

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 22 June 2011 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, K R Guy, V A Fletcher, A S Jhawar, A A Meredith, S A W Reynolds, C R Turley

ALSO PRESENT: Councillors A J Eade (for planning application TWC/2011/0069), J Greenaway (for planning applications TWC/2011/0022 and TWC/2011/0094) and C P R Mollett (for planning application TWC/2011/0108)

PB-008 MINUTES

RESOLVED – that the revised minutes of the meeting of the Plans Board held on 1 June 2011 be confirmed and signed by the Chairman subject to deletion of the words “financial contributions and” from the resolution of minute PB-007(g).

PB-009 APOLOGIES FOR ABSENCE

Councillors R T Kiernan and J Loveridge

PB-010 DECLARATIONS OF INTEREST

Councillor V A Fletcher declared a personal interest in planning application TWC/2010/0713.

Councillor V A Fletcher also declared a personal and prejudicial interest in planning application TWC/2010/0406 and indicated that she would leave the room during determination thereof.

PB-011 DEFERRED/WITHDRAWN APPLICATIONS

None.

PB-012 SITE VISITS

RESOLVED - that a Site Visit be made in respect of planning application TWC/2011/0069 commencing at 4.00pm on Wednesday, 13 July 2011.

PB-013 PLANNING APPLICATIONS FOR DETERMINATION

- (a) TWC/2011/0022 and TWC/2011/0094 Sainsburys, Unit 8, Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire, TF3 4AG

These two applications respectively sought variation of condition 13 of W95/0969 and condition 21 of W97/0108 (as amended by W2010/0029) to increase the non-food floorspace from 21,019 square metres to 27,799 square metres and full planning permission for the erection of a store extension (Class A1) to the side and front of the existing store at the Forge Retail Park together with alterations to car

parking layout, new parking deck, landscaping, relocated recycling facilities and associated plant. As well as having the reports for both applications, members were also presented with an update report in relation to planning application TWC/2011/0094 tabled at the meeting.

Councillor J Greenaway, Ward Councillor, spoke broadly in favour of the applications, noting that the site had been the only Sainsbury's store in Telford for the previous 13 years, with no satellite stores and that the store had supported local initiatives and also worked closely with the Police by providing a venue for meetings. Councillor Greenaway understood that the Applicant had been in discussions with Planning Officers regarding the application for over two years, prior to the adoption of the Central Telford Area Action Plan (CTAAP) on 3 March 2011. She referred to the sequential analysis which had been undertaken, noting that the Planning Officer's report suggested that the analysis which had been undertaken was inadequate and drew attention to the "Practice Guide on need, impact and the sequential approach" which suggested that impact assessments should be proportionate to the scale and significance of the proposal and considered, therefore, that consultation had been extensive in the circumstances. Further noting that the proposal may result in an increase in work force, Cllr Greenaway implored the Board to consider the long term benefits to the local economy which the proposal would provide and which would meet the wider objectives of the Local Development Plan, specifically relating to Policy EC11.1.

Mr D Lazenby Sainsbury's Planning Manager, spoke strongly in favour of the proposals which sought to reinvigorate the site through investment. The proposal, which had secured substantial support during consultation, would provide an enhanced shopping experience, improved access, additional parking, increased customer choice and would be a sustainable development, also offering an online shopping service and the provision of 80 new jobs for local people. Mr Lazenby considered that the proposal did not represent any adverse impact on the Primary Shopping Area (PSA) and asserted that during discussions with Planning Officers, the possibility of additional reasons for refusal had not been highlighted and the Agents had therefore not had sufficient opportunity to address concerns or offer suitable conditions. He would, therefore, not object to the application being deferred to give time for those concerns to be addressed. He argued that in the circumstances an assessment by a retail consultant would be appropriate and similar to action taken at other Local Authorities. He did not accept that the proposal would affect the viability of the PSA as the goods which it was proposed to sell were already on offer at other stores in the Retail Park. In summary, Mr Lazenby considered that the proposal did not represent any adverse impact to the PSA and would be of benefit to the local community.

The Planning Officer reminded the Board of the relationship between PPS4 and CTAAP and the vital role which these policies had in considering this application, referring to his report which thoroughly detailed the approach of CTAAP and PPS4 in testing for out-of-town retailing with a primary focus on development in Town Centres. He explained the purpose of sequential analysis testing and reminded the Board that Policy OP5 was unequivocal in its opposition of expansion in both the Forge and Bridge Retail Parks. He further referred the Members to the objections which were detailed in the report for planning application TWC/2011/0094, particularly those made by Telford Trustees (the owners of Telford Shopping Centre) which suggested the proposal failed the sequential analysis test and referred to his own comprehensive remarks in this regard on pages 45 and 46 of the report. He

was, therefore, of the opinion that the proposals were in direct conflict with the Development Plan, that they had not been properly assessed against the sequential analysis requirements of PPS4 and that they would have an unacceptable detrimental impact on the viability and vitality of the town centre.

Councillor N A Dugmore expressed the opinion that CTAAP had not been designed to stifle job creation and prosperity and had only very recently been adopted. He, therefore, considered that in order to be fair to the applicant, the applicant should be given more time to address the reasons that Officers had recommended the application be refused.

The Planning Officer reminded the Board that whilst CTAAP had taken two years to deliver, it was pre-dated by PPS4 which had been in force since December 2009 and had an identical policy approach. CTAAP was clear that retail development in out-of-centre locations would be resisted and the notion that the Retail Parks were defined as out-of-centre was also supported by the Inspector. In response to the Agent's assertions that he had not been aware of the potential for refusal, the Planning Officer advised the Board that four meetings had taken place with the Applicant at which the Planning Authority's concerns had been conveyed and it had been indicated that the proposals were unlikely to succeed against CTAAP and PPS4.

Councillor K R Guy made a number of points and concluded that it would be logical to defer the application until a report could be obtained from an independent retail consultant.

The Planning Officer assured the Board that CTAAP was based upon the most up-to-date information and data collection available. He considered that this rendered the use of retail consultants inappropriate as he did not believe that any guidance which could be offered from consultants would provide new information at this stage.

The Chairman reminded the Board Members that CTAAP had been adopted by the Local Authority and he was mindful of the cost implications of making decisions contrary to policy. He considered that it was important for the Board to take full account of adopted policies in the determination of.

Councillor V A Fletcher had some concerns about the report and the recommendation. In response, the Development Manager reminded Members of the Planning Officer's advice that CTAAP reflected the most up-to-date policy position nationwide and was fully compliant with PPS4. He considered that it did allow for the safeguarding of jobs and investment by channelling investment into the Town Centre and that investing in out-of-centre locations may result in job losses in the PSA. From a planning point of view, the starting point in the consideration of applications had to be the Development Plan and this application was clearly in contrary to its objectives. He also pointed out that the Planning Inspector, during Public Inquiry, had expressed the view that retail development growth in out-of-centre locations should be resisted whilst the possibility to expand the PSA remained.

On balance, the Members of the Board considered that there was a need for more information before determining this application

RESOLVED – that determination of planning applications TWC/2011/0022 and TWC/2011/0094 be deferred to allow the Applicant to provide further

information in respect of this application.in particular in relation to the sequential analysis

(In accordance with her declaration of interest Councillor V A Fletcher left the room during determination of the following application.)

- (b) TWC/2010/0406 New College Telford, King Street, Wellington, Telford, Shropshire, TF1 1NY

This application sought planning permission for the change of use of the sports field to provide temporary car parking facilities in order to meet parking demands identified by the applicant.

Mrs L Gunn, a local resident of Regent Street, spoke in favour of the application, representing the interests of herself and her neighbours who had signed the petition referred to in the report. Mrs Gunn was generally supportive of the application, considering the College to be an asset to the town, accommodating students that supported the economic viability of Wellington and generously allowing use of its grounds, but she was keen to see conditions attached as indicated in the report. She had, therefore, been disappointed that the press had misreported the residents as objecting to the proposals. Mrs Gunn sought conditions which would provide a permanent surface, that this should be in place as soon as possible to address dust problems and, if the application was rejected on the basis of Sport England's objection, that issues of on-street parking and congestion be alternatively addressed. Noting Sport England's policies, Mrs Gunn argued that the sports field had not been used as a playing field for many years and the proposal represented good use of existing space. The primary issue affecting residents was dust which covered cars and homes nearby, prevented enjoyment of gardens in summer and possibly represented a health hazard. Concerns were raised about the appearance of the site, signage and road safety and a permanent solution was sought by residents that would offer a sealed surface within 12 months together with suitable improvements to the entrance. Should this not be possible, residents sought for any temporary solution to be addressed within 3 months and that such a solution create a dust free environment for residents.

The Planning Officer advised the Board that Sport England had objected to the proposal, disagreeing with the Applicant's view that the affected area was no longer a "playing field". The report advised that it was Sport England's opinion that the redgra area did constitute a playing field and any application to develop the area, or proposing an alternative use, would be assessed against Sport England's playing fields policy and the proposed use of the area as car parking would not be viewed as demonstrating a policy exception. Therefore, as Sport England had a holding objection, if the Board was minded to determine the application favourably, it would be required to be considered by the Secretary of State.

However, the Board noted that the redgra pitch was rarely used for sport and that the report suggested that its loss could be balanced against the improvements that had already been made and the further intended improvements to other sport provision at the college. The Board's attention was also drawn to the Highways Officer's comments regarding the maximum standards guidance given in PPG13 for parking spaces which were currently exceeded by the College and which were even further exceeded in the proposal. However, it was noted that PPG13 standards related to Universities in large towns and cities with high public transport infrastructure.

Although New College was close to Wellington centre's bus and train links, it was taken into account that prior to the use of the redgra for parking, vehicles would park on Regent Street and surrounding streets leading to some footway and driveway obstruction issues which the Highway Officer did not want to recur. On balance, therefore, the Planning Officer considered that granting temporary consent for 2 years for the use of the redgra as car parking would be acceptable, subject to appropriate conditions as detailed in the report.

The Members of the Board fully considered the report which gave full details of the proposal, consultation responses and planning considerations together with the update report tabled at the meeting which detailed the contents of a further neighbour letter. Councillor N A Dugmore and Councillor S A W Reynolds particularly noted residents concerns regarding dust problems from the redgra surface and the suggested conditions to mitigate this, with Councillor N A Dugmore also expressing concern about the on-street parking which had occurred in the past. Upon questioning, the Planning Officer also explained that failure to comply with the conditions which sought details of the surface materials, end use of car park 3 and improvements to be made to sport/recreation provision all within one month, would result in enforcement through a Breach of Condition Notice and, if that was not complied with, prosecution would ensue followed by a fine.

RESOLVED – that planning application TWC/2010/0406 be referred to the Secretary of State under Circular 02/2009 and, if not called in, the Head of Housing & Planning be authorised to grant planning permission subject to the conditions and Informatives as set out in the report.

(c) TWC/2011/0243 The Wellington Arms, 3 Whitchurch Road, Wellington, Telford, Shropshire, TF1 3AG

This application had been submitted by Punch Taverns and sought permission to erect a 900mm high rendered block wall to create an area to the front of the premises for outside dining and drinking. The area was to include a shelter comprising a black 3m x 4m Jumbrella with integrated heaters and would entail the removal of an existing low wall to the side of the premises and the erection of a 1.1m chain link fence to provide access to the designated smoking area from the rear drinking area. Determination of the application had been deferred until this meeting to enable Members to make a Site Visit.

The Board had received a report which set out the proposal and consultation responses in detail and addressed planning considerations principally in relation to visual impact, residential amenity and highway safety. The report also set out the additional consultation responses which had been received since the preparation of the previous report to the Board.

Mr J Salisbury of Philip Nelson Architecture, the Agent for the Applicant, spoke in favour of the proposal. He acknowledged the noise and nuisance concerns raised during the consultation and considered that these issues could be alleviated by the Applicant's intention to install a tenant with over 30 years' experience in the trade and to utilise door staff during busy periods to negate noise outbreak concerns. Internal and external CCTV would also be installed. Overall, he considered that the application was just and was not detrimental to the existing property. He confirmed that it was intended that the venue would be a sports bar with bar menu, offering a

quality outlet to the town that was currently lacking. Mr Salisbury explained the proposed access to the smoking area and he also acknowledged that the chain link fence was unsuitable and that a more permanent structure would be required to ensure highway safety.

Councillor S A W Reynolds expressed road safety concerns related to the proposed chain link fence and suggested the need to continue the existing brick wall which were supported by Councillor K R Guy. Councillor N A Dugmore also supported safety improvements and was keen to try to minimise noise nuisance. The Planning Officer advised that in this case, as the proposal related to an existing building, noise issues would have to be dealt with through Environmental Health or the Licensing Authority rather than the planning process. Councillor V A Fletcher also raised concerns about road safety and the location, size and accessibility of the proposed smoking area.

RESOLVED – that with respect to planning application TWC/2011/0243 planning permission be granted subject to the conditions as set out in the report and to an additional condition relating to the erection of a wall to replace the chain link fence in order to address safety and visual impact concerns.

(d) TWC/2011/0108 3 Ladygrove, Dawley Bank, Telford, Shropshire, TF4 2LS

This application sought to enlarge an existing hardstanding at the front of the property by removing soil and erecting a retaining wall. The enlarged hardstanding was sought for additional parking and a more satisfactory layout. Councillor C P R Mollett, Ward Member, had requested that the application be determined by the Plans Board.

Councillor C P R Mollett, Borough Ward Councillor, spoke against the application expressing concern that the parking provision would cause increased traffic problems on the unadopted bridleway which was narrow with limited passing spaces and represented a safety issue. He further considered that the proposal would alter the character of the roadway and reduce the amenity and quality of life for residents.

Mr L Jones of WYG Planning and Design, the Applicant's Agent, spoke in favour of the application at this established care home which in real terms sought only to increase the area of hardstanding and realign a retaining wall resulting in a more formal layout thereby ensuring the parking space was more usable with the effect of reducing parking in the lane. He stressed that parking provision would not be increased and no change of use or increase in staff was proposed. Addressing residents' concerns surrounding construction, he stressed the applicant's commitment to carry out the works in as considerate a manner as practical with limited disruption.

The Board had received a detailed report which set out the particulars of the proposal and consultation responses and carefully considered the application in relation to the planning considerations addressed in the report. Giving due regard to the photographs in the Planning Officer's presentation and the comments of Councillor Mollett and Mr Jones, Councillors S A W Reynolds and Councillor N A Dugmore considered that on balance the proposal would not increase traffic flow and would improve the safety and appearance of the area.

RESOLVED – that with respect to planning application TWC/2011/0108 planning permission be granted subject to the conditions as set out in the report.

(e) TWC/2010/0713 Land adjacent 50 Holyhead Road, Oakengates, Telford, Shropshire, TF2 6BN

This was a full application for the erection of a detached dwelling with off street parking facilities and four parking spaces accessed via Charlton Street for use by no.50 Holyhead Road. Oakengates Town Council had requested that this application was determined by the Board.

The Board had fully considered the report which gave full details of the proposal, consultation responses and planning considerations, particularly in relation to the principle of development, effect upon the character and appearance of the area, parking provision and highway safety, residential amenity and contaminated land. Despite the Town Council's objection, the report opined that the proposed development was acceptable in principle. The site was of sufficient size to accommodate a single dwelling with adequate private amenity space, parking and bin storage for the proposed dwelling and the existing studio flats, and would not have an adverse impact upon the character and appearance of the area. Furthermore, the development would not have a detrimental effect on the residential amenities of the neighbouring dwellings or highway safety.

Councillor V A Fletcher considered that the area was too small for the development and Councillor N A Dugmore welcomed the Highway Engineer's request for a condition requiring the car parking shown on the drawings being provided before the proposed development was brought into use and the space maintained thereafter. The Chairman also welcomed off-road parking provision in the area although it was noted that the clients of the hairdressing salon would still park on the road. On balance, therefore, the Members of the Board were inclined to agree with the conclusions reached in the report.

RESOLVED – that with respect to planning application TWC/2010/0713 planning permission be granted subject to the conditions as set out in the report.

(f) TWC/2011/0170 The White Horse Inn, Heath Hill, Dawley, Telford, Shropshire, TF4 2JU

This application sought planning permission to replace the extant outline planning permission (W2008/0531) for the demolition of the existing public house and erection of 14 no dwellings with associated access. All other matters were reserved.

The Board had received a detailed report which set out the proposal, consultation responses and addressed planning considerations in relation to the principle of development, extant outline planning permission, loss of existing bowling green, highways issues and the impact on the character of the area.

The Planning Officer advised that there was an extant planning consent on this site which had agreed the principle of residential development in this location subject to

the provision of a contribution towards education and leisure use. The Applicant had resolved the contributions required to compensate the loss of the bowling green, with the previous S106 agreeing funding of £50,000 to be used at another bowling club in the area. The previous local Ward Members had specifically requested that this be found within Dawley Park but there were difficulties finding a location where the contributions could be spent. The Board was, therefore, requested to consider widening the vicinity for spending the contributions and Members indicated that they would welcome the contributions being used in the wider area, and the possibility to improve the range of facilities at Horsehay Golf Club was also welcomed.

RESOLVED – that with respect to planning application TWC/2011/0170 planning permission be granted subject to the Applicant entering into a Section 106 Agreement to pay £50,000 towards replacement bowling facility within the vicinity of the development and £1,400 per dwelling towards education, and further subject to the conditions as set out in the report.

(g) TWC/2011/0333 27 Gilpin Road, Admaston, Telford, Shropshire, TF5 0BG

This was an application made by Borough Councillor R T Kiernan and, therefore, this application was considered by Members of the Plans Board. The application sought to replace the existing flat roof over the garage and porch and replacement with a pitched roof.

The Board had received and considered a report which set out the proposal and consultation responses and addressed planning considerations in relation to design and visual impact, and impact on neighbouring amenities.

RESOLVED – that with respect to planning application TWC/2011/0333 planning permission be granted subject to the conditions as set out in the report.

PB-014 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 1 of Schedule 12A of the Local Government Act 1972.

PB-015 DELEGATED AUTHORITY – TOWN & COUNTRY PLANNING ACT 1990

The report of the Head of Housing & Planning informed the Board that an Enforcement Notice was served on 1 May 2009 in relation to the unauthorised development identified in the report. No appeal was lodged against the Notice and, consequently, the Notice was required to be complied with by 1 August 2009. The unauthorised development remained on site and the Enforcement Notice had not been complied with.

Section 178 of the Town and Country Planning Act 1990 allowed the Council to enter land and take steps to secure compliance with an Enforcement Notice. The usual route of seeking compliance was to prosecute in the Magistrates' Court but, as the Defendant was out of the country, a prosecution was not straightforward and

proceedings were currently adjourned. Direct action was seen as an alternative to the court proceedings in view of the current lack of progress.

RESOLVED – that the Head of Housing & Planning be authorised to take direct action pursuant to Section 178 of the Town and Country Planning Act 1990 namely the demolition of the partially built dwellinghouse identified in the report and removal of any debris and material arising from its demolition.

The meeting ended at 8.11pm

Chairman:

Date: