillor R.T. Kiernan for planning application W2008/1353 and Councillor J.M Seymour for planning application W2009/0211.

The Chairman welcomed Councillor N.A.Dugmore to his first meeting of the Plans Board.

#### **PB-104      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 8th April, 2009 be confirmed and signed by the Chairman.

#### **PB-105      APOLOGIES FOR ABSENCE**

Councillor M.J.Smith.

#### **PB-106      DECLARATIONS OF INTEREST**

Councillor I.T.W. Fletcher declared a personal and prejudicial interest in planning application W2008/0500 and stated that he would vacate the Chair and address the Board as Ward Member and then leave the meeting during the consideration and determination of this particular application together with a personal and prejudicial interest in planning application W2009/0168 and indicated his intention to leave the room during consideration and determination of this particular application.

Councillor F.R. Picken declared a personal and prejudicial interest in planning application W2009/0168 and indicated his intention to leave the room during consideration and determination of this application.

#### **PB-107      URGENCY RESOLUTION – SECTION 100B(4) LOCAL GOVERNMENT ACT 1972**

The Chairman stated that he was of the opinion that the following items of business (namely minute references PB-108, PB-110 and PB-115) should be dealt with at this meeting in order to avoid any unnecessary delay.

**PB-108      APPOINTMENT OF VICE-CHAIRMAN**

It was reported to the Board that Councillor A.A. Meredith had resigned his membership of the Board. In accordance with Rule 5 of the Committee Procedure Rules as contained within Section 10 of the Council's Constitution it was required that an appointment should be made of a replacement Vice-Chairman to the Board at this meeting. On seeking nominations Councillors N.A. Dugmore and Councillor H. Rhodes were both formally nominated for appointment as Vice-Chairman. On being put to the vote there was an equality of votes with both nominees securing four votes each – on the second and casting vote of the Chairman in favour of Councillor N.A. Dugmore, it was accordingly;

**RESOLVED** – that Councillor N.A. Dugmore should be appointed as Vice-Chairman to the Plans Board.

**PB-109      TREE PRESERVATION ORDERS REPORT**

The report of the Head of Audit & Democracy was received by the Board which informed Members of the making of two provisional Tree Preservation Orders (TPO) and also to seek their confirmation.

Members were advised that on the 5th March 2009 a provisional Tree Preservation Order was made in respect of one mature Beech tree on land at the Swan Public House, 4 Lower Bar, Newport, Shropshire. It was further reported that on the 11th March 2009 an objection to the order had been received from the owner of the land.

The Board was referred to the report which detailed the points that had been raised by the owner of the property and the detailed response from the Council's Arboricultural Officer.

The Board were also informed that on the 5th March 2009 a provisional Tree Preservation Order was made in respect of a group of three early mature Norway Maple trees on land adjacent to 34 Wrekin Road, Wellington, Telford. It was further reported that on the 3rd April 2009 an objection to the order was received from a representative on behalf of the owners of the land.

Members were referred to the report that detailed the objections that had been received by the Council for and on behalf of the owners of the land and also the response of the Council's Arboricultural Officer. The Board was also referred to a further letter dated 23rd April from the land owner's representative together with further background information in connection with previous planning applications for this particular parcel of land.

**RESOLVED** – that

- (a) **the Borough of Telford & Wrekin (Mature Beech at the Swan Public House, 4 Lower Bar, Newport, Shropshire) Tree Preservation Order 2009 be confirmed without modification.**

- (b) the Borough of Telford & Wrekin (Trees on Land Adjacent to 34 Wrekin Road, Wellington, Telford, Shropshire) Tree Preservation Order 2009 be confirmed without modification.**

*(Councillors I.T.W. Fletcher left the room during discussion and determination of the following two applications and F.R. Picken left the room during discussion and determination of the following application, in line with their declarations of interest. The Vice-Chairman, Councillor N.A. Dugmore, took the Chair for the following two items.)*

**PB-110 PLANNING APPLICATION W2009/0168 – FORMER WINDSOR FLATS SITE, ARLESTON LANE WELLINGTON, TELFORD**

Members were referred to this particular application that had been determined by the Board at the previous meeting that was held on 8th April 2009. It was confirmed that the Board had resolved to grant the application subject to the completion of a Section 106 Agreement securing a financial contribution of £12,000 towards the provision of off-site play facilities.

The proposed S106 contributions towards outdoor play facilities were agreed in the previous application W2008/1006, reported to Plans Board in November 2008. This application remains undetermined as the S106 agreement had not yet been signed. It was further pointed out that officers had pursued the S106 agreement relevant to this application with the agent and applicant having contested the agreement of the £12,000 reported to committee. In addition no written confirmation had ever been received confirming this amount.

The applicants had also contested that the proposal to demolish and rebuild the dwellings not only complied with current building regulations, but had also met the lifetime homes level 4 of the Code for Sustainable Homes resulting in a financial loss. The Board were also informed that under the approval, affordable housing was not requested as it did not meet the threshold as required by Policy H23 of the Wrekin Local Plan. However in recognition of the growing shortage of affordable homes and the increase in homelessness, the Wrekin Housing Trust had propose to offer 100% social housing on the site in lieu of the contributions towards outdoor play facilities. In view of the current financial position this proposal had been considered acceptable by officers.

Members were referred to the additional information that had been provided by the Council's Leisure & Recreation Officer who maintained their position that the development should meet the needs that arose from the development. Further they held the view that the applicant's proposal to release their contribution to the acknowledged need of children's play provision that would arise from the development and the non-inclusion of funding towards this provision should be regarded as a departure from policy. Leisure & Recreation officers whilst not without sympathy towards the applicants in times of financial difficulties however they considered that the provision of 100% affordable housing was likely to generate more of a need

for immediate off-site provision. In conclusion the Council's Leisure and Recreation Officer requested a reduced sum of £5,400.

During a discussion a number of the Board members concurred with the Leisure & Recreation officer and requested that a further approach should be made to the applicants with a view to securing the sum of £5400 in lieu of the £12,000 figure that had been agreed at the April 2009 Board meeting. Board members were also mindful that they did not wish to create a precedent in the future particularly when it was considered that these facilities would be of long term benefit to the residents which would be in existence longer than the current financial position. Notwithstanding the above Members were however pleased to note the applicant's proposal to provide 100% affordable housing as this was badly needed.

**RESOLVED – that**

- (a) **in relation to planning application W2009/0168 that the decision of the Plans Board held on 8th April 2009 be varied as follows in (b) below;**
- (b) **that subject to the applicant entering into a Section 106 Agreement to provide 100% Social Housing and a financial contribution towards the improvement of recreational facilities in the vicinity of the site, provided that the Head of Planning & Environment following consultation with the Vice-Chairman of the Plans Board is satisfied in respect of the viability of any such financial contribution then delegated authority be granted to the Head of Planning & Environment to grant permission subject to the conditions as outlined within the report. However if following consultation that the financial viability of the financial contribution is not approved then consideration of the application should be referred back to a future meeting of the Plans Board.**

*N.B. Councillor F.R. Picken returned to the meeting room.*

**PB-111      PLANNING APPLICATIONS FOR DETERMINATION**

- (a) W2008/0500 – The Pigeon Box, Priorslee Road, St Georges, Telford, Shropshire

This application related to the site of The Pigeon Box, Priorslee Road, St Georges which was currently a vacant public house, which was the subject of fire damage, resulting in a roofless building. The site covered approximately 0.8 hectares, comprising of the public house fronting Priorslee Road, and its amenity and parking area to the rear which was accessed to the east of the public house. Members were further referred to the report that indicated that a mature hedge acted as the applications site's rear boundary which bordered onto agricultural fields to the north of the site. Further a number of trees were subject to Tree Preservation Orders the most significant being the group of trees located to the east of the public house.

The application site was located in close proximity to the town centre, located approximately 1.2km to the east of Oakengates Centre, and approximately 900m to the west of Priorslee centre. Facilities included Priorslee Primary School, St Georges CofE Primary School, Telford Railway Station and Central Park lie within 900m radius of the site.

The Board were referred to the consultation responses that had been outlined within the report but in particular reference was made to the Council's Highway Engineer comments who had raised no objections to the proposal but had requested a financial contribution towards highway improvements at a sum of £15,000 although following further negotiation in line with Circular 5/05 with regard to planning obligations, in this respect the agreed sum had been reduced to £5,000 which would be secured by a Section 106 Agreement.

Members were further referred to the Council's Housing Strategy Manager who had also originally requested the provision of 30% of affordable housing split between 20% social housing and 10% shared equity. The applicant maintained that this was not viable and offered 30% discount market housing. As this was not supported by a financial report this was not accepted. The applicant subsequently agreed to provide 30% affordable housing split between 10% social housing and 20% shared equity. The Council's Housing Strategy Manager maintained his original request, however based on the current financial market officers had recommended that this offer should be accepted.

Drainage concerns from objectors were highlighted to Members. Whilst Severn Trent maintained no objection to the development, the Council's Drainage Engineer had further liaised with Severn Trent and the applicant. In summary the proposed development would reduce the volume of surface water drainage entering the combined sewer, which would be adequately conditioned. In addition it was also recommended that works relating to any necessary drainage infrastructure as identified was undertaken by the developer.

The Board were also informed on the other consultation responses as outlined within the report including contributions in relation to education and leisure and recreation which had been agreed with the applicant.

The local ward member, Councillor I T W Fletcher was invited to address the Board; he had been requested to represent the views of local residents who wished to oppose the development. He cited that there were two main concerns – access for traffic and sewerage. In relation to traffic concerns he stated that traffic assessment had not taken into account the number of vehicles that parked on the side of Priorslee Road and that as a result of an increased number of vehicles within the development that this would have an adverse effect on the amenity of the residents. He also shared the concerns of the local residents in connection with the existing sewerage problems. He said that the existing area was prone to flooding problems and he requested that this issue should be addressed prior to any future development. In conclusion he requested that the application should be deferred in order for a

site visit to be undertaken. Following the conclusion of his representation Councillor I T W Fletcher left the meeting room.

Following a brief discussion, it was;

**RESOLVED** – that in relation to planning application W2008/0500 that consideration and determination of this application should be deferred to enable a site visit to be undertaken prior to the next Board meeting to be held on Wednesday 20th May 2009.

*N.B. Councillor I.T.W.Fletcher returned to the meeting room and resumed his position as Chairman for the remaining agenda items.*

(b) W2008/1353 – Maiden's of Telford, Cross Green, Allscott, Shropshire

This application sought permission for the Removal of condition 7 from planning permission W83/0626, and removal of condition 2 from W78/0869 restricting use to AJ Maiden & Sons only. Members were informed that the site was located at Cross Green on the junction of the B4394, to the south of Allscott village. The site was an existing haulage yard situated immediately west of a residential dwelling. Access to the haulage yard was gained to the north of the dwelling; with no direct vehicle access onto the B4394.

Agricultural fields were located immediately adjacent to the northern and western boundaries of the site. These fields being within the landowner's ownership. Cross Green bungalow, located to the south eastern corner is outside of the landowner's ownership. A small cluster of buildings were located at Cross Green, these include three dwellings and The Plough public house. The outskirts of the main village was located approximately 300m to the north of the site; and the now demolished site is situated approximately 300m to the west of the site.

Members were referred to the planning history and the update sheet which provided the detailed conditions of the previously approved planning applications and permissions. The Board were also referred to the relevant planning policies and consultation responses contained within the report which confirmed the Council's Highways Engineer had raised no objections to the development; however the Council's Environmental Health Officer had raised objections on the grounds of adverse impact on residential amenity of those units adjacent to the site which were currently within the ownership of the Maiden Family.

It was also clarified to Members that the original application was effectively a base line, and would not be superseded. If this application was approved, the applicant could chose to implement either that approved or implement the new consent, with no time limits; in addition the applicant could also chose to revert back to the original planning consent subject to being used in accordance with the personal conditions.

The local ward member Councillor R.T. Kiernan was invited to address the Board who stated that he had been requested to represent the views of the local residents in connection with the application. He initially stated that residents within the vicinity of the application site were concerned about the proposed removal of the personal permission that was applicable to the site. It was also stated that if approved the site and the locality could potentially be subjected to an increase in traffic movements. He also referred to existing traffic problems that were experienced by local residents.

On balance, officers had concluded that this was an existing use which had been apparent for over 25 years, and as such those people moving into the area would be aware of this business as an element of “buyer beware”, in addition the site would not be intensified. In order to overcome the Environmental Health Officer’s objections officers recommended a condition relating to hours of use to secure amenity for those residential units which were in close proximity to the site, as this would no longer be secured if the site was sold outside of the Maiden’s family ownership. Consequently in accordance with Section 73 of the Town & Country Planning Act 1990, it was considered appropriate to attach a condition relating to hours of operation across the whole site and not just the workshop to comply with Core Strategy policies CS7 and the Wrekin Local Plan policy E6.

Accordingly, it was;

**RESOLVED – that in relation to planning application W2008/1353 that Condition number of 7 of planning permission W1983/0626 and Condition number 2 of planning permission W1978/0869 be deleted and replaced by the conditions as outlined within the report.**

(c) W2009/0173 – The Charlton School, Severn Drive, Wellington, Telford, Shropshire

This application was submitted to the Board which sought permission for the erection of a new special educational needs building at the Charlton School, Severn Drive, Wellington, Telford. Members were informed that the existing building had become inadequate for the schools needs and as such the proposal was to demolish it and replace it with a single storey, pitched roof building. The Board were further informed that the new Special Needs building would provide 187sq.m. of accommodation including a reception, waiting/meeting room, 2no.offices, 2no. multi-use rooms, lobby and disabled toilet.

Members were advised that no neighbour comments or objections had been received and Wellington Town Council had raised no objections to the proposal. The Council’s Drainage Engineer had advised that due to the increase in hardstanding additional water run-off would be created and additional flows should be attenuated. The Fire Safety Officer had also advised that there needed to be access for emergency vehicles, water supplies for fire fighting and sprinkler systems. This information was noted

however, these particular matters would fall within the remit of Building Regulations.

The Board were referred to the relevant planning policies and planning considerations in relation to this application.

The proposed development is considered to be acceptable and improvement to the existing building and as such will have apposite impact on the character and amenity of the school or the surrounding area. Whilst it was acknowledged that the proposed development would lead to the loss of a small landscaped area including a flowering cherry tree. On balance this loss of this landscaped area was not judged to be significantly harmful to the visual amenity of the locality. In addition, there was no impact upon parking provision or the residential amenity of the nearby dwelling houses. Accordingly, it was considered that the proposed development was compliant with both local and national guidance and therefore recommended for approval with conditions.

**RESOLVED – that in relation to planning application W2009/0173 that planning permission be granted subject to the conditions as outlined within the report.**

(d) W2009/0211 – 5 Marsh Green, Rodington, Shropshire

This application related to the siting of a static caravan, one touring caravan and two sheds on land at 5 Marsh Green, Rodington, Shropshire. Marsh Green was a loose knit scatter of dwellings located some 6.5 miles north west of Telford and situated in the open countryside as defined in the Wrekin Local Plan; previous Planning Inspectors had concluded that it was neither a village nor a hamlet. The 0.75 acre site was flat and roughly triangular in shape and bounded by post and rail fencing and a Leylandii hedge, with agricultural land beyond. The site was accessed via wrought iron gates hung on brick pillars; a gravel driveway leads to a gravel area to the rear of the site. The remainder of the site was laid to lawn.

Members were advised on the relevant planning history, consultation responses that had been received during the statutory period, policy context and relevant planning considerations as detailed within the report.

The local ward member, Councillor J.M. Seymour was invited to address the Board who stated that she had been requested to represent the views of the local residents to the application site. She reminded the Board that there had been a long history for the last 20 years or so of a number of planning applications for this site and that all of these had been refused. Whilst she advised the Board that the local residents had no particular animosity towards gypsies and referred to the existing settlement but there was a need to reflect the existing balance between the two existing communities. She also raised concerns in connection with the fact that there was no existing drainage or sewerage system in place and that neighbouring properties already had in place complex and varied systems – it was claimed that this proposal would

place a further strain on the existing situation. Councillor Seymour also stated that she and local residents were of the view that the application site was not large enough to accommodate the proposed development.

Following a discussion where a number of other members expressed a view in relation to the perceived problems as stated by the ward member and to enable further investigations to be undertaken it was suggested as to whether consideration and determination of the application should be deferred in order for a site visit to be undertaken.

**RESOLVED – that in relation to planning application W2009/0211 that determination of this application be deferred to enable further investigations to be made in relation to the various outstanding drainage and sewerage issues and that also a site visit be undertaken prior to the next Board meeting to be held on Wednesday 20th May 2009.**

(e) W2009/0213 – Newport Infant School, Granville Road, Newport, Shropshire

This Council application comprised the erection of a single storey extension to the rear of the existing school building at Newport Infant School, facing the rear garden areas of properties in Pen-y-Bryn Way, to provide improved staffroom facilities. Members were reminded that Newport Infants School was located off Granville Avenue. The building was set back from the main road, with vehicular and pedestrian access off Granville Avenue and car parking area at the side and rear. The school grounds were located to the east, with a small landscaped area to the rear, bounded by green steel railings. The application site adjoined residential properties in Pen-y-Bryn Way to the south, which back onto the site, with garden fencing and hedges bounding the site. The school site was surrounded by residential development to the north, south and west, with the Burton Borough school grounds adjoining the site to the east.

The main school building was constructed in 1950s, but a number of extensions have been added. The southern (rear) elevation of the school building is principally constructed in brick with large windows extending from floor to ceiling height. A smaller modern flat-roofed element projects slightly beyond the existing building line with large single window located on rear elevation.

Members were referred to the report which contained details of the consultation responses that had been received, planning history, policy context and the relevant planning considerations applicable to the application.

The Board were also referred to the update sheet which included a further letter of objection that had been received from an adjoining residential property owner stating that they used a room within this residential property for clinical hypnotherapy and that the use of this room would be prejudiced during the construction works and use of the extension. Whilst officers had considered this further objection it was pointed out that the proposed

conditions already limited the hours of construction and that the school could not be forced to rearrange either the internal layout of the school nor their particular operations.

In conclusion the proposed development was considered acceptable in terms of the scale, design, form and materials, in keeping with the character and appearance of the existing school building. The proposal would not have a detrimental impact on the amenity of adjoining residential properties in Pen-y-Bryn Way.

Accordingly, it was;

**RESOLVED** – that in relation to planning application W2009/0213 that planning permission be granted subject to the conditions as outlined within the report.

- (f) W2009/0229 – Hollinswood Infant School, Dale Acre Way, Hollinswood, Telford, Shropshire

This council application sought permission for the proposed installation of a timber-built gazebo within the school grounds of Hollinswood Junior and Infant School, Dale Acre Way, Hollinswood, Telford. Members were informed that the school and its extensive grounds occupied a large site between Dale Acre Way and Queen Elizabeth Avenue.

The Board were advised of the relevant planning policy context applicable to the application and that also no comments or responses had been received during the consultation period.

Officers had concluded that the timber gazebo would be of a satisfactory appearance with an overall height of 2.75 metres. It was intended to use the structure as an outdoor classroom, and as a shelter for waiting parents. It would be situated in proximity to part of the main school building and would not be visually intrusive on the site. The structure would have little effect on the amenities of the surrounding area.

**RESOLVED** – that in relation to planning application W2009/0229 that planning permission be granted subject to the conditions as outlined within the report.

- (g) W2009/0237 – Wombridge Primary School, Hartshill, Oakengates, Telford, Shropshire

Members considered this application which sought permission for the construction of an extension to the front of Wombridge Primary School, Hartshill, Oakengates, Telford between the Juniors and Infants buildings, to form a new main entrance. The extension would effectively form a link between the two existing main school buildings and would also provide reception and administration office accommodation. The Board was reminded that Wombridge Primary School was situated on a sloping site fronting

Hartshill to the west of Oakengates town centre in a predominantly residential area.

The Board were also informed of the relevant planning policy context and that also no comments or objections had been received during the consultation period.

The school complex consisted of two traditional main buildings which front Hartshill. These buildings had been added to and extended over the years and there was no single dominant architectural style. There was a change in ground level between the Infants building and the Junior School and the design of the extension would incorporate this with new steps and alternative ramped pedestrian access. The extension would improve facilities at the school and provide a safe, enclosed central courtyard/play area between the main buildings.

The proposed extension would form a distinctive modern link between the two traditional school buildings and the proposed design was considered an appropriate solution to providing a new focal point and entrance at the front of the school.

**RESOLVED – that in relation to planning application W2009/0237 that planning permission be granted subject to the conditions as outlined within the report.**

(h) W2009/0240 – Apley Wood Primary School, Pool Farm Avenue, Leegomery, Telford, Shropshire

This Council application sought permission for the proposed installation of a free-standing timber-built gazebo and a metal-framed clear glazed cycle shelter in the school grounds of Apley Wood, Primary School, Pool Farm Avenue, Leegomery. The Committee was informed that Apley Wood Primary School was situated in a low density residential area close to Leegomery Centre.

The Board were also informed of the relevant planning policy context and that also no comments or objections had been received during the consultation period.

The gazebo and cycle shelter would be situated inside the entrance to the school site from the Silkin Way footpath which adjoined the southern boundary. The structures would also adjoin a playground area and would be adequately screened from outside the school site by the hedge which is on the school boundary. The proposals therefore represented a minor development on the school site which would not be visually intrusive and would have little significant impact on the amenities of the surrounding area.

**RESOLVED – that in relation to planning application W2009/0240 that planning permission be granted subject to the conditions as outlined within the report.**

**PB-112      SITE VISITS**

**RESOLVED** – that with respect to planning application W2009/0211 – 5 Marsh Green, Rodington commencing on site at 4.00 pm followed by a Site Visit to be made in connection with planning application W2008/0500 – Land adjacent to the Pigeon Box Public House, Priorslee Road, St Georges, Telford commencing on site at 4.45 pm both site visits to be held on 20th May, 2009.

**PB-113      PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED AUTHORITY**

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

**PB-114      EXCLUSION RESOLUTION**

**RESOLVED** – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information, as defined in Paragraphs 1, 2 and 5 of Part 1 of Schedule 12A Local Government Act 1972.

**PB-115      APPROVAL OF A STOP NOTICE – PROPERTY IN SOUTH TELFORD**

The report of the Head of Planning & Environment was received which sought permission for the commencement of enforcement action against the developer of a property who had erected a residential property which did not benefit from an approved planning permission.

Members were informed that the site was roughly rectangular in shape and was originally part of the grounds of an adjacent Grade II Listed Building located in the South of Telford. The Board was informed that the site was flat in 2000 when the first planning application had been received and considered, and remained flat in 2005. However since this date a number of excavations had taken place in order to erect the present unauthorised building.

The relevant planning history and planning issues were detailed to the Board together with the difficulties that had been experienced by the Councillor, particularly in its statutory enforcement role. The Board were also advised as to the legal remedies and actions that the Council could undertake.

Following discussion by the Board, it was;

**RESOLVED** – that in connection with the property located in South Telford that delegated authority be granted to the Head of Planning & Environment to authorise the service of:

- (a) **an Enforcement Notice to stop further works which did not have the benefit of planning approval and to remove any works which did not have the benefit of a planning approval, and;**
- (b) **a Stop Notice to stop further works being carried out which do not have the benefit of planning permission.**

The meeting ended at 8.40 p.m.

**Chairman:**

**Date:**