

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 25 April 2012 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, K R Guy, I T W Fletcher, R T Kiernan, J Loveridge, S A W Reynolds, R J Sloan (as substitute for Councillor A S Jhawar) and C R Turley

**ALSO PRESENT:** Councillors A J Eade and A A Meredith (for planning application TWC/2011/0916)

#### **PB-104      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 11 April 2012 be confirmed and signed by the Chairman

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

Councillor A S Jhawar

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

Councillors J Loveridge and C R Turley declared a personal but non-prejudicial interest in planning application TWC/2012/0203, being Members of Stirchley and Brookside Parish Council.

#### **PB-107      DEFERRED/WITHDRAWN APPLICATIONS**

**RESOLVED** – that planning application TWC/2012/0011 be withdrawn at the applicant's request.

#### **PB-108      SITE VISITS**

**RESOLVED** – that the following applications be deferred for Site Visits to take place on Wednesday, 16 May 2012:

- (a) TWC/2012/0109 – 3.45pm – The Swan, A442, Waters Upton, Shropshire, TF6 6NP; and
- (b) TWC/2012/0128 – 4.30pm – 16 Frame Lane, Doseley, Telford, Shropshire, TF4 3BQ

#### **PB-109      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Board and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2011/0916, TWC/2012/0203 and TWC/2012/0228.

(a) TWC/2011/0916 Land To The West Of, Station Road, Newport, Shropshire

This was an application for the erection of a new food store, highway works and associated infrastructure and landscaping. The proposed development would be served by a new access from Station Road formed by a proposed three arm roundabout. This access would also serve the adjoining land that formed part of the site of an outline application for mixed use housing and employment uses (application reference TWC/2011/0871). An important part of the application was the proposal to divert footpath CA2, Hutchison Way around the edge of the site. Full details of the proposals were set out in the report. In addition, a lengthy update report was tabled at the meeting which addressed additional consultation responses and further issues raised and Members were given some time to read this in detail. The Planning Officer also reminded Members of the site visit undertaken on 22 February 2012 which included the proposed development sites at Audley Avenue and Station Road in conjunction with an overview of the High Street.

The Planning Officer reminded Members that the principle of Station Road being the sequentially preferable site for development had been considered at the meeting of the Plans Board on 28 March 2012 when the Board unanimously voted to oppose development at Audley Avenue on the basis that Station Road as a sequentially preferable site could also accommodate the store of the size proposed at Audley Avenue. It was explained that an appeal against non-determination of the Audley Avenue application had been lodged with the Planning Inspectorate and that this appeal was due to be heard at an inquiry commencing mid-May. Members were, therefore, asked to consider whether the Station Road site could accommodate the larger development proposed by this application in terms of retail impact and planning considerations.

Cllr R Parsons representing Chetwynd Aston & Woodcote Parish Council spoke in opposition to the application focussing upon the impact on drainage infrastructure and ecology.

Cllr S Stacey representing Church Aston Parish Council spoke to oppose to the application which he considered to be contrary to the Local Development Framework (LDF) and the National Planning Policy Framework (NPPF) and, subject to the outcome of the Mere Park and Audley Avenue applications, there may be a cumulative impact. There was also an outstanding Village Green application for the site.

Cllr R Pitt representing Newport Town Council spoke against the application which he considered would impact upon the vibrancy of the town. He expressed concern that the land was being sold to fill a funding gap and also regarding the cumulative impact of possible development at three sites in the town. He was concerned that the edge of centre location would have a detrimental impact upon the High Street. He also raised issues of predetermination and personal liability.

Cllr A A Meredith, Borough Ward Member for Newport South spoke in opposition to the application, highlighting the potential impact on the High Street and existing supermarkets and the subsequent effect on local residents. He argued that the

potential loss of jobs on the High Street would not be off set by the jobs created by the development which would not be guaranteed for local people.

Cllr A J Eade, Borough Ward Member for Church Aston & Lilleshall spoke to oppose the application, on the grounds of it being a departure from the LDF and contrary to the NPPF, local need had not be adequately demonstrated, the site was Greenfield land, planning balance and the issue of job creation versus job loss on the High Street.

Mr A Ingram, of Barton Willmore representing Waitrose and Mr M Saunders, of NJL Consulting representing the Co-Operative Group both spoke in opposition to the application. Mr Ingram raised the impact the development would have upon the town centre businesses in terms of reducing linked trade which was currently provided by Waitrose, need and cumulative impact. Mr Saunders echoed these comments and also referred to the written submissions made by the Co-Operative. He suggested that the proposals compromised the LDF, failed the sequential test and requirements of NPPF. He concluded that the proposed development did not present a commercially attractive situation for the existing Co-Operative supermarket.

Mr M Robeson, the Applicant's Agent, spoke in support of the application highlighting consumer choice, competition, retail trade clawback, enhancement to bus services, improved highway safety and traffic flow and job creation. He referred to the extensive public consultation which had taken place. With regard to cumulative impact, he asserted his opinion that it was unlikely that another supermarket chain had contractually committed to the Mere Park site.

The Legal Advisor addressed Members regarding the issue of personal liability which had been raised during the public speaking presentations and advised that any threat of claims against individuals should be disregarded.

The Planning Officer provided a verbal summary of the main report and summarised the consultation responses set out in the update report tabled at the meeting, particularly drawing attention to Highways issues, comments of the Arboricultural Officer, planning considerations in relation to the NPPF and LDF, ecology, the Village Green application, rights of way, the position with regard to the Mere Park site and planning obligations regarding an appropriate highways infrastructure contribution.

The Planning Officer reaffirmed Plans Board's previous decision that the Station Road site was sequentially preferable in principle and that it was also sequentially preferable for the size of store proposed in this application. He also advised that the site was available, suitable and viable. Turning to the impacts tests in NPPF, the Planning Officer advised that Members should concentrate on the second impact test relating to the impact on town centre vitality and viability, consumer choice and trade diversion from the town centre. The addition of the Mere Park Garden Centre as a potential open-ended A1 retail use had been considered by the Council's retail consultants and Members were advised that the likely impacts arising from a combination of Mere Park and the application site on the town centre would not be significantly adverse. The Planning Officer advised Plans Board that the proposal would result in qualitative improvements and improve consumer choice. In addition,

as set out in the update report, it was believed that the requests for sums for monitoring contributions and Public Art were CIL compliant and should be paid.

Councillor K R Guy noted that the report stated that the proposals would provide employment for 274 fte posts and asked whether the White Young Green (WYG) Retail Appraisal report provided a figure for the potential loss of jobs which was referred to in the speakers' presentations. The Planning Officer confirmed that this figure was not given in the appraisal.

Councillor N A Dugmore raised concerns regarding the retail impact assessment, acceptance of the sequential test at the meeting on 28 March 2012, the potential challenge to the Mere Park application, the lack of an Environmental Impact Assessment, drainage and questioned the weight of the site visit in the absence of a full report. He concluded that the application was contrary to planning policy (particularly referencing the NPPF and Core Strategy Policies CS6 and, CS9) and would impact the viability of the town centre and impact upon existing retailers.

Councillor R J Sloan considered that this was a difficult decision, particularly in assessing the potential adverse impact on existing local retailers. However, he believed that the sequential test was satisfied by unanimous vote and asked for clarification.

The Assistant Director: Planning Specialist confirmed that a unanimous vote accepting Station Road as more sequentially preferable site had been recorded in the approved minutes of the meeting held on 28 March 2012. He also advised that he had been in attendance at the site visit on 22 February 2012 when all relevant information regarding all relevant sites had been provided. He advised that the advice in WYG's Retail Appraisal was clear and that, although the Planning Inspector's decision on the Mere Park application was open to challenge, development at the application site was acceptable whether or not the proposals for Mere Park proceeded.

Councillor I T W Fletcher considered that the application was contrary to planning policy CS6, CS7 and CS8. He acknowledged that in refusing planning permission for the nearby Audley Avenue site, a sequential preference had been expressed for this application site at Station Road on the basis that transport links were marginally better, however, he considered that the impact that the larger proposals before the Board would have on the vitality and viability of the town should be considered. After carefully considering all the information available to him, he felt that the proposals would create a severe adverse impact which would undermine efforts to strengthen Newport as a market town.

The Assistant Director: Planning Specialist reminded the Board that the Retail Appraisal was clear in recognising that the potential impact on the town centre would not be so detrimental as to justify refusal of the application. He also advised that in the Planning Officer's opinion, the application was consistent with the LDF and could, therefore, be supported on those grounds.

Councillor S A W Reynolds noted comments regarding developing Greenfield land over Brownfield and asked whether there was a Brownfield site anywhere within the

Town Centre which would accommodate the proposals, or if the application site was the only location which could accommodate the proposals. The Planning Officer advised that Officers and the Retail Consultants had considered other sites available and concluded that there were no other sites available which would accommodate a development of this size.

Councillor R T Kiernan advised that he had visited the site on the day of the meeting and he had noted a lot of flooding at the site due to the inclement weather. He noted the views of the local residents who were largely not in favour of a large supermarket, but rather a smaller low-cost option to provide competition and consumer choice. He believed that the proposals would result in a net loss of jobs and was concerned that the proposals represented industrial rape of a Greenfield site. He concluded that the site should be preserved.

Councillor K R Guy acknowledged the comments made during the debate and whilst he had sympathy with some of the views expressed and noted local opposition to the proposals. However, he concluded that on the basis of planning policy and strategy the application should not be refused.

At the end of the debate, Councillor Guy proposed, seconded by Councillor R J Sloan, the recommendations set out in the update report. In accordance with Committee Procedure Rule 12 and at the request of Councillors I T W Fletcher and K R Guy, a recorded vote was taken, the voting being as follows:

For: 6  
Councillors K R Guy, J Loveridge, J C Minor, S A W Reynolds, R J Sloan and C R Turley

Against: 3  
Councillors N A Dugmore, I T W Fletcher and R T Kiernan

Abstentions: 0

**RESOLVED** – that the application be referred to the Secretary of State under ‘The Town and Country Planning (Consultation) (England) Direction 2009’ and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination and subject to the Council as landowner providing an appropriate memorandum prior to the issue of the planning permission agreeing that the land will be bound by the obligations in the event of the sale of the land in respect of the provision of a sum of monies comprising a contribution of up to £907,508 for the provision of major highway schemes, £600,000 towards public transport; £10,000 towards public transport infrastructure; £5,000 for monitoring of the store travel plan £50,000 for the commissioning of public art on or off site as may be subsequently agreed, an appropriate commuted sum for open space maintenance if required to be adopted and £15,000 for monitoring of financial and planning covenants, the Assistant Director: Planning Specialist is authorised to grant planning permission, subject to the conditions detailed in the report and other conditions deemed necessary (authority to finalise conditions and reasons for approval to be delegated to the Assistant Director – Planning Specialist).

(b) TWC/2012/0203 The Rose & Crown PH, Stirchley, Telford, Shropshire, TF3 1DY

This was a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at The Rose & Crown public house off Stirchley Road in Stirchley.

Ms G Bailey, Deputy Clerk of Stirchley & Brookside Parish Council spoke in opposition to the proposals. The Parish Council considered that the site was inappropriate for this development and raised concerns that a further application would be made for signage. She raised issues regarding highway safety, loss of amenity, noise, water contamination and the lack of an Environmental Impact Assessment, parking and the possibility of the site becoming an unofficial taxi rank.

Mr R Breeze and Mr A Watkin, local residents also spoke against the application. Mr Breeze asserted that the site would have an adverse impact upon the bridleway, highways issues, noise associated with increasing traffic and questioned whether the planning permission in place for the site to the North of the proposed site had been taken into consideration. Mr Watkin echoed these comments, particularly expressing concern for the potential for statutory noise nuisance and the lack of consultation with the Environment Agency.

The Planning Officer referred Members to the report which indicated that the Highways Authority had no objection and that consultation with the Environment Agency was not necessary in this case. Issues regarding use as a taxi rank and noise nuisance would be addressed, if they occurred, by the Licensing Authority and Environmental Health respectively. The applicant was keen to work with the Council's drainage engineer to reach satisfactory drainage conditions. She further noted a restriction on the hours of operation. The Planning Officer had, therefore, recommended that the application be granted on a temporary basis, with renewal being subject to assessment.

Councillor N A Dugmore noted that Severn Trent Water had strongly recommended that the applicant contact the Trade Effluent Support Desk and questioned whether this had been done. He also considered that the photographs illustrated the site to be much closer to the nearest residential property than set out in the report. The Planning Officer advised that contact between Severn Trent and the applicant had not yet occurred but her understanding was the applicant did intend to make contact. She also confirmed that the measurement from the drying area to the nearest corner of a residential property was 30m. Councillor J C Minor asked how any proposed drainage conditions would be enforced and was advised that the drainage engineer would work with the applicant to agree conditions. Councillor R J Sloan questioned the status of the bridle path and the nearby planning permission referred to. The Planning Officer advised that this information was not known. Upon questioning by Councillor C R Turley, the Planning Officer advised that the proposals had not met the consultation criteria set by the Environmental Agency and they had, therefore, not been approached.

A proposal to defer the application was made and seconded from the floor. Following a vote it was unanimously:

**RESOLVED** – that determination of planning application TWC/2012/0203 be deferred to allow the Local Planning Authority to seek confirmation as to whether Northwood Terrace or other nearby track is designated as a bridle path and whether there is a site subject to an active planning permission to the near North of the site.

(c) TWC/2012/0228 Highway Verge, St Georges Square, Gower Street, St Georges, Telford, Shropshire

Members had received a report setting out the details of this application which sought determination as to whether prior approval was required in relation to the siting and appearance of a 15 metre high slim line telecommunications monopole on the North West corner of the mini-roundabout in the centre of St Georges, with a new equipment cabinet at its base. This would be a site sharing facility for Vodafone and O2, companies which had entered into a sharing agreement applicable across the country to reduce the overall number of installations required and thereby reduce the environmental impact of network development. The application was submitted to seek to find an alternative location following the refusal of a 15 metre high monopole in Gower Street (planning application reference TWC/2011/0158) in April 2011. Additional consultation responses were summarised in an update report tabled at the meeting.

St Georges and Priorslee Parish Council had requested that the determination should be considered by the Plans Board.

Councillor R Williams representing St Georges and Priorslee Parish Council spoke to oppose the application on the grounds that it was in close proximity to a care home and primary school, the site was a focal point for local people to congregate, the height of the proposed monopole was disproportionate to existing buildings and street furniture, and concluded that this application was only marginally better than the application refused on 18 January 2012.

The Chair reminded Members that the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation and that whilst there was much public concern concerning the possible adverse health impacts of telecommunication development, consideration of this application should follow the advice given in PPG8, paragraph 98, which detailed the Government's view that the planning system was not the place for determining health safeguards.

Councillor K R Guy noted the limited grounds for refusal but was concerned that the proposed monopole did not compare visually with existing street furniture and would dominate the busy highway. Whilst he acknowledged the need to develop network coverage to meet evolving technological needs, he considered that this application would be visually intrusive. He noted that other monopoles in the borough were shorter in height. The Chair noted that the developer had sought to locate alternative sites in the vicinity but considered that the size of the proposed monopole was out of keeping with existing street furniture. Councillor I T W Fletcher also considered that the proposals adversely affected the street scene and was an inappropriate development at the site. Councillor N A Dugmore echoed comments about the height of the proposed monopole and also considered that the site was inappropriate due to its location in a dense residential area.

There being no proposer that the application be given prior approval, it was proposed and seconded that prior approval not be given.

**DETERMINATION:**

**The Local Planning Authority considered that the proposed 15 metre high slim line telecommunications monopole and its equipment would be unacceptable by reason of being visually intrusive in this location and not in keeping with the street scene. Members were particularly concerned with the height of the monopole and indicated that a shorter monopole would be more acceptable in this location, due to the visual impact at the busy roundabout and the density of residential properties. Prior approval was therefore not given.**

The meeting ended at 8.50pm

**Chairman:** .....

**Date:** .....