

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 26<sup>th</sup> January, 2011 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors N.A. Dugmore (Chairman), R. Aveley (substitute for Councillor R.T. Kiernan), D.R. Chaplin, J.A. Francis, G.M. Green, H. Rhodes, F.R. Picken and M.J. Smith

**ALSO PRESENT:** Councillor I.T.W. Fletcher (for planning applications TWC/2010/0009 and TWC/2010/0638), Councillor V.A. Fletcher (for planning applications TWC/2010/009 and TWC/2010/0638) and Councillor E.J. Greenaway (for planning application TWC/2011/0013)

#### **PB-73      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on Wednesday, 5<sup>th</sup> January, 2011 be confirmed and signed by the Chairman subject to those ‘Also Present’ being amended to include Councillor I.T.W. Fletcher (for planning application TWC/2010/0745).

#### **PB-74      APOLOGY FOR ABSENCE**

Councillor R.T. Kiernan

#### **PB-75      DECLARATIONS OF INTEREST**

None.

#### **PB-76      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PB-77      SITE VISITS**

None.

#### **PB-78      PLANNING APPLICATION FOR DETERMINATION**

- (a) TWC/2010/0009 – Land adjacent to The Shires, Shifnal, Road, Priorslee, Telford, Shropshire

This was an outline application for the erection of 5 detached dwellings and garages, together with site access, on land between Glendale and The Shires. Matters relating to layout, scale, appearance, and landscaping would be considered at the Reserved Matters stage. Councillor I.T.W. Fletcher, Ward Member, had requested that the application be considered by the Plans Board.

The application site, approximately 0.4 hectare in size, was almost regular in shape and covered by scrubby vegetation with several clusters of mature trees, some of

which were subject to Tree Preservation Orders. A small part along the southern boundary was designated as Green Network on the Local Plan.

One letter had been received from a local resident who had concerns relating to the position of the septic tank. St. George's & Priorslee Parish Council had no objections subject to the retention of the boundary wall to retain the heritage of the site, and to the replanting of suitable trees to replace those that were felled. Council consultees had no objections to the application subject to appropriate conditions, as set out in the report.

As most of the site was shown as 'white land' on the Wrekin Local Plan, residential development was considered to be acceptable in principle and the site had the benefit of an extant planning permission granted to Telford Development Corporation (TDC) in 1985. The site, which lay within the built-up area of Telford and within a predominantly residential area, was considered to be large enough to accommodate 5 detached dwellings, as shown on the notional layout plan submitted with the application.

Although the site was subject to a Tree Preservation Order, the Council's Arboricultural Officer had stated that many of the trees were self set with only a few being worthy of retention. The notional layout plan showed the retention of all the significant trees and tree protection measures would be secured through the imposition of relevant conditions, as would replacement planting to mitigate for the loss of any trees that would be felled.

The vehicular access point would be located near to the north-east corner of the site, where the ground level was at a similar height to the adjacent road. The Council's Highways Engineer was satisfied with the proposed access arrangements, subject to conditions relating to the provision of visibility splays, off-site highway works, and a new raised table junction scheme.

Due to the rear boundary of the site being approximately 50 metres from the M54 Motorway a noise assessment had been carried out in accordance with the guidelines set out in PPG24 – Planning and Noise. Whilst the noise levels were generally considered acceptable for residential development, it was recommended that all the dwellings should have double glazed windows incorporating an appropriate glazing specification to guarantee a good standard of internal amenity in living rooms and bedrooms and ensure that the internal noise levels within the proposed dwellings complied with the relevant British Standards Code of Practice.

Councillor V.A. Fletcher, on behalf of St. George's & Priorslee Parish Council, raised concerns at the potential loss of the heritage wall and trees on the site both of which were intrinsic features of the area. Councillor I.T.W. Fletcher, Ward Councillor, supported her comments and asked that appropriate conditions be imposed to require any trees covered by Tree Preservation Orders to be replaced, if it became necessary to fell them, and to ensure the retention of the dry stone retaining wall. In addition, he requested that appropriate conditions be imposed to regulate the installation of the septic tank. Mr. Pugh, the owner of Glendale, raised concerns at the proposed location of the septic tank on the site, its impact upon his own property,

the nature of the ground conditions, and the potential problems arising from the narrow site access.

In response the Planning Officer informed the Board that a requirement to retain as many of the trees on the site as possible could be incorporated into the landscaping condition and an appropriate condition included to retain the dry stone wall. With regard to the concerns expressed on the ground conditions, the Drainage Officer had raised no objections and the exact location of the septic tank would be dealt with at the Reserved Matters stage.

**RESOLVED** – that with regard to planning application TWC/2010/0009 outline planning permission be granted subject to the conditions as set out in the report and to additional conditions relating to the retention of the drystone wall and the retention of trees in the landscaping condition.

(b) TWC/2010/0585 – 42 High Street, Hadley, Telford, Shropshire

This application related to the change of use of the land at the side of and behind the property from a van rental storage facility to a used car sales area. When first submitted, the application included a Block Plan showing a total of 25 cars to be parked on the site but an amended plan had reduced this to 22 cars, including 4 visitor/staff spaces. The site was currently vacant and comprised an office, small kitchenette area, and toilet which, although part of the building, was only accessed from the yard and was only for use by staff on site. Vehicular access was through existing gates in the north-west corner of the site.

Hadley & Leegomery Parish Council had requested that the application be considered by the Plans Board and had submitted objections, as outlined in the report. However, no individual neighbour consultation responses had been received and the Council's Highways Officer had no objections to the application.

In 1992 planning permission (W91/1024) was granted at appeal to change the use of the site to provide a hire and storage area for cars and light commercial vehicles and, in 2008, the Council had received complaints that there had been an unauthorised change of use to car sales with vehicles not only parking within the site boundary but over-spilling onto the adjoining roads, pavements, grass verges, and car parks, thereby creating highway safety problems. In 2009 planning permission (W2009/0101) was refused for a change of use of the land from van rental to car sales, as set out in the report.

In submitting this application the new site owner had stated that he would operate the site less intensively than the previous owner and would endeavour to avoid the problems previously experienced. The amended Block Plan showed that a maximum of 22 cars could be accommodated within the site without over-spilling onto adjacent roads and pavements, the layout and number of which would be the subject of planning conditions.

The Council's Highways Officer had no objections to the application as the principle of use of the site for car storage had previously been established and it would be difficult to argue that the proposed use would generate any significant increase in vehicular use. He was satisfied with the provision of 4 visitor/staff spaces within the

site, particularly as there were a number of public car parks close to the site. However, as the highway outside the site was adopted and yellow lined, any associated parking issues could only be enforced by the police and not by the Local Authority.

It was considered that the proposed use would not adversely affect the visual amenities of the locality or generally be harmful to the character and appearance of this part of the District Centre as the site was partly screened by existing boundary planting. Furthermore, this use would not detract from any proposed redevelopment of Hadley Centre. There was likely to be only low levels of vehicular movements associated with the use in and around the site and access into and out of the site entrance would not jeopardise highway safety. Furthermore, being located in a highly sustainable location adjacent to the bus station would enable potential visitors to travel to the site by public transport.

Colin Potts, Clerk to Hadley & Leegomery Parish Council, spoke against the application and referred to the objections made by the Parish Council, as summarised in the report. Carl Huntley, agent for the applicant, acknowledged the previous problems experienced with the site but said that the current application had been carefully considered, including the site and visitor parking, to ensure there was no impact outside the curtilage of the site. The applicant was mindful of the regeneration plans and the site was well-screened from the High Street. He drew the Board's attention to the fact that all relevant Council officers had raised no objections to the application including the Highway's Engineer.

Councillor M.J. Smith, Ward Councillor, stated that the site created a bottleneck which would be increased by visitors parking at the entrance rather than using public car parks elsewhere in Hadley, views which were supported by Councillor R. Aveley, Ward Member, who was also concerned that the proposal would adversely affect the intended regeneration of Hadley.

Having listened to the objections raised by the Parish Council and local Ward Members, the Chairman said that he had concerns regarding visitor parking to the site given that the adopted highway outside the site was yellow lined. These concerns were supported by Councillor D.R. Chaplin.

On being put to the vote, there was no proposer and seconder for the officer recommendation to approve the application. A proposal, as seconded, that the application be refused was approved unanimously.

**RESOLVED** – that planning application TWC/2010/0585 refused for the following reason:

- 1. The Local Planning Authority considered that the Applicant had provided insufficient information to demonstrate that the number of vehicles proposed could be accommodated within the application site and would not lead to overspill parking/display of vehicles for sale on adjoining land, public highway, footpaths and car parks. The proposed car sales business was considered unacceptable and would be detrimental to highway safety and the character and appearance of the**

**area. Accordingly, the development was contrary to Policy CS15 of the Core Strategy DPD Adopted December 2007, Policy UD2 of the Wrekin Local Plan 1995-2006 and national guidance contained in PPS1 and PPS6.**

**2. The Local Planning Authority considered that the proposed change of use would potentially have a detrimental effect on the future regeneration of Hadley**

**(c) TWC/2010/0627 – Ironstone Square, Lawley, Telford, Shropshire**

This application requested reserved matters approval for a mixed-use local centre consisting of a food store of 3,287 sq.m. gross, a further 2875sq m gross comprising 12 small units for retail or other commercial uses, a stand-alone retail unit east of the food store, a day nursery, public house and 12 two bedroom flats above the shops adjacent to the main food store, 11 duplex apartments and 16 houses with associated landscaping and infrastructure works. The application site lay to the north of West Centre Way and formed part of a larger scheme for the development of a local centre at Lawley.

As part of the planning proposals, a Development Framework Plan and Design Codes had set down principles which had been adopted by the developers. The Development Framework set out areas for mixed use development around Lawley Square i.e. north and south of the re-aligned West Centre Way and along 'Main Street', a proposed road running almost parallel to Lawley Drive to the north and south of Lawley Square.

Since the proposals were originally put forward in 2003, the economic climate had changed considerably and the applicants had had to depart from the strict requirements of the Design Codes in order to make the development financially viable and meet the requirements of the end users and to this end negotiations had been held with officers over a period of 2 years. The floor space to be provided for the different forms of commercial and office use, as set out in the Planning Statement accompanying the outline application, had not been formally agreed as part of the permission and the applicants had provided a table that demonstrated the changes made in the current application.

The design of the buildings was contemporary in form and feel to create a new modern high quality local centre and would be constructed using a mix of brick, render and timber elements with prominent roof pitches to help to distinguish the buildings together with glazing to provide interest and an active frontage. The whole development had been linked by a landscaping scheme inspired by the mining industry, to provide a high quality, sustainable and attractive environment which would incorporate high quality hard landscaping elements. The landscaped areas within the application site would be maintained by the developers.

In terms of access to the local centre, the principles set out in the Development Framework had been developed through the Primary Infrastructure works but it had been decided to retain and improve the current temporary Gresham Drive link to

West Centre Way. As the development was brought into use the traffic lights on the currently unused junctions on West Centre Way would be brought into operation.

In terms of sustainability the development had been designed to meet BREEAM Very Good and the residential units to meet Code level 3 for Sustainable homes. In addition, the development should also meet the requirements of Secure by Design.

The outline permission required 25% affordable dwellings some of which had to be designed to meet SDS standards. However, the issue of the viability of the development in the current economic climate remained to be resolved and the applicants had submitted a viability assessment that needed to be fully considered. This issue was covered by the S106 Agreement for the whole of Lawley and was currently under discussion and any changes would be brought back to the Board for consideration.

The update report tabled at the meeting informed the Board that some minor amendments to the submitted plans had now been received relating to the Nursery. In addition the update report stated that the proposed car park for the public house would affect the line of an existing bridleway and require its diversion, as shown on the appended map. This re-alignment, which formed part of planning application TWC/2010/0826 for the roads and infrastructure required to service the current application had not yet been finalised for consideration but had been discussed with all user groups and considered to be acceptable. The works for the diversion would take place before the existing route was closed. No objections had been raised by the Highways Officer in respect of either application subject to the conditions set out in the update report.

In response to a question from Lawley & Overdale Parish Council regarding there being no planning application for a Community Centre, the update report informed the Board that the outline planning permission had envisaged that such community facilities would be provided as part of the new primary school to be provided south of West Centre Way through the S106 Agreement. Unfortunately, there was no provision for this within the S106 Agreement and, as a result of the slow down in the number of dwellings that were being built and issues of financial viability for the Lawley development, the timing of the school had been put back to September 2014 at the earliest although this date was under review.

The Head of Housing & Planning said that this was a very significant development for Telford and was an example of the public and private sectors working together. Members welcomed the application which the Chairman commented that it was very well thought out.

**RESOLVED – that with regard to planning application TWC/2010/0627 the Head of Housing & Planning be authorised to grant approval of Reserved Matters subject to conditions to include the matters listed in the update report.**

(d) TWC/2010/0638 – Pigeon Box Inn, Priorslee Road, Telford, Shropshire

This was an application for full planning consent for the erection of 27 dwellings and associated highways works. The site, approximately 0.8 hectares in size, comprised

the now derelict public house fronting Priorslee Road and its amenity and parking area to the rear, which was accessed to the east of the public house.

The Council's Highways Engineer had raised concerns relating to some small elements, as set out in the update report tabled at the meeting, but had now confirmed that they were acceptable subject to appropriate conditions. In addition, he had requested a contribution of £5,000 towards the installation of a tactile dropped kerb facility and associated remedials at crossing points between Priorslee Road, Snedshill Way and Church Road. Following receipt of an amended landscaping plan, the Council's Arboricultural Officer had raised no objection to the scheme, subject to conditions, but had expressed concerns relating to the hedgerow and post-development ownership. St George's & Priorslee Parish Council had commented that its original grounds of objection were still valid, as outlined in the main report. 5 individual letters of objection had been received, as summarised in the main report.

The principle of development had been established in 2009 following the granting of planning consent for 31 residential dwellings subject to a S106 agreement. (W2008/0550). Unfortunately, the owner had not signed the Agreement and the consent had, therefore, not been issued. However, on the Agreement's completion, planning permission would be issued. Since 2009 the owner had marketed the site and the current application had been submitted by the prospective developer with the proposed density having been reduced from the previous approval to 21 dwellings per hectare.

The site outlined for development had no formal allocation in the Wrekin Local Plan and the building was not considered to be one of local interest; subsequently the site could be considered for residential development in accordance with Windfall Policy H6. The development site was within 220m of a regular bus route and in close proximity to the town centre and other facilities and, therefore, was considered to be located in a sustainable area.

The proposal would replace the derelict public house and develop the associated parking and amenity area. There were no rights of way through the site and its current condition did not provide any form of amenity to the surrounding area. Some note worthy trees on the site were subject to Tree Preservation Orders and a mature hedge provided a soft natural boundary to the development site. These constraints had influenced the layout and design of the scheme as had the areas of noise constraints and the character, scale and form of the properties surrounding the site.

The access to the site was via Priorslee Road through the existing public house access, the location of which had been dictated by the root protection area of the protected trees, and the need for the development to have a presence on Priorslee Road, allowing the development to form part of the street scene through an active frontage provided by plot 1. A secondary access to the development from Telford Way was not required nor would be supported as this would prejudice the safety and free flow of highway users.

The applicants had been requested to amend Plot 1 with a hipped roof but, as set out in the report, they had been unwilling to do so given the design of adjacent

properties. It was recognised that this was a difficult plot to design for due to the narrow constraints of the site and the submitted design, whilst not perfect, was considered acceptable. Amendments had been received for the front boundary to a small wall with hedging, reflecting that of the surrounding area, and in relation to plots 2, 3, 12 and 13, as detailed in the update report.

Plots 19-26 ran north to south adjacent to Telford Way, which was the main amendment to the previous scheme and the two apartment blocks had been removed thus taking away the 3 storey focal point around the central access. The emphasis of the development to Telford Way had been reduced by the detachment of plots and the introduction of rear amenities bounded by brick walls for plots 22 and 23. The agent considered that, as there was no view or footpath crossing to Telford Way, the previous approach was not warranted. Whilst officers did not agree with this approach, for the reasons set out in the report, it was not considered sufficient to warrant a refusal.

The Acoustic Report, as outlined in the officer report, recommended a noise mitigation scheme for the submitted layout to include acoustic glazing and acoustic ventilation to the units of appropriate specification. Acoustic fencing was also recommended to the rear and side boundaries of dwellings to protect their external amenity areas, which was considered appropriate and in compliance with PPG24.

Concerns had been raised by officers with regard to the established hedgerow and the proposed boundary fencing, as detailed in the main report. As the proposal would sit adjacent to a residential development to the north, it was considered these were not required but should be subject to this development proceeding. Therefore, it was recommended that this be controlled by a condition to install the fence prior to occupation if the site to the rear had not been developed with the ability to remove this if development had occurred, allowing the occupant to benefit from the established boundary hedge. The update report informed the Board that the works to the hedgerow would be those solely within the developer's ownership and not on the adjacent land.

Planning application W2008/0500 had attracted a number of objections on the grounds of drainage due to localised flooding from drains during heavy rainfall and the Board had resolved to include offsite drainage alleviation measures in the Section 106 Agreement. However, since that date, Severn Trent Water had investigated and removed the blockage of the surface water drains and, subsequently, this application had attracted less objections and the Section 106 Agreement was no longer warranted. An updated Flood Risk Assessment had been received and the update report confirmed the capacity of the site by the use of a hydrobrake device, as conditioned in the main report.

Whilst the site had been previously developed, it was considered that the level of contamination was relatively low and, therefore, remediation of any contamination issues could be adequately conditioned. In compliance with Policy H6 officers were satisfied that the development could be adequately accessed, provide sufficient parking, be adequately drained, remediated of any contamination, was located in a sustainable area and would not have an adverse impact on the local environment by virtue of its use or the proposed design.

In line with Policy H23 the developer had been requested to provide 30% affordable housing, split between 20% social housing and 10% shared equity, and had now agreed to provide 8 affordable housing units in the mix set out in the update report. Policy LR6 requested the provision of outdoor recreational play facilities on new residential development but, as this proposal did not meet the requirements to provide onsite play facilities, a request for £600 per dwelling towards the upgrade of play facilities in the immediate area had been requested and agreed by the applicant. Policy T22 required developments, where necessary, to provide the necessary improvements to meet the transport needs of the development, in this instance a crossing on Telford Way, and the applicant had agreed to £5,000.

Councillor V.A. Fletcher, on behalf of Priorslee & St. George's Parish Council, spoke of its concern on the over-development of this area, the lack of play facilities, and the single point of entry/exit. She also expressed concerns regarding the ongoing flooding in the area and the impact of the development upon its green space and amenities. Councillor I.T.W. Fletcher spoke as Ward Councillor and said that he had grave concerns regarding the ongoing water and sewerage problems which needed to be completely resolved before the development was started and also made reference to the access issues in relation to 1 Freeston Terrace. In conclusion, he requested that, as the application site fell within the Priorslee Ward area, the S106 Agreement stipulate that the £600/house contribution to leisure and recreation facilities be used within that area.

Karen Bignall, a local resident informed the Board of the noise levels from the A5 together with that of the proposed development, the restricted access for vehicles, and the issues relating to the layout of Plot 1 and the impact on her own property, reducing the safety of vehicles entering and exiting the driveway immediately opposite No. 1.

John Freeman on behalf of the applicant, responded that the proposed scheme had reduced the number of units to 27 from the 37 previously approved and confirmed that the existing hedgerows would be retained. The Flood Risk Assessment and Drainage Survey had been accepted and he considered that the surface water was due to the underlying clay. It was not in the developer's interest to develop a site with sewage present and he assured the Board that this issue would be resolved.

Councillor H. Rhodes asked if the drainage issue had been resolved and the Planning Officer explained that Severn Trent Water had found and dealt with a broken manhole cover. There was no provision for drainage works in the S106 Agreement before the Board, as it was considered that this issue had been resolved as set out in the update report. Tanks with a large capacity were to be installed on the site with a restricted flow but once the contents reached the main sewer, it was no longer the developer's responsibility. In addition, the Council would seek to ensure that the appropriate mitigation was in place on the proposed development to prevent it from having an adverse impact on the site. Several Members raised issues regarding the outfall from the disused collieries in the area but the Planning Officer assured them that the Contaminated Land Officer had not raised any issues to the development of the land.

The Head of Housing & Planning emphasised that a higher density scheme had previously been approved by the Board and that the issues of drainage and sewerage had been considered under that application. These issues were the responsibility of the relevant utilities and the role of the Local Planning Authority was to ensure that the development did not exacerbate any existing problems and that appropriate remedies were in place.

With regard to Councillor I.T.W. Fletcher's request that the S106 Agreement monies for leisure and recreation be restricted to use in Priorslee, the Council's Solicitor explained that the Agreement had already been drafted but could be amended as necessary and the Head of Housing & Planning said that the Planning Officer would speak to an appropriate colleague in Leisure & Recreation to ensure that Councillor Fletcher was consulted on the location that would best meet the needs of his Ward.

**RESOLVED – that with regard to planning application TWC/2010/0638 the Head of Housing & Planning be authorised to grant planning permission subject to the applicant entering into a Section 106 Agreement to provide financial contributions for £53,292.80 towards primary education, £600 per dwelling toward Leisure and Recreation to be spend within the Priorslee Ward, £5,000 towards a pedestrian crossing facility, and the provision of 8 affordable units and to the conditions as set out in the update report tabled at the meeting.**

(e) TWC/2010/0705 – Land at Wildwood, Woodrows, Woodside, Telford, Shropshire

This was an application by Telford & Wrekin Council for planning consent for the creation of 40 additional parking spaces throughout Woodrows, Wildwood and Woodside Avenue, together with alterations to several footpaths in the area. The residential area was 'Radburn' in design and the majority of garages and parking facilities fronted the highway so dominating the street scene. A number of vehicles mounted the pavements and parked on grassed area to the front of their properties due to the lack of parking facilities, thus causing considerable damage to the Council maintained lawned surfaces.

Madeley Parish Council supported the proposals for the second phase of the Woodside North Regeneration. The Council's Highways Engineer had originally raised concerns with regard to the distance behind spaces but, following these having been amended to provide 6m behind each space, he now supported the application. Objections had been received from 3 neighbouring properties including the potential for anti-social behaviour, as summarised in the report.

The proposal, whilst providing 40 additional spaces in total, would provide 3-9 vehicle spaces in any one area close to the proposed residential users and well related to the surroundings. Whilst one area of parking was protected by Green Network Designation, the proposal would only pocket a small slither adjacent to the highway, where on-street parking was common, and a reduction in the level of such parking was, therefore, acceptable as it would improve highway safety on a main access road.

Whilst neighbour comments had been noted, planning was not able to control the level of vandalism which currently occurred but it could ensure that any proposal had natural surveillance to design out crime. In this regard, the proposals were located in areas which were naturally overlooked by adjacent properties and, as the proposal did not include any fencing around the spaces, it would not create any alley ways where anti social behaviour could occur. With regard to concerns over noise disturbance, the proposal formed small areas of additional parking which were located adjacent to existing parking areas and, subsequently, the proposal would not increase the current level of noise. It was, therefore, considered that the proposal would not have a detrimental impact on the residential amenities of the surrounding properties and complied with Core Strategy Policies CS8 & CS15 and Wrekin Local Plan Policy UD2.

The update report, as tabled at the meeting, informed the Members that a petition against the scheme had now been received signed by 8 local residents. With regard to the objections received from 29 Woodrows, the Regeneration Manager had confirmed that, whilst these concerns had been considered, it had been concluded that they were outweighed by the wider benefit to the area. However, the additional parking spaces adjacent to this property could be reduced if required but would reduce the overall benefit of the scheme.

Kimberley Pool, a local resident, raised a number of concerns relating to nuisance, noise pollution, and safety arising from the proposal with regard to the site adjacent to 29 Woodrows. She also pointed out that some of the existing spaces were under-utilised due to people preferring to park on the road. A number of her comments were supported by other local residents in the public gallery.

The Head of Housing & Planning responded that the regeneration of Woodside was an important priority for the Council and consultation had been undertaken with local residents. Unfortunately, Woodside had been planned and laid out in a particular way and he advised the Board that the recommendation to approve the overall scheme be supported. However, if Members had concerns relating to the parking spaces proposed adjacent to 29 Woodrows, then they could delegate authority to him to renegotiate an amended scheme to take account of the views expressed at the meeting and to approve the overall scheme.

Councillor D.R. Chaplin agreed with the concerns expressed by local residents and, whilst accepting the importance of the regeneration of Woodside, welcomed the opportunity for the issues raised to be discussed with relevant officers. Councillor G.M. Green added that there did not appear to be an equitable distribution of parking spaces with regard to 29 Woodrows.

**RESOLVED – that with regard to planning application TWC/2010/0705 the Head of Housing & Planning be authorised to discuss and resolve with Council Officers the concerns raised by Members about the number of spaces proposed adjacent to 29 Woodrows and to grant planning permission when the issue had been resolved**

(f) TWC/2010/0778 – 30 Haygate Road, Wellington, Telford, Shropshire

This application sought planning permission for the change of use of half of the existing vacant retail unit, use class A1, to a Community Boxing Club, use class D2. The application site comprised a detached, single storey, modern, flat-roofed red brick building with vehicular access off Alexandra Road and a small parking area for approximately 5 vehicles. The site was located approximately 180 metres to the west of Wellington District Centre in a mixed residential and commercial area.

Wellington Town Council had objected to the proposals on the grounds summarised in the report. One letter of objection had been received during local consultation relating to parking.

The Wellington Amateur Boxing Club was a 'community-led' organisation aimed at providing positive activities linked to boxing for young people in Wellington. It had been formed following community engagement which had identified the lack of positive activities for young people in the College Ward. Through boxing, the Club aimed to address issues of anti-social behaviour and community safety within the Wellington area and it was anticipated that the discipline and training required to take part in boxing would contribute to the health and wellbeing of those who participated. In addition, the Club had identified a number of residents who currently had to travel to train in similar facilities in Shrewsbury. The Club was supported by Richie Woodhall (Olympic and Commonwealth medal winner), who had been appointed as Lead Coach and Chair of the Boxing Club, and it was applying for Charitable Status and, as such, would be a non profit organisation.

The application form identified that there would be 1 part-time employee but it was envisaged that local residents would run the Club thereby developing their skills in both running a community-led organisation and in coaching. It was proposed that the Club will operate 5 evenings per week with 2 morning sessions on a Saturday morning with some scope for training sessions during the school holidays. Consequently, the proposed hours indicated on the application form stated 10am to 9pm Monday to Friday, 10am to 2pm Saturday with no training on Sunday or Bank Holidays, which would cater for occasional school holiday day sessions. Having regard to the previously approved hours of operation of the adjacent unit, it was considered that the proposed hours of use were acceptable.

The comments received had been noted but the Highways Engineer had raised no objections to the proposal as it did not alter the existing access or reduce the car parking facilities and the site was in a highly accessible location close to the District Centre and associated public transport, public car parks, and within walking distance of a bus route with a regular service. Haygate Road had a mix of residential and commercial uses and, whilst it was noted that this was a sensitive location close to established housing, it was considered that the proposed use would have no further adverse impact on adjoining residential amenity than the existing retail use which had no controlled hours of operation in terms of vehicle movements, noise and disturbance. Accordingly, the proposal complied with Policy CS5 & CS10 of the Core Strategy

Mrs. Sherrel Fikeis, the applicant, spoke in support of the application and informed the Board that an adjacent business had now made its car park available, if required. A statement from Councillor R.G. Chaplin, Ward Councillor, setting out the concerns of local residents regarding the impact of the proposal upon parking in Alexandra Road was read out by the Planning Officer.

Members welcomed the application particularly if the concerns regarding parking could now be addressed.

**RESOLVED** – that with regard to planning application TWC/2010/0778 be granted planning permission subject to the conditions as set out in the report.

(g) TWC/2010/0013 – Land at Old Park Road, near Mossey Green Roundabout, Old Park Way, Old Park, Telford, Shropshire

This was an application for a determination as to whether prior approval was required for the siting and appearance of a replacement telecommunications monopole and additional equipment cabinet.

The application involved replacing the existing 14m high Vodafone monopole accommodating 3 antennae with a slightly higher 14.8m high monopole accommodating 6 antennae to provide O2 and Vodafone with 2G and 3G coverage in the surrounding area. All the antennae would be contained within a smooth circular sheath, which would be fatter than the existing one to accommodate the additional antennae. In addition, there would be a new ground equipment cabinet measuring 1.58m in length, 0.38m in width and 1.35 metres in height. The monopole and the equipment housing would both be coloured to match the existing equipment. The applicants had stated that the proposal was required to increase 2G network capacity to the Old Park/Rock area and also to provide 3G coverage.

In May 2009 the Council had adopted a Supplementary Planning Document entitled 'Telecommunications Development' which provided guidelines relating to the Council's planning approach towards telecommunications development in the Borough, the key points of which were set out in the report.

The update report tabled at the meeting informed the Board that 5 e-mails/letters of objection had been received from local residents, a summarised in the report, and similar concerns had been raised in a letter from the Old Park Residents Association and the Ward Member, Councillor E.J. Greenaway. In addition, the update report set out additional information submitted by the applicant relating to the dimensions of the replacement mast, its power output, and the need for an additional 3G cabinet for the O2 operator.

This was a telecommunications determination application and therefore the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation.

The existing monopole and its associated ground equipment cabinets were situated on the open grass verge adjoining the Mossey Green Roundabout. There were numerous 12m high street lights along Old Park Way and around the Mossey Green

Roundabout and the nearest residential property was approximately 65m from the proposal site.

The applicants had stated that, when providing a new or enhanced telecommunications facility they always sought to upgrade the existing mast or pole before exploring other options. In this particular case they had established that, from a technical point of view, the existing 02 installation was a suitable location to provide the required level of 3G coverage for both 02 and Vodafone. A pre-application consultation letter had been sent to the Council in October 2010 but the applicants had stated that this consultation exercise was not extended to other interested parties because only a replacement pole was being proposed. On the basis that the proposal was for the replacement of an existing pole and was a mast sharing opportunity, the applicants had confirmed that no other telecommunications installations, buildings, and other structures within the required coverage area were considered.

The proposed pole would be marginally higher than the existing structure and needed to be slightly wider in order to accommodate the 3 extra antennae. By utilising an existing installation, albeit with a fatter profile, the current proposal would reduce the need for additional street furniture and prevent the proliferation and introduction of new masts into the wider area. The column would retain its slim-line profile and shrouded antennae in order to minimise the visual impact of the development.

The replacement monopole would not be significantly visually different from the existing monopole and, therefore, would not be an alien feature in the street scene, nor significantly visually intrusive. Its location within the grass highway verge would not form an incongruous or unduly prominent feature on the skyline or on the street scene. There was no fenced compound proposed and it was normal to find various types of electrical equipment cabinets and relay boxes sited alongside urban roads. Therefore, the overall impact of the installation on the street scene was considered to be acceptable taking into account that there was a similar structure in location already.

There was much public concern relating to the possible adverse health impacts of telecommunication development. However, Members were advised that consideration of the application should follow the advice given in PPG8, paragraph 98 i.e. "...it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them." The main report informed the Board that the requisite ICNIRP certificate had been submitted with the application and had confirmed that the site and the proposed emissions would comply with the appropriate guidelines.

Therefore, the proposed replacement monopole was considered an acceptable installation in this urban residential area, where the appearance of a slimline

monopole would not detract from the character of the area or be significantly different from the pole it would replace. Furthermore, proximity to dwellings was not a planning issue provided that the application included an ICNIRP Declaration regarding emissions, as did this application, and the installation satisfied normal planning considerations regarding the siting and appearance of development.

Councillor E.J. Greenway, Ward Councillor, expressed concern at the lack of consultation with local elected members and residents. The existing site was clearly visible being only 1 m from the highway, and this would be worsened by the replacement mast being higher and wider. If approved, the mast would be visually dominant to both residents and highway users.

These views were supported by John Fowler, a local resident, and Paul Edwards of the Old Park Residents Association, who considered that the applicant had failed to justify the need for the replacement shared mast.

In response, Robert Sarson, agent for Vodafone, said that upgrading an existing mast rather than erecting an additional stand-alone mast, was in line with both Planning Policy Guidance 8 and the Council's planning policy guidelines and could be achieved with only a small increase in height and an additional cabinet.

The Head of Housing & Planning informed the Board that the consultation period on the application did not end until the 1<sup>st</sup> February 2011 but due to the constraint of the 56 day period, it was necessary to make a decision at the meeting. As the consultation period had not yet ended, he advised the Board that there could be additional responses which they would not be able to take into account when making a decision. The public speakers had identified issues relating to the height and width of the proposed mast and the additional cabinet and he asked Members to consider whether these changes would be more noticeable than the original mast.

Councillor F.R. Picken commented that the health issues surrounding masts were an important factor for many people and Councillor R. Aveley commented that the proposed mast would be intrusive and Councillor H. Rhodes suggested that it be resited closer to the hedgerow. Having listened to the concerns expressed by the public speakers, Councillor D.R. Chaplin said that he was concerned that local residents had not had an opportunity to put forward their views within the available time scales.

The Head of Housing & Planning advised the Board that if it was minded to refuse the application having heard the strong local feeling against the replacement mast, the application had the option to either appeal the decision or to submit a revised application and/ or a revised site.

The Chairman concluded that he was also concerned at the lack of courtesy shown by the applicant in not consulting local residents and allaying their fears. He had grave reservations about a taller, wider mast with a total of 3 cabinets.

Following the debate on the application, Members were minded not to support the officer recommendation that prior approval be given.

## **DETERMINATION:**

The Local Planning Authority considered that the proposed 14.8 metre high telecommunications pole with antennae and equipment cabinet will be unacceptable by reason of being visually intrusive in this location due to its height and siting. The proposed replacement mast would be higher, bulkier and have an extra cabinet and would therefore be materially different to the existing approved mast. Accordingly the proposal is considered contrary to Policy 21 of the Wrekin Local Plan, Supplementary Planning Document “Telecommunications Development” and national guidance in PPG8 Telecommunications.

### **PB-79      URGENCY RESOLUTION – SECTION 100B(4), LOCAL GOVERNMENT ACT 1972**

The Chairman made the following statement:

“I am of the opinion that the following item of business should be dealt with as a matter of urgency at this meeting in order to avoid any unnecessary delay.”

### **PB-80      ADJOINING LOCAL AUTHORITY CONSULTATION (SOUTH STAFFORDSHIRE)**

This proposal, submitted to South Staffordshire Council, was for the erection of six wind turbines complete with foundations, anemometer mast, underground cable network, crane hardstandings, access tracks, temporary construction compound, switchgear house and ancillary structures to generate electricity from wind energy. The construction, operation and decommissioning of the proposed wind farm would be some 27 years. The turbines would typically generate as much electricity as was used by 6,585 local households and would avoid emissions of some 15,755 tonnes of carbon dioxide. Each installed turbine would have a maximum height of up to 126 metres to blade tip 80 metres to hub, with an anemometry mast height of about 80m and a rotor diameter of 92 metres. Access would be from the A5 (Watling Street) from the south through two minor roads that led to Blymhill and Brineton to the site itself. The application site area was some 149ha, although only 4m would be lost to agriculture from the construction of site infrastructure and a proposed bypass.

South Staffordshire Council had consulted Telford & Wrekin Council on the proposal as an adjoining local authority as the application site was just over 2km east of the Borough/Staffordshire administrative boundary and had landscape implications for Telford & Wrekin. All consultation to local residents, statutory and other relevant consultees was being carried out by South Staffordshire Council as the determining local planning authority.

The only observations made in the report to the Plans Board related to any material planning considerations that concerned Telford & Wrekin Council, namely landscape, but there would be many more relevant material planning considerations to be considered by South Staffordshire when they determined the application.

At ground level the site was essentially flat and, looking west towards the Borough, the top of The Wrekin Hill could be observed above a roughly north-south sandstone ridge extending north of Sheriffhales to Health Hill, Woodcote Wood and Pave Lane, all south of Newport. The ridge, which was mainly arable farmland with some wood areas, effectively screened the majority of Telford & Wrekin from the application site at ground level. Potential landscape and visual impact of wind farm developments were important considerations, particularly given the size of the wind turbines in this case which extended to 126 meters to blade tip. PPS22 provided specific guidance on assessing landscape impact and local planning authorities needed to consider factors such as national designations, landscape character areas, landscape sensitivity, landscape and visual analysis and cumulative effects. The applicant had undertaken a landscape analysis in the Environmental Impact Assessment that accompanied the application. In considering visual and landscape impact, there would be many aspects that needed to be taken into account, including the impact on nationally designated landscape areas and locally designated landscape areas, the impact on settlements and isolated dwellings, the impact on major transport routes and rights of way and impacts on areas of recreational and tourism value.

The landscape analysis recognised that there would be some significant landscape effects within the immediate landscape setting, around 2-3 km from the wind turbines, but that these would diminish rapidly beyond 3 km. Officers did not agree with those conclusions or that the significant visual and landscape impacts would be limited to a relatively small area.

However, the maps in the report showing the zones of theoretical visibility indicated that there were collectively large tracts of land in Staffordshire and Shropshire, including Telford & Wrekin and parts of the western area of the West Midlands Conurbation, where up to 5-6 turbines could potentially be seen. This was a potentially significant visual effect for the West Midlands Region and particularly so for areas closer to the wind farm.

As an aid for Members, the Sinclair-Thomas Matrix set out in Table 1 of the report had been used at several wind farm public inquiries, both in the UK and overseas, and represented a useful albeit simplistic guide to the likely visual effects of wind turbines when viewed at varying distances.

Kynnersley (a viewpoint) was within an area of Special Landscape Area and The Wrekin Hills (viewpoint) was within the Shropshire Hills Area of Outstanding Natural Beauty, both of which were protected from the effects of inappropriate development by policies of the adopted Core Strategy and the saved policies of the Wrekin Local Plan. Added to this the substantial parts of the urbanised areas of Telford and Newport, together with other rural areas from which the wind turbines would be visible, there was an unacceptable adverse impact on the landscape setting of Telford & Wrekin as well as other local authority areas.

It was, therefore, concluded that the proposed King Street Wind Farm was contrary to policies CS12 and CS13 of the adopted Core Strategy, and saved policies NR1, NR2 and OL2 of the Wrekin Local Plan.

**RESOLVED** - that South Staffordshire Council be recommended to refuse the application since the proposal would have an unacceptable adverse effect on the landscape of Telford & Wrekin by being contrary to policies CS12 and CS13 of the adopted Telford & Wrekin Core Strategy, and saved policies NR1, NR2 and OL2 of the Wrekin Local Plan.

**PB-81            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-82            DELEGATED AUTHORITY – TOWN & COUNTRY PLANNING ACT**

To report of the Head of Housing & Planning informed the Board that an Enforcement Notice was served on the 3<sup>rd</sup> February 2010 in relation to the unauthorised siting of a residential mobile home on the open land identified in the report. No appeal was lodged against the Notice and, consequently, the Notice was required to be complied with by the 7<sup>th</sup> April 2010. The mobile home has not been removed despite the land owner being convicted on two separate occasions in the Telford Magistrates Court for non-compliance with the Enforcement Notice. The unauthorised residential mobile home was still in situ 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 two convictions had not secured compliance, direct action was a reasonable next step.

**RESOLVED** – that the Head of Housing & Planning be authorised for direct action pursuant to Section 178 of the Town and Country Planning Act 1990 namely the removal of the residential mobile home identified in the report and any debris and material arising from its removal.

The meeting ended at 9.14 p.m.

**Chairman:** .....

**Date:** .....