

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 27 January, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), J.A. Francis, R.G. Chaplin, N.A. Dugmore (Vice-Chairman), G.M. Green, F.R. Picken, H. Rhodes and M.J. Smith

ALSO PRESENT:

Councillor S.M. Kelly (for planning application W2009/0542) and Councillor R.T. Kiernan (for planning application W2009/1030)

PB-79 MINUTES

RESOLVED – that the minutes of the meetings of the Plans Board held on 6 January, 2010 be confirmed and signed by the Chairman subject to the resolution in respect of planning application W2009/0915 being amended by the insertion of the words “*2 bedroom plus*” between the words “*£600 per*” and the words “*dwelling*”.

PB-80 APOLOGIES FOR ABSENCE

None.

PB-81 DECLARATIONS OF INTEREST

None.

PB-82 PLANNING APPLICATIONS FOR DETERMINATION

- (a) W2006/0135 – New Hadley Car Sales, Hartshill, Oakengates, Telford, Shropshire

This was an application for the erection of a building to accommodate 10 one-bedroom apartments on a site of approximately 800sq.m. which was currently occupied by a used car business and surrounded by palisade fencing along its road boundaries.

The proposed curved building, which would face both road frontages, reached three storeys in height either side of a central tower, but stepped down to two storeys at each end. There would be 4 apartments on the ground and first floors, and 2 on the third floor. Pedestrian access to the ground floor units was directly from the rear courtyard and access to the first and second floors was via the central staircase tower which led to courtyard balconies at the back of the building. Vehicular access was from Hartsbridge Road and would lead into a rear courtyard that accommodated 12 parking spaces and a recycling and refuse area. A secure undercover cycle storage locker would be located inside the building within the ground floor entrance hall. Since the application was first submitted several amendments had been made

to improve the building's appearance, including the removal of rendered panels, the introduction of projecting brick banding to the eaves and gables, projecting brick piers, and projecting cills that all emulated the features of the adjoining Walker Technical College building. The boundary treatment along the Hartshill and Hartsbridge Road frontages was 1m. high metal railings with brick piers, which would match, at a lower height, the wall in front of the now vacant Walker Technical College Building. A prominent tree would also be planted on the corner of the site.

The parking provision of 12 spaces was slightly less than that required by the Council's Parking Standards but was acceptable as the site was within walking distance of the public transport links in Oakengates Centre. In addition, a new pedestrian refuge would be provided in the middle of Hartshill to provide a safe crossing to access, amongst other things, the bus stop on the northern side of the road.

One letter of objection had been received from a local resident who was concerned about overlooking and lack of privacy and sunlight. Oakengates Town Council had no objections but had suggested that the road conditions at this location should be addressed. The Council's Highways Engineer had no objections subject to the applicants entering into a Section 106 Agreement for a contribution of £6,000 towards the provision of a pedestrian refuge in the middle of Hartshill, and to the imposition of conditions relating to the provision of 12 car parking spaces within the site, the position of any entrance gates, and the provision of cycle parking. The Council's Outdoor Recreation Officer had requested a contribution of £5,000 towards upgrading and enhancing recreation provision at the nearest playing field/recreation ground, which was Hartshill Park, approximately 400 metres away.

It was considered that the proposed development related positively to its street scene context and respected the prevailing townscape and character of the surrounding area and, in particular, the design and appearance of the adjacent Walker Technical College. The design and scale of the development sought to blend the different styles and scale of buildings in the vicinity of the site, as well as responding to, and reinforcing, this prominent corner location.

The development of this site would remove an unattractive commercial business from this prominent corner and replace it with an attractive focal point that made a positive contribution to the townscape quality in this part of Oakengates whilst not adversely affecting the residential amenities presently enjoyed by the occupants of adjoining and existing development in the vicinity by virtue of any undue overlooking, loss of light, or any overbearing effect.

RESOLVED – that with respect to planning application W2006/0135 the Head of Planning & Transport be granted delegated authority to grant planning permission subject to the applicants entering into a Section 106 Agreement relating to financial contributions of (a) £6,000 towards the provision of a new pedestrian refuge in the middle of Hartshill and (b) £5,000 towards upgrading and enhancing recreation provision in Hartshill Park and to the conditions as set out in the report.

(b) W2006/0966 – Land off Castle Farm Way, Priorslee, Telford, Shropshire

The Chairman informed the Board that applications W2006/0966 and W2006/0968 would be considered together but voted upon separately.

W2006/0966 was an application for the erection of 51,095sq.m. of employment floorspace, residential development of 550 dwellings, a hotel, associated access roads and other infrastructure for which a resolution to grant planning permission had been agreed by the Board on 31 October, 2007 subject to a Section 106 Agreement. Following the resolution to grant planning permission the application was referred to the Government Office for the West Midlands (GO-WM) on 12th February 2008 as a departure to the development plan. However, GOWM, on behalf of the Secretary of the State for Communities & Local Government, had decided not to call-in the application and planning permission would have been issued subject to the anticipated removal of the Highways Agency's holding objection. However, a number of matters had arisen which had changed the position and required this further report to the Board. Members were asked to note that, while the 2007 resolution to grant permission was a material consideration, subsequent changes to the application and to the proposed planning obligations needed to be considered on their current planning merits.

During the course of Section 106 negotiations a further application for 32,484sq.m. of B1 floorspace had been received in July 2008 (W2008/0799) upon which the West Midlands Regional Assembly (WMRA) was consulted in line with the Regional Spatial Strategy (RSS). At this point the WMRA became aware that it had not been consulted on the outline application when it was submitted in 2006 and, having considered the proposals against the criteria which it wished to be consulted upon at that time, it was the Assembly's interpretation that it should have been consulted. Furthermore, the Assembly was of the opinion that its response in 2006 would have been the same as that given in respect of W2008/0799 namely that the outline application would have been in general conformity with the adopted RSS subject to the imposition of a condition limiting Class B(a) office development to a maximum of 5,000sq.m. in order to protect the viability and vitality of the Town Centre. Members noted that Board's resolution of 31st October 2007 had not imposed any such limitation and the applicant's agent had already indicated that this restriction was not acceptable.

Concurrently, in March 2009, the Highways Agency had removed its holding objections, subject to a number of conditions which had enabled progress to be made with issuing a decision on W2006/0966 subject to a Section 106 Obligation. However, during 2009 as the economic downturn took effect, the applicants had suggested that, as the overall scheme viability was now threatened, a much reduced planning contribution package would be offered. In response the Council had instructed the commercial arm of the Valuation Office Agency (DVS) in October 2009 to assess this situation. The DVS had found that, in the current market, the scheme was not viable if the full package of planning obligation contributions previously offered was still required by the Council but had also noted that over the anticipated timescale of the scheme (7 to 10 years), market conditions would inevitably change and this should be kept under review. It was, therefore, considered reasonable that a future upturn in land values should be reflected in the level of Section 106

contributions through the principle of overage to claw-back monies from any 'super profit' made by the developer through the imposition of review dates, as described in the report.

Given the concerns raised by the WMRA on the need to protect the Town Centre, the applicant had made a submission setting out the principal economic and regeneration benefits of the scheme, as summarised in the report. In addition, their letter of January 2010 set out a resume of the relevant policies and objectives of the recently published PPS4 and how these matters had already been addressed in the material submitted. PPS4 had widened the description of what was to be regarded as an economic development to include not only Class B uses but any other use which provided employment such as the hotel element of this scheme.

The Council's Head of Economic Development, in support of the application, had stated that, while, Telford Town Centre currently presented a number of sites with development potential for offices, it was unlikely that these would be appropriate for the types of use being proposed. The development at the proposed Lakeside Technology Park required flexible floorspace suitable for high technology/knowledge intensive employers while sites at the Telford Town Centre was for different economic development clusters such as specialist business and professional services. In the current market the Head of Economic Development considered that a restriction of 5,000sq.m. of B19a) use could deter commercial investment in the area and have a negative impact on achieving the full development potential of the site to contribute to the Borough Economic Strategy. Therefore, on the assumption that phased development would be consistent with a development of this size and nature, he had advised a limit of 20,000sq.m.

In his letter of 26 January 2010, as e-mailed to the Board, the WMRA's Head of Planning had set out his response to this new limit, which he considered would not be in general conformity with the WMRSS. However, should the Board be minded to approve the application on the basis of 20,000sq.m. permitted B1(a) use, he requested that the following two restrictive conditions should be imposed rather than the open-ended B1 consent for 51,095sq.m. sought by the applicant:

- No single occupier to occupy less than 2,500 square metres gross floorspace (other than ancillary B1(a) as part of an industrial unit);
- The B1(a) space not to be occupied by public or commercial organisations which attract numbers of visitors or provide services to the local community. This would comprise council, health, social housing, law and order, social security and taxation services, financial services, accountancy and law firms.

The update stated that the applicants had, by e-mail that afternoon, advised that they did not accept the imposition of the restrictive conditions suggested by the WMRA.

This site was clearly out-of centre and, as such, officers had initially sought to limit the amount of B1(a) floorspace to 5,000sq.m. and the 10,000sq.m. The applicant's had maintained that a minimum of 20,000sq.m. was necessary to secure continued funding investment. Mindful of the advice of the Head of Economic Development, officers were prepared to recommend a limit of 20,000 sq.m. However, Members

were advised that, by setting a limit that had little planning policy basis, it would be extremely difficult to resist future requests for additional office floorspace at this location irrespective of how the condition was worded.

It was explained to Members how the new PPS4 was also an important, additional material planning consideration, which needed to be given full weight, as was the need to protect the town centres. Although the applicants had undertaken a sequential analysis, it was considered that this was not particularly rigorous and the application had the potential to prejudice the bringing forward of more central sites for office uses. Members were reminded of the need to balance the economic development opportunities of this development with the risk of setting an undesirable precedent.

Officers recognised that this proposal was a significant regeneration, investment and job creation opportunity at a time when few genuine economic development proposals were coming forward. But, as Members were aware, this site competed with the i54 business park on the edge of Wolverhampton, which had also faced similar policy implications with regard to out of centre office accommodation and for which there had been some support from the respective authorities for larger office floorspace than the RSS policies would normally tolerate, subject to stringent conditions. Telford was also directly competing with other out of centre business parks, such as Shrewsbury, where historic planning permissions meant there was no restriction in terms of volume of office floorspace. Therefore, it was considered that Telford must remain competitive and continue to be able to offer a selection of sites both in-centre and out-of-centre.

Having considered the evidence put forward by the applicant notwithstanding the policy considerations regarding location of office space and requisite planning obligations, it was felt that, on balance, the benefits of the scheme to the Borough as a whole in investment, regeneration, best use of previously used land and job creation were considerable and constituted significant material considerations. Therefore approval of the application was recommended with a limiting condition restricting the amount of B1(a) floorspace to a maximum of 20,000square metres in order to help safeguard the future of the town centre as the primary focus for office development. In addition, given recent appeal decisions and the advice given by the DVS, officers considered that strict review clauses on planning obligations tied to the phasing of the proposal should encourage development of the site and safeguard the public purse should the market improve.

With regard to the planning obligations and the infrastructure improvements, the developer was willing to offer the following:

- Affordable housing - £420,000 – 21 units equivalent to 3.8%
- Public open space provision and maintenance contribution of - £75,000
- Contribution to public transport - £150,000
- Castle Farm Way improvements - £60,000
- New junction serving the employment land - £1,323,000
- New residential junction - £912,000
- Priorslee Avenue junction - £776,000
- M54 junction 4 improvements - £603,000

Further, it was recommended that the Section 106 contributions should include £10,000 towards monitoring the Travel Plan and £10,000 towards the ongoing monitoring and administration of the Agreement.

The update report listed the off-site highway works required to be included in the proposal and the Section 106 contribution for sustainable transport in relation to the site. The Outdoor Recreation Officer had noted the lack of a NEAP and considered that the development was not contributing to the needs it was creating. In addition, the Council did not have sufficient funding to maintain the open space with the £75,000 proposed and would, if it was adopted by the Council, be subsidising this element of the proposal. The Council's Solicitor recommended that, in order to maintain flexibility, the option to oblige the owner to maintain the onsite play provision rather than to seek a transfer to the Council with a S106 financial contribution should be included in any resolution to grant planning permission.

The Council's Solicitor also stressed the need for Members to understand the proposed terms and conditions of any Section 106 Agreement and the update report set out the nine viability related objectives with respect to this application. The S106 contributions being offered by the applicant were a reduction on those approved in October 2007 and, if Members approved these, there would be a need to impose periodic reviews to deal with any greater than anticipated profit. Members agreed that the S106 obligations should achieve the nine viability related objectives set out in the report in order to identify a minimum "package" for now with an efficient review mechanism to enable increases to the minimum package subject to a maximum package which would reflect what the Council would reasonably have requested in normal "non-recession" circumstances.

In conclusion, while understanding the comments made by the WMRA, officers felt that, on balance, the material considerations, as laid out in the main report, justified approval of this scheme.

In summing up the presentation, the Head of Planning & Transport advised Members to give consideration both to the recommendation from the WMRA for 5,000sq.m. of office floorspace and that of the Head of Economic Development for 20,000sq.m. of office floorspace given the local circumstances facing the Council. Approval of the latter would provide an appropriate level of control to ensure that development such as this was directed to the right place in Telford. The update report set out the officers' view that the two restrictive conditions recommended by the WMRA were considered to be a reasonable and justified compromise which would allow the development to take place whilst safeguarding the future of the town centre. However, the Head of Planning & Transport sought the Board's advice as to whether the two restrictive conditions recommended by the WMRA were acceptable.

The Chairman referred to the current financial restrictions and the need to balance all the elements of this application. He considered that this was a good scheme, which would be damaged by the imposition of the two restrictive conditions. This view was shared by the Board, which welcomed the application as an opportunity for enhancing new technology in Telford. The Board agreed that the two restrictive conditions recommended by the WMRA should not be imposed.

RESOLVED - that planning application W2006/0966 be referred to the Government Office for the West Midlands for consideration and, if not called in, to grant delegated authority to Head of Planning & Transport, following consultation with the Chairman of the Plans Board, to grant planning permission subject to the receipt and written approval of clear design codes/rules/principles and the signing of a S106 agreement to provide financial contributions for sustainable transport, travel plan monitoring, recreation (if required), on-site affordable housing contribution of 21 units and S106 agreement monitoring together with terms to ensure that the 9 viability related objectives for the Section 106 agreement as set out in the update report tabled at the meeting are achieved and subject to appropriate conditions to be prepared by the Head of Planning and Transport.

(c) W2006/0968 – Land off Castle Farm Way, Priorslee, Telford, Shropshire

This application for the construction of new access, internal roads and other infrastructure was considered in conjunction with planning application W2006/0966.

RESOLVED – that subject to the withdrawal of the Highway Agency’s holding objection, the application be referred to Government Office of the West Midlands for consideration and, if not called in, delegated authority be granted to Head of Planning & Transport to grant outline planning permission subject to the receipt and written approval of clear design codes/rules/principles and the signing of a S106 agreement to provide financial contributions to education, highways, sustainable transport, leisure, asset & property (east/west link) and the provision of 22% social/affordable housing across the site, and subject to the conditions as set out in the report.

(d) W2009/0094 – Plot 14 Tweedale North, Tweedale, Telford, Shropshire

In presenting this application the Principal Minerals & Waste Officer drew the Board’s attention to the inaccuracies contained in the report within the agenda relating to the geographical orientation used and the description of the application. These were corrected in the update e-mailed to Members and tabled at the meeting.

The application sought in amended form a temporary 12 months planning permission to vary three conditions of planning consent W2007/0673, namely Condition 3 to clarify that chipping, shredding, bailing and compacting of wastes was also permitted in addition to the activities described, Condition 4 to increase permitted waste input to 10,000 tonnes per year, and Condition 7 to change the hours of operation. The variation in Condition 3 would give the operator flexibility in the choice of waste activities carried out on site and the variation in Condition 4 would increase the permitted waste input as the vehicle breakers who had previously operated the whole site no longer controlled the eastern part of the site. The additional 5,000 tonnes per annum would be in the form of wood for chipping only within the eastern part of the site operated by Greenskips. Councillor G.M. Green had requested that the application be determined by the Board.

This was a retrospective application for the wood chipping operations currently being carried out on the site. Responsibility for this waste management site lay with the

Council in its dual role as the Local Planning Authority and as the Environmental Health Authority for Telford & Wrekin. The Environment Agency also had responsibilities as the Waste Licensing Authority.

The operation of this unauthorised wood chipping facility was a cause of concern for officers, a local resident, and Councillor Green, one of the Ward Councillors. The Council's Environmental Health Officer had investigated complaints of statutory nuisance under the Environmental Protection Act, 1990 and a legal notice relating to dust had been served on the operator. The sporadic monitoring of the site and the action taken, as set out in the report, had resulted in amendments to the proposals, making this a temporary application for a period of 12 months from the date of issue of any permission granted and the submission of more details on noise, dust, drainage and amendments on the hours of operation.

The site was in principle a suitable location for B Use Class industrial development, which included waste management facilities. In addition, the wood chipping operations would divert waste that would otherwise go to landfill. However, all such facilities were required to operate in a reasonable fashion and not cause breaches of statutory nuisance, and meet all planning and other regulatory requirements. Since the serving of the legal notice there had been no evidence of such a breach although complaints had continued concerning noise, dust and operations during weekday evenings, weekends, and bank holidays.

Members were advised that the only basis on which the application could be refused and a breach of condition notice served for the unauthorised use of the wood chipping facility was that the proposal constituted an amenity nuisance in terms of noise and dust rather than as a statutory nuisance. The issue of the working hours could, in future, be addressed by the issue of a breach of condition notice should further infringements occur, as the applicant was aware.

The temporary period of 12 months for any permission granted would be a trial one to ascertain how well the site was performing when operated in accordance with the recommendations of the independent consultant's report on noise, the dust management plan, and the amended hours of operation of the wood chipping facility. It was considered that a permanent grant of planning permission would not be appropriate at this stage given the concerns of a local resident and the complaints received. However, refusal could not be recommended as the independent consultant's report on noise considered that these problems could be overcome and a dust management plan had been produced.

Councillor Green supported the course of action proposed in the report which would mean that the Council would be seen to be taking appropriate action.

RESOLVED – that with respect to planning application W2009/0094 delegated authority be granted to the Head of Planning & Transport to grant planning permission for a temporary planning permission for 12 months for the variation of Conditions 3, 4 and 7 of planning permission W2007/0673 for a wood chipping facility, which included provision for noise control, a dust management scheme and water drainage. As per Section 73 of the Town and

Country Planning Act, 1990 to reissue the consent varying the conditions as set out in the updated information tabled at the meeting.

INFORMATIVE

This variation of planning conditions 3, 4 and 7 of planning permission W2007/0673 is for a temporary period of 12 months from the date of the issue of this permission. After the 12 months has lapsed, notwithstanding the submission of any planning application to permanently vary these three planning conditions, the whole site shall revert back to the conditions contained within planning permission W007/0673 and all wood chipping operations shall cease.

(e) W2009/0542 – Muxton C2/C3, Marshbrook Way, Muxton, Telford, Shropshire

This was an application for approval of reserved matters for 144 dwellings comprising a mix of detached, semi-detached and terraced dwellings with 24 apartments set out in two blocks and a small number of ‘flyover’ apartments. Outline planning permission had been granted for up to 190 dwellings in April 2007 with Condition 4 requiring the development to be carried out broadly in accordance with the submitted development framework. The outline permission had been supported by a development framework which set out a master plan. Access into the site would be from Marshbrook Way via four main junctions with the dwellings fronting Marshbrook Way being served by private access roads/drives and the dwellings along the rear of the site by two cul-de-sacs along the Granville Country Park boundary, which would be linked by a footpath and cycle way to provide improved circulation for pedestrians and cyclists.

The proposal’s design philosophy had been based upon the traditional development of an ‘estate’ over a number of years with a mix of house type and sizes throughout the site with those on key plots having been amended to reflect the ‘Sutherland’ style found in Muxton with a range of window heads and cills to provide a more local context. The dwellings directly fronting Marshbrook Way were mainly large detached 4 and 5 bedroom dwellings with on-plot parking provided, with a few 3 bedroom detached dwellings, all of which largely reflected the size of those on the opposite side of Marshbrook Way. 43 affordable dwellings had been provided with a mix of apartments, which represented 30% affordable housing provision, as required by the S106 agreement.

Surface water drainage of the site had been designed to meet the requirements of PPS25: Development and Flood Risk. As set out in the report, the design had resulted in the loss of the former hedge line envisaged to be retained in the development framework but which had been confirmed to have little ecological value. The landscape proposals were considered acceptable and in accordance with ‘saved’ policy UD4 of the Wrekin Local Plan.

The Highways Officer had no objections to the proposed accesses, as agreed in principle as part of the outline approval, but minor amendments would be required to ensure that the roads were suitable for the refuse vehicles and had easy access to and from car parking spaces. There was limited parking available on the highway as

the developer had chosen to provide grassed service strips rather than incorporating these areas into the homezones. Four pedestrian splitter islands would be provided along Marshbrook Way fronting the site to help reduce traffic speeds and, thereby, improve pedestrian safety and a footpath/cycleway would be provided along the site frontage. The Highways Officer had also responded to the amended plans, as set out in the update report. Although he considered that the applicants had now addressed the detailed issues previously raised, recommended the imposition of additional conditions as set out in the update report. All the works identified in Condition No. 1 be would be deliverable through a S278 Agreement under the Highways Act 1980. In addition, a commuted maintenance sum of £350 per tree for any trees to be sited within the proposed adopted highway limits would be required, as agreed with the applicants.

Letters of objections had been received from Lilleshall & Donnington Parish Council and from 16 local residents, as summarised in the report, together with a petition containing 149 names. These comments suggested that the Reserved Matters did not take account of either the community aspirations for the site or the terms of the outline permission. The update sheet tabled at the meeting informed the Board that a further 4 letters of objection had been received in relation to the amended plans, and outlined these together with the officer response.

Officers considered that the design and layout of this development was acceptable and complied with the design and landscape requirements set out in policies CS15 of the Core Strategy, 'saved' policies UD2 and UD3 of the Wrekin Local Plan, and was broadly in accordance with the development framework.

Councillor S.M. Kelly was invited to address the Board on behalf of the Ward Member, Councillor A. Lawrence. He informed the Board that the majority of residents supported the proposal in principle and their objections focused on this reserved matters application that failed to meet the expectations of the 2003 outline planning approval in terms of site access from the existing spur at the Donnington Wood roundabout, the design concept, and landscaping. Despite 18 months of discussions with the applicant few changes had been made to provide a scheme in line with the existing development and there had been a lack of community involvement. He, therefore, requested on behalf of local residents and Councillor Lawrence that determination of the application be deferred to allow an opportunity for the submission of a scheme line with the original expectations in 2003.

In response the Planning Officer said that design was a subjective issue and considerable discussions had taken place with the developer within the context of the Masterplan. However, issues such as the use of high quality materials could be addressed through appropriate conditions. With regard to the access to the site from Marshbrook Way, this had been agreed at the outline planning permission stage and it was not possible to change this to the spur of the roundabout under this reserved matters application. In addition, the Highways Engineer confirmed that the current application was consistent with the existing development on the opposite side of Marshbrook Way. The surface water drainage proposals were on balance an improvement on the current situation particularly if well landscaped together with appropriate conditions and were in line with the approach of the Masterplan. With

regard to the lack of community involvement, this was to be regretted but, prior to submission of the application, the responsibility for this lay with the developer.

Councillor N.A. Dugmore agreed with the comments made by Councillor Kelly and said that, if it was not possible to refuse permission then the application should be deferred to give residents an opportunity to influence the design of the houses.

In response the Head of Planning & Transport advised the Board that the application for determination was the result of officers working with the developer and deferring it would not guarantee that any changes would be possible. Whilst the views of residents had to be given due weight, so did those of the developer and, as this was a sound design with good quality accommodation, there was a likelihood that a refusal would not be sustained at appeal. The Planning Officer added that the scheme had been based upon the Masterplan and, if Members wished to have the scheme deferred for amendment, they would need to specify which areas were contrary to this and, therefore, unacceptable. In addition, the developer had a good reputation and the density on this site was more spacious than required by Government policy. In conclusion, the developers had provided an acceptable scheme by taking a holistic approach; the outcome could be further enhanced by the use of appropriate conditions. The precise wording of those conditions needed to be reviewed in the light of discussions at Plans Board and the Head of Planning & Transport sought delegated authority to formulate conditions in line with the broad wording of the conditions set out in the report.

RESOLVED – that with respect to planning application W2009/0542 the decision to approve reserved matters be delegated to the Head of Planning & Transport subject broadly to the range of conditions as set out in the report.

(f) W2009/0881 – Hadley Quarry, Hadley, Telford, Shropshire

The application sought full planning permission for 170 residential units as the first phase of the redevelopment of the Hadley Quarry, which would be accessed from a re-aligned Hadley Road under planning permission W1998/0714. The application covered an area of 6.35ha and comprised the south-west corner of the quarry with the southern boundary being the railway line and the northern boundary being adjacent to the residential development of Far Vallens. The proposal indicated 52no two bedroom units, 75no. three bedroom units and 43no. four bedroom units and sought to respond to the existing established residential development in the area.

The current proposals included no apartments, as the applicants had argued that the density was lower than expected due to the need to respond to the physical constraints of the site, as described in the report. The site was within walking distance of bus stops on Waterloo Road and Hadley Road/Church Street, and to the Hadley Learning Community and Hadley Centre, as set out in the report.

Hadley & Leegomery Parish Council had commented on the proposal, as summarised in the report and objections had been received from four neighbours on the Far Vallens housing estate on the grounds of wishing to protect residential amenity, privacy and ensuring adequate boundary arrangements.

As set out in the update sheet tabled at the meeting, the Transport Assessment was considered to be adequate for this phase of the development but not for any future phases. The applicant had revised the proposals to comply with previous recommendations but there remained a number of outstanding matters. However, the revised recommendation before the Board was flexible enough to enable these issues to be addressed through a Grampian condition and associated Section 278 Agreement under the Highways Act rather than through a Section 106 Agreement, as recommended by the Highways Engineer.

The update report included details of a late objection by the Council's Ecologist together with the applicants' response and that of the Planning Officer, who was of the opinion that such issues could be dealt with by appropriate conditions requiring further surveys to be undertaken.

The principle of residential development was considered acceptable as the proposal was for a large scale regeneration of a brownfield site, which benefited from being a highly sustainable location with a good relationship to local facilities, connections to primary bus routes and local community facilities. In terms of the scale of development, a density of just below 27/ha. was proposed, which was lower than normally encouraged, but reflected land stability issues at this location, including the presence of six mine shafts within the site boundary and the need for minimum stand-offs that had created the opportunity for introducing significant green spaces throughout the development area.

A detailed Masterplan, the subject of public consultation in June 2007, had sought to demonstrate how future phases could be linked in to the development of this phase, as set out in the report. A Design Code had informed the process by identifying character areas within the site and helping to establish identifiable squares, tree lined avenues and parkland frontages. The layout demonstrated a perimeter block approach to the development generally with active frontages onto adjacent highways with private space to the rear of plots. It was considered that the design approach was acceptable and followed sound urban design principles.

A re-aligned Hadley Road would also enable further quarrying operations to take place over the 20-year programme approved at Hadley Quarry. A positive feature of the proposals was the connectivity of the development to existing residential areas, community facilities and bus routes by both pedestrians and cyclists. Public transport enhancement was proposed through the provision of two new bus stops on Hadley Road and a toucan pedestrian/cycle crossing across Summerfield Road. In addition, the proposals allowed for a traffic management scheme to reduce traffic speeds along Church Street.

The scheme's design had been influenced to some degree by the site's technical constraints and ongoing discussions were taking place between the applicant's technical consultants and the Council's Engineering Services to demonstrate that adequate technical justification existed to enable the development to proceed in a safe manner. Members were requested to note the comments of the Council's Geotechnical Engineer set out in the main report and that the recommendation to approve the application was entirely conditional upon the satisfactory resolution of those outstanding issues.

With regard to affordable housing, the applicants had been keen to provide this but, due to the current unavailability of funding through Social Housing Grants, they had only been able to offer 5% (all social rent or 8% if all shared ownership) if the scheme overall was to remain viable. This equated to 8 houses for rent or 14 shared ownership units.

Public open space provision was acceptable but there remained some uncertainty regarding the precise details of the proposed LEAP and the requirements for its adoption, as set out in the report. However, it was considered that these issues could be resolved as part of the Section 106 Obligation. There was the option available to the developer to seek his own maintenance regime/management plan and, if so, the Council only needed to ensure that the provision was detailed to match policy expectations, which could be achieved through the use of conditions. There would be a need for flexibility to either secure funding that would allow the Council to provide such facilities and thereafter maintain, or for the developer to ensure, that the works were undertaken and thereafter maintained.

A particular concern throughout the consideration of this application had been the proposed reduction in its planning contributions. The applicants had agreed to fund the Council's costs of commissioning independent consultants who were able to review the applicant's financial appraisal and to agree appropriate land values/developer profit margins, which had informed the DVS' recommendations for a later review of any Section 106 Agreement. The main report had set out the proposed package of contributions being offered by the applicant together with the slightly higher level of contributions that officers considered the development could stand having regard to the DVS appraisal. The update sheet tabled at the meeting set out these two sets of figures.

Officers had sought the further advice of the DVS in relation to the overage mechanism that might be applied to any review of the Section 106 contributions at a later stage. The applicants had indicated their willingness to work with the Council and to follow the process as outlined in the update report, which would enable the Council and the developer to review the financial assessment at agreed intervals and, thus, release further funds for affordable housing provision at a later date. Finally, and in line with all recent planning obligations, a sum of £10,000 was required for the ongoing monitoring and administration of the Agreement.

Members agreed the approach to the planning gain and welcomed the commencement of this scheme. With reference to the periodic reviews set out in the recommendation, the Council's Solicitor sought a fall back requirement for a review on the fourth anniversary of the Board meeting in the event of the other two review triggers not having been met by that date.

RESOLVED- that with respect to planning application W2009/0881 that upon the signing of a Section 106 Agreement to secure the provision of 12 number affordable housing units for rent, the payment of £600,000 towards education provision (50% at commencement and 50% at completion of 100th dwelling on site), £280,635 towards provision of LEAP and open space maintenance (to be provided prior to occupation of the 25th dwelling on site), and transportation infrastructure schemes to be provided prior to occupation of any dwellings on

site (Bus Stops on Hadley Road, Traffic Management Works to Church Road, Mini Roundabout at Hadley Road/Summerfield Road junction and Toucan crossing at Summerfield Road) plus a further £10,000 towards Travel Plan monitoring, the payment of £5,000 per Traffic Regulations Order and payment for the adoption of trees within highway land based on £350 per tree and a contribution of £10,000 towards the ongoing monitoring and administration of the Agreement (paid on commencement of development) and there being no objection from Engineering Services on geotechnical grounds following the submission of further technical evidence and from the Local Highway Authority, the Head of Planning & Transport be granted delegated authority to grant planning permission, subject to conditions detailed below, together with conditions advised by the Engineering Section and the Local Highways Authority.

The said Agreement to be reviewed on the completion of the 160th dwelling on site or on the expiry of three years or on the fourth anniversary of the date when the Agreement was signed, whichever date was the sooner and a viability appraisal to be undertaken by the DVS or body appointed by the Council with all costs met by the applicants and if residual values were found to result in increased developer profit the overage be shared with the Council at a rate of 50% to be used on the provision of affordable housing units on site or off-site as determined by the Council.

(g) W2009/0981 – 33 Sinclair Gardens, Ketley, Telford, Shropshire

This application sought permission for the erection of a two storey side and rear extension and porch to the front of this property. It was an amended resubmission of W2009/0658 which was refused by the Plans Board on 23rd September 2009 on the grounds that the gable roof was an incongruous feature that detracted from the character and appearance of this hipped roof property, the pair of semi-detached properties and the streetscene. Furthermore, the scale of the extension and, in particular, the rear projection would be detrimental to adjoining residential amenities which failed to comply with the “45 degree Code” guidelines. Councillor Rhodes, as Ward Member, had requested that this application be considered by the Plans Board.

The scheme, having been amended with the front extension now having a hipped roof design to reflect the established building form of both the property and those in Sinclair Gardens, had overcome one of the previous reasons for refusal. However, no changes had been made to the overall scale of the development and its proximity to the boundary with adjoining properties. Therefore, it was still considered that the scale of the combined extensions and the 4 metre rear projection would have an unduly harmful impact on neighbouring amenity. Officers had no objection, in principle, to the erection of extensions of an appropriate scale, design and form, as shown by previous approvals for extensions to other properties in Sinclair Gardens.

Since determination of the previous application, the applicant had indicated what could be built without needing planning permission and officers have reassessed the plans against The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, with regard to what would constitute

permitted development, as set out in the report. However, it was still considered that the proposed substantial two-storey extension would be disproportionate in scale in relation to the existing dwelling and the pair of semi-detached properties and its rear projection would have a significant detrimental impact on the amenities of adjoining residential properties, in particular the adjoining semi-detached property, No.34 Sinclair Gardens, as it would be overbearing and lead to loss of outlook to the neighbour.

Officers had also assessed the application with regard to the “45 degree Code” guidance, which sought to protect a reasonable area of open space outside windows of adjoining properties by ensuring that the proposed development did not impinge on angles of view measured from the neighbour’s windows. However, the proposal did not comply with this guidance. Therefore, the development did not comply with the requirements of policies UD2 of the Wrekin Local Plan, CS15 of the Core Strategy and PPS1.

Whilst it was acknowledged that the applicant had amended the design of the side extension to incorporate a hipped roof, this alone had not overcome the previous concerns.

Ketley Parish Council had expressed concern that the plans showed the proposed extension located right up to the boundary, leaving no emergency access to the rear of the property.

Councillor H. Rhodes spoke in support of the application and referred to the amended roof style. Other properties in Sinclair Gardens had been granted permission for extensions, which she believed added to the character of the area. She asked the Board to support the application which would provide much needed additional space for the applicant’s family. Councillor G.M. Green added that no objections had been submitted by neighbours in respect of the application. On being put to the vote there was no proposer or seconder for the recommendation as set out in the main report and, therefore, it fell. Councillor Rhodes then proposed, seconded by Councillor Francis that delegated authority be granted to the Head of Planning & Transport to grant planning permission subject to the imposition of appropriate conditions. The reasons for recommending approval were that the amended roof was acceptable, in character with the surrounding area, would have no impact on neighbouring properties.

RESOLVED – that with respect to planning application W2009/0981 delegated authority be granted to the Head of Planning & Transport to grant planning permission subject to the imposition of appropriate conditions.

(Councillor M.J. Smith left the meeting at this point. However, he had been present during determination of planning application W2009/1030 as the Chairman had ruled that the application be considered first as Councillor R.T. Kiernan wished to speak.)

(h) W2009/0993 – Coppice House, Rodington Heath, Shropshire

This was a full application for the erection of a detached outbuilding to provide ancillary accommodation and was a resubmission of a previously approved scheme

(W2009/0498). The original application had been approved with conditions including a personal permission that the building should be converted to an outbuilding/garage when it was no longer required by the applicant's dependants, as agreed by the applicants at the time. This restriction had been necessary or the development would have been contrary to both local and national policy as a 'new dwelling' in the open countryside. However, the applicants had not been happy with this restriction and had submitted the current application which included a Section 106 legal agreement to ensure that the building remained as ancillary accommodation to Coppice House but could be sold with Coppice House in the future but not as a separate dwelling.

The proposed development was detached from the main dwelling house and set back in the site to ensure that the original dwelling house was the dominant feature with the outbuilding being subservient. The scale and detailing of the proposed building were considered respectful and sympathetic to its surroundings as the front elevation resembled a double garage and the double height glazed window elevation was not visible in the public domain.

The siting of the proposed building had been increased from 900mm to 1500mm away from the common boundary on the request of the occupier of the neighbouring dwelling but, as there were no windows in the gable wall of this property, there would be no significant impact on its residential amenity. While both local and national policy prevented new residential development in unsustainable rural locations, as the outbuilding was ancillary to the main dwelling house, the proposal was deemed acceptable. Parking provision was not affected and adequate private amenity space was retained.

The update sheet tabled at the meeting informed the Members that the applicant's agent had requested a minor amendment which changed the living room window to a pair of French doors of the same width and with matching materials to the proposed windows. As this element was not visible in the public domain and would not have an adverse impact upon residential amenity, it was recommended that this alteration be accepted. In addition, information relating to the suggested conditions, with regard to a Soakaway test, and details of doors and windows, had been now been received and were acceptable. Therefore, if Members were minded to approve the application, these conditions should be removed, as they were now unnecessary.

RESOLVED – that with respect to planning application W2009/0993 delegated authority be granted to the Head of Planning & Transport to grant planning permission subject to the applicant entering into a Section 106 Agreement with regards to the proposed development remaining linked to the main dwelling as ancillary accommodation and to the conditions as set out in the report with the exception of conditions B65 and B18, which were no longer applicable. .

- (i) W2009/1015 – Church Farm Yard, Preston Upon The Weald Moors, Shropshire

This application sought permission for the erection of 20 dwellings following demolition of the existing barns. It was a resubmission of an extant approval, W2007/0213, which would expire in May 2010, and no revisions had been made to

the approved design and layout. Approval of the current application would enable the time limit for implementation of the scheme to be extended for another 3 years. The application site was vacant and overgrown with existing steel and asbestos farm buildings to the north-west corner and concrete roadway/yard. It was bounded by metal security fencing and timber fencing and surrounded by lanes to the north, east and southern boundaries. Following cessation of the commercial use in 2004 the buildings had remained vacant.

Both the previous and current applications represented departures from respective Local Planning Policy, the main change to which had been the adoption of the Local Development Framework Core Strategy in December 2007 with its further limitation on new residential development in the rural area. The other matters that were material to the consideration of the application were the extant commercial/industrial use of the buildings on site and the impact of these on the nearby Grade 1 listed Trust Homes. Whilst the commercial business had currently ceased on site, the permission lay with the land and the use could be rekindled. A number of commercial operators had carried out a variety of activities on the site including storage and distribution and light industrial use.

As there was no formal Parish Council in Preston, the Chairman of the Village Meeting had advised that, at a recent village meeting, the local residents had been very supportive of the proposal, as summarised in the report. The Fire Authority had advised that sufficient access must be provided for emergency fire service vehicles, and water supplies for fire fighting purposes were required together with a sprinkler system to reduce the rate of production of heat and smoke.

The Highways Engineer, Capital Planning Officer, and Landscape & Recreation Officer had confirmed that the respective financial contributions of £35,000 towards traffic management measures on the local highway network, £16,000 towards education facilities and £10,000 to provide offsite leisure facilities for the community were acceptable. The Council's Conservation Officer had requested that any consent include stringent conditions to ensure the quality of detailing, materials and construction to respect the original design concept. This included the boundary treatments which were also a vital element of the original design.

Preston Upon The Weald Moors did not constitute a sustainable location, as it had limited services and facilities other than a primary school and, therefore, it was not one of the three key rural settlements in the Borough where development would be focussed to meet local needs, as set out in policy CS7 of the Council's Core Strategy. Housing would only be considered acceptable in this location if a proposal constituted an exception, such as affordable housing, where there was evidence of local need or dwellings for agricultural/forestry workers. The previous planning approval had been a departure to the Regional Spatial Strategy and to the Wrekin Local Plan (WLP), as there had been no demonstrable need established for affordable housing in the village. However, when determining W2007/0213, it had been considered that there were material considerations sufficient to outweigh planning policy, i.e. the removal of a commercial business with its unsightly asbestos buildings and HGV traffic from the centre of the village, which would improve the amenities and living conditions of local residents and enhance the setting of both the village and the adjoining Grade 1 listed building. The proposals were designed to

have a careful sympathetic design and layout that would replicate a model farm with traditional buildings and to have active frontages on to the existing lanes, reflecting the character of established development within the village.

The principle issue for consideration by the Board was whether sufficient weight could still be given to these other material matters which would outweigh planning policy and, therefore, justify a departure from policy. Members also needed to consider the “fallback” position whereby the 20 dwellings approved by W2007/0213 could be implemented prior to expiry of the application in mid-May if pre-commencement conditions were discharged and development commenced before then. The approved scheme had not been implemented yet as the developer had been taken into administration in October 2008 and the current applicants were the Joint Receivers.

Saved Policy H24 of the WLP referred to exception sites of 8 affordable dwellings within the rural area, a policy which was in force when W2007/0213 was approved. Whilst this application for 20 dwellings was significantly greater and only 20% would be social/affordable housing, this had been considered sufficient at the time and no recent Parish studies had been carried out to establish if current local housing need had changed, although securing rural affordable housing was still necessary.

Policy HE19 of the WLP regarding the setting of listed building had not been ‘saved’; but its content was still relevant in the consideration of the application and, as outlined in PPG15, high or bulky buildings could affect the setting of a listed building or alter historic views. Therefore, it was considered that the proximity and scale of the existing steel buildings were harmful to the setting of the Grade I listed building, particularly given their extant use, and their removal would improve the character and appearance of the area and enhance the setting of the listed building and the Church of St Lawrence, located opposite.

Therefore whilst Section 38 of the 2004 Planning Act required development to be in accordance with the Development Plan, officers considered that there were material considerations in this instance that served to justify the development despite some conflict with Policy CS7 of the Local Development Framework Core Strategy and Policy H24 of the Wrekin Local Plan. The application had been advertised as a departure from policy. It was brought to the Board’s attention that this final paragraph would be included in the ‘Reasons for Approval.’

RESOLVED – that with respect to planning application W2009/1015 delegated authority be granted to the Head of Planning & Transport to grant planning permission subject to the applicant entering into a S106 Agreement to provide 20% social/affordable housing, £35,000 towards traffic management measures on the local highway network, £10,000 towards offsite leisure facilities and £16,000 towards education, and to the conditions as set out in the report.

- (k) W2009/1030 Land to the Rear of 9 Bratton Road, Admaston, Telford, Shropshire

This was an application by Councillor A.G.P. Williams seeking outline consent for the erection of a detached bungalow to be used as retirement accommodation. The

application site was the rear portion of the current back garden measuring approximately 15.5 metres in width by 26.5 metres in length. It would be accessed via an unmade single width track which abutted the western boundary of the development site, ran along the rear gardens of the 11 neighbouring properties and was off a track serving Moors Farm and Moors Farm Cottage.

There had been a long history of refusals for backland residential development on this site and on neighbouring properties, as set out in the report. W2006/0265 for the erection of a retirement home had been refused on the 21st April 2006 and, subsequently, dismissed at appeal on 11th September 2007 (a copy of which was appended to the report) on the grounds of backland development, the harmful intensification of the development and change of character of the area; and the inadequate access to the site having detrimental impact on highway safety.

The Council's Highway Engineer had objected to the development on the grounds that the junction between the site access and Bratton Road was substandard, had restricted visibility and any intensification in its use would be of detriment to highway safety and was, therefore, a material consideration in the determination of the application. This was consistent with the comments made by the Planning Inspectorate in respect of regarding W2006/0265. The Council's Drainage Engineer has raised no objections to the development subject to full drainage details to be submitted at the reserved matters stage and for development to be restricted to greenfield runoff rates in line with the requirements of PPS25. Three letters of objection and two letters of support had been received from local residents, as summarised in the report.

There was no material change between W2006/0265 and the current application. The report referred to the policies against which W2006/0265 had been determined and which remained relevant for the current application. In addition, after the date of the dismissed appeal additional policies, as contained within the Core Strategy, had been adopted with particular reference to policies CS1 and CS15.

The Design and Access Statement submitted with the application had not addressed the previous refusal reasons, or the Planning Inspector's comments, but merely stated that the applicant needed to build a retirement home for himself and his wife with the existing dwelling being occupied by his family. In line with the Inspector's comments, whilst described it as a retirement home, there would be no restriction on the type of occupancy as the dwelling was one that could be sold on the open market when no longer required and, also, sold separately to No 9 Bratton Road. Consequently, as the proposal had not materially changed since the last application and both local and national planning policy had not only remained the same but had been reinforced by the Core Strategy, there were no substantive issues to overcome the grounds of refusal.

Therefore, it was considered that, in line with the previous refused applications and the Inspector's decision, the proposal would have a detrimental impact on the 'semi rural' character of the surrounding area, introduce a new pattern of development, and set a precedent for further development along the access track, thereby causing harmful intensification of development and changing the character of this area. Furthermore, the proposal would generate sufficient traffic to prejudice the highway

safety of users as the proposed access had inadequate visibility and for a considerable length was only one car wide with insufficient passing opportunities. Consequently the proposal was contrary to Local Planning Policies H6, UD2, and CS15, in addition to national planning policies PPS1, PPS3, and PPG13.

The update report tabled at the meeting included additional comments from the applicant's agent, in particular that the applicant was willing to enter into a Section 106 Agreement to restrict the development to 'supported accommodation to a single family unit in connection with No. 9 Bratton Road'. However, officers considered that the proposal would still introduce a new pattern of development to the rear of Bratton Road and drew the Board's attention to the relevant comments of the Planning Inspector, as set out in the update report. The Highways Engineer had had a further meeting with the applicant but had not changed his objections, again as supported by the Planning Inspector's comments.

Councillor R.T. Kiernan was invited to address the Board and in doing so explained that since the refusal of the previous application, there had been a dramatic change in health of Councillor Williams' wife, who now required constant home care. In addition, Councillor Williams had serious heart problems and, therefore, wished to build a purpose built retirement bungalow on his own land, which would allow daughter to move into the existing property and provide assistance to her parents. Councillor Williams had himself used the access road, which was a dead end and had a 20 mph speed limit, for 19 years without incident. In addition, the track had been used to access to Moor Farm for 60 years and it was still used by heavy vehicles without any problem. The proposal would not result in any loss of privacy as the site was surrounded by hedges and trees. In conclusion, he asked the Board that, if they were minded to refuse the application, to consider first making a Site Visit.

RESOLVED – that determination of planning application W2009/1030 be deferred to allow Members to make a Site Visit.

(l) W2009/1031 - Old Police Station, New Street, Dawley, Telford, Shropshire

This was a retrospective application by Councillor S. Burrell's wife for a block paved surface to form a car parking area together with the erection of boundary fencing. The Board had previously granted permission for the change of use of this former parish council building to office use (W2009/0685). The works which had been carried out included the block paving of the land to the east of the building, a 350mm planted border parallel to the boundary walling, and the erection of black painted vertical bar railings on top of the existing boundary walling. However, as the erected railings were vertical bars and the submitted drawings indicated bow topped railings, amended drawings had been submitted to accurately shown the situation on site. Further amended drawings had been submitted which had widened the vehicular access and removed the proposed gates.

The occupant of the nearest neighbouring dwelling had advised that, while he was content with the new use of the building, he had not been consulted and, due to historic problems with drainage, wished to raise a number of concerns relating to drainage and parking, as set out in the report. With regard to these comments the

Board was informed that the finished levels were below his Damp Proof Course and, therefore, lower than the original grassed level. In addition, a French drain and new rainwater goods had previously been installed to ensure that the situation was an improvement in terms of the neighbouring wall. It was not considered that additional loading on the land would be detrimental to the structural integrity of the wall or cellar and any future damage to the wall or damage by vehicles would be a private civil matter and was not material in considering this application.

In respect of access, the Council's Highway Engineer had visited the site and identified the issues which needed to be addressed before the proposal was acceptable in highway terms, as set out in the report. The proposal had been amended accordingly and was now acceptable as it would have no adverse impact on highway safety.

The materials and finish used in the development were considered acceptable and did not detract from the character and appearance of the area. Therefore, the development was considered satisfactory and compliant with both local and national guidance.

RESOLVED – that with respect to planning application W2009/1031 planning permission be granted subject to the conditions as set out in the report.

(m) W2009/1046 - Public Conveniences, the Parade, Wellington, Telford, Shropshire

This was an application by Telford & Wrekin Council for the refurbishment of the existing public toilets and a new pitched roof. The building had been the subject to continued wilful damage over the years and was currently boarded up, resulting in a detrimental impact upon the character and appearance of the area.

The current public toilet facility in Larkin Way was managed by Wellington Town Council and, as part of the Wellington Regeneration Scheme, would be demolished to allow for the erection of a new library. Therefore, it had been agreed with the Town Council that Telford & Wrekin Council would firstly refurbish The Parade public conveniences. The refurbishment included the re-fitting and alterations to the internal layout with new cubicles and new sanitary ware and baby change facilities in both the male and female areas, aesthetic/natural light improvements to the front elevation, separation of public and attendant accesses and the re roofing with a pitched tile roof, which would improve the security of the building .

The proposed development was considered acceptable in terms of the improvement to the existing facility and visual amenity, which would have a positive impact, and would be compliant with both local and national policy.

RESOLVED – that with respect to planning application W2009/1046 planning permission be granted subject to the conditions as set out in the report.

(N) W2009/1048 - 95 Haybridge Road, Hadley, Telford, Shropshire

This was a planning application for the erection of a two and a half storey building to provide 5 flats, together with the formation of a new vehicular access and parking area on this now cleared site on the corner of Haybridge Road and Halldene. Hadley & Leegomery Parish Council had requested that the application be considered by the Plans Board. In July 2009 planning permission (W2009/0431) to demolish the bungalow and erect a two storey building to provide 4 apartments had been approved.

The proposed development comprised 2no. one-bedroom flats and 3no. two-bedroom flats with two units each on the ground and first floors and one unit in the roof space of the building. 7 parking spaces would be provided at the rear of the building all of which would be accessed off Halldene, which was a cul-de-sac off Haybridge Road. A cycle store and a bin store would also be provided at the rear of the site. An existing hedgerow along the Halldene frontage would be retained, except where it was necessary to construct the vehicular and pedestrian accesses into the site. The existing front pedestrian access onto Haybridge Road would be retained and additional landscaping and planting would be carried out around the site.

Hadley & Leegomery Parish Council had objected to the application on the grounds that the resulting density of the development would generate additional vehicle movements which would put pressure on the available parking spaces, and the reduction in the space for cycle storage compared with the previous application. The Council's Highways Engineer, however, had no objections subject to a condition relating to the car parking being provided before the flats were occupied.

The principle of redeveloping this site had already been established by approval W2009/0431 and the size, shape, height, design, layout, and appearance of this proposed building were almost identical. The main changes were the provision of an additional apartment in the roof space, which had necessitated providing a flat roof dormer window on the rear roof slope to enable a kitchen and bathroom to be installed, and the insertion of 6 roof lights. As the rear dormer window was for a bathroom and kitchen, and a condition would require the bathroom window to be obscure-glazed, there would not be any significant overlooking or loss of privacy to adjacent properties, considering the separation distances and the presence of the parking court.

The proposed building had been designed to appear as a pair of semi-detached dwellings and amended plans had been received that further enhanced this by the insertion of two entrance doors on the Haybridge Road elevation. As a result, the appearance of the building related positively to its street scene context and reflected and respected the prevailing character and appearance of the surrounding area and, in particular, the form and design of the existing semi-detached properties to the west of the site. The building would be of a similar height to these houses and contain rendered and timber-framed gables, bow windows, hipped roofs, a central chimney, and an arched porch, all features which were exhibited on these adjoining houses. In addition, the types and colours of the materials used on the adjacent houses would be used on this building.

The principle of replacing the bungalow with a two storey building for 4 flats had already been established and the proposed changes to create a fifth unit in the roof in the current application would not significantly alter the appearance of the building as approved.

RESOLVED – that with respect to planning application W2009/1048 planning permission be granted subject to the conditions as set out in the report.

- (o) W2009/1055 – Windmill Primary School, Beaconsfield, Brookside, Telford, Shropshire

This application by Telford & Wrekin Council requested planning permission to erect a glazed frontage and entrance lobby to the front elevation of the building following demolition of the existing entrance frontage. The proposed alterations would form the second part of a phased planned development to the internal and external structure of the west elevation, with the eventual construction of a new 'Family Centre'.

The proposed external alterations were similar to the previously approved works (W2009/0904), and would not be highly visible within the public domain due to the orientation of the building within the site and existing boundary treatment.

The proposed development would not result in any loss of car parking, playground or playing field and, therefore, would have no adverse impact upon the amenities of the school and there were no nearby residential properties. Accordingly, it was considered that the proposed development was compliant with both local and national guidance.

RESOLVED – that with respect to planning application W2009/1055 planning permission be granted subject to the conditions as set out in the report.

- (p) W2009/1964 – High Ercall Primary School, Church Road, High Ercall, Shropshire

This application by Telford & Wrekin Council requested permission to retain the current rear access to the School off the B5062 Shrewsbury Road as a permanent feature in order to create an occasional access for the use of grounds maintenance access, emergency vehicles and for possible future building works. The driveway, school building and the playground to the front of the school were located within the High Ercall Conservation Area but the majority of the site, including the proposed access, was outside the designated area.

This entrance to the property was currently bounded from the road by temporary metal fencing, which the application would replace with a traditional five bar timber fence, which would have a more characteristic appearance and, therefore, respect and respond positively to the context of the area in compliance with Policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

The Council's Highways Officer had raised no objections to the proposal subject to conditions to ensure that the gated access would only be used for specific uses and, therefore, have only occasional use. In addition, he had requested that the gates

were conditioned to be hung so they only opened inwards onto the site leaving room for vehicles to pull off the highway before opening the gates. Following concerns that the access was in need of repair, a further condition had been requested to mitigate this by surfacing works being carried out. The proposal would, therefore, produce a positive spatial structure and a safe and secure environment in compliance with policies contained within PPG 13: Transport.

Objections had also been raised with regards to the need for a second access and the possibility of this setting a precedent but the applicants had responded that the proposed access was needed as the only other access to the rear was across the School car park, which could be restricted at peak times. The possibility of a precedent would not be set as the site was large, there were many other properties that did not have the space to create further accesses, and any application would be assessed on its own merits at the time of submission. Three neighbour objections had been received, as summarised in the report. The update sheet tabled at the meeting informed the Board that Ercall Magna Parish Council had submitted objections relating to the open aspect of the new school buildings from the main road together with a comment that the proposal was in the Conservation Area.

Their comments relating to the Conservation Area had already been addressed in the main report. With regard to the open aspect, some of the hedgerow had already been removed under the previous temporary application, but the majority was intact and not subject to a Tree Preservation Order or the Conservation Areas status. Beyond the new access there was also a large mature tree which would help to screen the view to the school and the school buildings were approximately 85m away from the access across the school fields. Therefore the development complied with policies UD2, LR1, T4 of the Wrekin Local Plan along with CS15 of the Core Strategy and PPS1.

RESOLVED – that with respect to planning application W2009/1964 planning permission be granted subject to the conditions as set out in the report.

(q) W2009/1066 – Donnington Wood Infant School, Baldwin Webb Avenue, Donnington, Telford, Shropshire

This application by Telford & Wrekin Council sought permission for the change of use of the existing playground into a car parking area and secure/fenced playground for the nursery and the formation of a new playground on an existing green field with improved pedestrian access links to the south of the building on this site shared by the Infant School and a Children’s Centre. The existing playground was used by both the School and the nursery group which was non-compliant with the nursery curriculum which required the provision of equal time spent inside and outside. In addition, visitors currently had to cross the playground to access the Children’s Centre, which raised potential safety concerns.

As described in the report, there was an existing untreated day level shaft on the existing playground area, which would be costly to remedy with a bespoke solution. Whilst no actual development was proposed on this area, as a precautionary measure the car park/playground layout had been amended and the playground element moved away from the shaft.

The proposed all-weather playground for the Infants School would be relocated to an under-utilised grassy bank at the rear of the School adjacent the existing playing fields, none of which would be lost. In addition, the inclusion of a disabled access path to the playground would improve disability access to the school fields. Sport England had confirmed that it had no objection to the proposed development.

The proposed alterations would be located at both the front and rear of the building but the development would not be highly visible within the public domain due to the orientation of the building within the site and the existing boundary treatment. There would, therefore, be no adverse impact upon the character and appearance of the locality and the proposal would be compliant with both local and national guidance.

RESOLVED – that with respect to planning application W2009/1066 planning permission be granted subject to the conditions as set out in the report.

(r) W2009/1069 – Public Open Space off Wallshead Way, Church Aston, Shropshire

This application by Telford & Wrekin Council proposed to erect a single goal end for recreational sport with 1m-3m high fencing, on an area of public open space which currently contained a children's equipped play area, informal kickabout area and amenity grass. There were no other NEAPS/Ball Courts/Goal Ends serving this local community. The facility would be located adjacent the existing play equipment and would be in line with national design and safety guidelines which required a minimal set distance of 30 metres from the edge of the proposed facility to the boundary of residential properties. The proposed development accorded with both local and national policy.

The layout of the Goal End had been designed to accommodate all three types of user (football, cricket and basketball) and its location was orientated to ensure that safety was maximised by preventing glare to users and by ensuring leaf litter, which could cause slippage on the surface, was minimised through locating at a distance from existing trees. It would incorporate a new tarmac footpath, tarmac surfacing to the goal end (a requirement for basketball), a safety sign and a litter bin and access would aim to meet DDA legislation to ensure inclusive access to this free-to-use public facility. The proposed new footpath to access the site and the tarmac goal end tarmac pad would be slightly raised to ensure that the facility and access to it did not become flooded and, therefore, incapable of use.

It was, therefore, considered that the provision of these much needed facilities for local children and young people in the Church Aston area would have no adverse impact upon the character and appearance of the area or residential amenity.

RESOLVED – that with respect to planning application W2009/1069 planning permission be granted subject to the conditions as set out in the report.

PB-83 **SITE VISITS**

RESOLVED – that a Site Visit be made in respect of planning application W2009/1030 at 4.00 p.m. on the 17th February, 2010.

PB-84 **PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED POWERS (FOR INFORMATION)**

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

PB-85 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED - that the press and public be excluded from the meeting for the following item of business on the grounds that it might involve the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972

PB-86 **PROPERTY IN THE WOODSIDE ESTATE**

The report of the Head of Planning & Transport sought delegated authority to serve a Repairs Notice on the owner of the property identified in the report and, in default of compliance with the Notice, to proceed to use Compulsory Purchase powers to acquire the property.

The current condition of the building, after remaining vacant for many years and as a consequence of major acts of vandalism, was very poor. Urgent Works Notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 had previously been served on the owner which had resulted in some degree of roof protection and site security; however, the condition of the structure and the site continued to deteriorate further to the detriment of not only of the listed structure but also to the amenity of the surrounding area.

Given the number of previous Urgent Works Notices and the apparent lack of commitment to the building and the site under the current owner, it was now considered appropriate to serve a formal Repairs Notice on the owner under Section 48 of the Planning (Listed Buildings and Conservation Areas Act) 1990. Repairs Notices differed from Urgent Works Notices in that they were a preliminary to Compulsory Purchase and could specify much more extensive repairs to the building considered necessary for the its long term preservation. A list of the suggested repairs was tabled for the Board's information.

A meeting had been scheduled with the owner for the beginning of February to discuss the options for the property and he had been notified in writing that the Council intended serving a Repairs Notice.

RESOLVED – that delegated authority be granted to the Head of Planning & Transport to serve a Repairs Notice on the owner of the property identified in the report and, in default of compliance with the terms of the Notice, to use Compulsory Purchase Powers to acquire the property

The meeting ended at 9.05 p.m.

Chairman:

Date: