

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 24 July 2013 at 6.00pm in the Walker Room, Meeting Point House, Telford**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, A S Jhavar, R T Kiernan, J Loveridge, A A Meredith (as substitute for Councillor I T W Fletcher), G C W Reynolds, S A W Reynolds, C R Turley

**ALSO PRESENT:** Councillors S Bentley (for planning application TWC/2013/0338), S P Burrell (for planning application TWC/2012/0441), and G M Green (for planning application TWC/2013/0325).

#### **PC-013 MINUTES**

Councillor N A Dugmore asked that it be noted that he considered that the minutes did not include sufficient detail regarding comments received from public speakers and did not make specific reference to his request for an investigation into the alleged loss of representations, although that request had not been formally proposed or voted upon. Conversely, other Members were satisfied that the explanations and reassurances given by officers with regard to the alleged loss of representations had been accepted by the Committee and duly minuted.

The Assistant Director: Planning Specialist advised that he had carefully considered the minutes in light of comments raised by Councillor Dugmore and that he believed the minutes reflected an accurate summary of the events of the meeting since the minutes were not intended to provide a verbatim record.

On being put to the vote it was, by a majority:

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 3 July 2013 be confirmed and signed by the Chairman.

#### **PC-014 APOLOGIES FOR ABSENCE**

Councillor I T W Fletcher.

#### **PC-015 DECLARATIONS OF INTEREST**

With regard to planning applications referenced TWC/2011/0769 and TWC/2013/0096, Councillors A S Jhavar and G C W Reynolds both commented that they were local borough ward members but had not taken part in any previous discussions regarding either application.

With regard to planning application TWC/2013/0459, Councillor C R Turley commented that he was a member of Great Dawley Parish Council but that he had not taken part in any previous discussions regarding the application.

#### **PC-016 DEFERRED/WITHDRAWN APPLICATIONS**

None.

**PC-017      SITE VISITS**

None.

**PC-018      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning application TWC/2013/0096.

- (a)            TWC/2011/0769 - The Homelands, Mossey Green, Ketley Bank, Telford, Shropshire, TF2 0DN

This was a part retrospective application for the siting of 28 mobile homes within an existing residential mobile home park for permanent residential occupation. Members had undertaken a site visit prior to the meeting. Oakengates Town Council had requested that the application be determined by the Planning Committee.

Referring to the site visit undertaken earlier that afternoon, Members considered that the site was in need of improvement and subject to appropriate conditions regarding ground stability and limiting the number of plots on site, unanimously supported the application.

**RESOLVED – that with respect to planning application TWC/2011/0769 planning permission be granted subject to the conditions as set out in the report with authority to finalise conditions to be delegated to the Development Management Service Delivery Manager.**

- (b)            TWC/2012/0441 - The Finneys Caravan Site, Marsh Road, Edgmond, Newport, Shropshire, TF10 8EP

This application sought to vary condition 2 of planning permission W2006/0126 in order to allow more than 3 mobile homes to be sited on the land for use by gypsies/travellers. The applicant wanted to be able to have more caravans/chalets/mobile homes on site and operate a permanent gypsy/traveller site (not a transit site).

Councillor D Ryan, representing Edgmond Parish Council spoke in opposition to the application. Edgmond Parish Council wished to disassociate itself with racist remarks made by objectors during the course of the consultation process. He referred to the public meeting which had taken place, raised issues regarding the applicant's status in regard to the definition of "gypsy" and use of the site, condition of Marsh Road and impact of additional vehicle movements, alleged abuse of current planning restrictions and the presence of guard dogs preventing access to the site. In the event that the Members were minded to approve the application, Edgmond Parish Council sought a temporary two year permission, subject to robust monitoring.

Councillor S Burrell, Ward Member, spoke in opposition to the application referring to the Council's lack of policy regarding gypsies and travellers, assessment of need

and the recent publication of the Planning Policy for Traveller Sites. He went on to comment upon surface drainage, septic provision, waste and foul water, lack of consultation with Severn Trent Water and the absence of an Environmental Impact Assessment. He concluded that the report was incomplete and that determination of the application should be deferred or additional conditions attached to mitigate the concerns raised.

Mr R Marriot, spoke on behalf of local residents who opposed the application. He referred to the change of use of the land, refusal of development for other residents at Marsh Road, disproportionate consideration for the Finney family over other residents, the Planning Inspector's findings in 2008, the Council's obligations to provide traveller sites and this site falling outside the Council's ownership, whether gypsy status is lost after a period of permanent residence, the need for an amenity block and questions over the motives of the family in bringing this application forward.

Mr Finney, on behalf of the applicant, addressed the Committee in support of the application, explaining the family's Romany heritage and experience of the local community. The applicant was the landowner, and would therefore responsibly operate and manage the site, which he acknowledged would also need a separate site licence. He noted the need for a gypsy site in the vicinity and asserted that no breach of conditions had thus far taken place.

The Planning Officer noted that there was a shortfall of gypsy/traveller pitch provision in the borough and referred to the principle of development, site provision and policy context section of the report in this regard. She further referred to the findings of the Planning Inspector in 2008 regarding the suitability of the site to expand and advised of policy changes following the Planning Inspector's decision in 2008. The Planning Officer also noted that there were no objections from the Council's Highways Engineer or Drainage Engineer. Photographs of the site were displayed and, in response to questioning, an explanation of the layout of a "pitch" was given.

The Assistant Director: Planning Specialist clarified the policy position with regard to the National Planning Policy Framework and associated Planning Policy for Traveller Sites and reminded Members that although there was potential for pitch provision in the borough to be increased in the future, such applications had not yet materialised and the Committee was obliged to determine the application before them. He also advised that there was no requirement for a traveller site to be Council owned or managed, but that suitable conditions could be imposed upon any planning permission granted to ensure that the site was suitably controlled and managed.

Members considered the Planning Policy for Traveller Sites and the Council's intentions to increase pitch provision in the borough. Consideration was also given to drainage and traffic issues, amenity and considerable local opposition to the proposals.

On being put to the vote it was, by a majority:

**RESOLVED – that with respect to planning application TWC/2012/0441 planning permission be granted subject to the conditions as set out in the**

**report with authority to finalise conditions to be delegated to the Development Management Service Delivery Manager.**

- (c) TWC/2013/0096 - Ketley Millennium Village, Holyhead Road, Ketley, Telford, Shropshire

This was a full planning application comprising proposals for the erection of 375 houses and apartments together with associated parking, roadways, landscaping and areas of open space. An update report was tabled at the meeting detailing Highways Authority comments, public rights of way and Section 106 contributions.

Mr B Flippance, on behalf of the applicant, addressed the Committee in support of the application referring to the applicant's desire to build upon existing Millennium Community design whilst maintaining viability, sustainability objectives, public open space, recreational provision and landscaping.

The Planning Officer explained the background to the application as Phase 3 of the site, the original Section 106 Agreement and proposed provision of a new school which subsequently could not be justified due to pupil numbers. He also referred to the slow down in the national economy, design quality, open space provision, managed play facilities, access, rights of way as detailed in the update report tabled at the meeting, sustainability, highways, ecology and the proposed Section 106 Agreement also referred to in the update report.

Members had a mixed view on the design of some elements of the application although leisure facilities were welcomed. Members also discussed affordable housing, parking provision, viability and highways (particularly regarding the mini-roundabout at Trio Furnishings).

The Assistant Director: Planning Specialist reminded members that the site was the only Millennium Community approved in the West Midlands. He referred to design quality, regeneration of the site and engagement with the Parish Council and local community. He referred to the enhancement of footpath provision, overall percentage of affordable housing and reiterated that the Council's Highways Engineer was satisfied with the design layout and accessibility.

On being put to the vote it was unanimously

**RESOLVED – that with respect to planning application TWC/2013/0096 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement as set out in the report and there being no objections from the Local Highway Authority and further subject to the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and add any further conditions deemed to be necessary particularly following completion of highway and planning assessments on latest submissions to be delegated to the Development Management Service Delivery Manager).**

- (d) TWC/2013/0139 - JBS Fibre Recovery, Unit A, Halesfield 22, Halesfield, Telford, Shropshire, TF7 4QX

This full planning application sought retrospective permission for the change of use of Unit A, Halesfield 22 from general industrial and storage use (B1 and B8 use) to waste recycling of beds and mattresses (Sui Generis).

Councillor D R W White, Ward Member, had requested that the application be determined by the Planning Committee.

On being put to the vote it was unanimously

**RESOLVED – that with respect to planning application TWC/2013/0139 planning permission be granted subject to the conditions as set out in the report.**

(f) TWC/2013/0325 - Lee Dingle, 48 Lees Farm Drive, Madeley, Telford, Shropshire, TF7 5SU

This was a full application for change of use from a dwelling house (Use Class C3) to a residential children's care home (Use Class C2). Members had undertaken a site visit prior to the meeting.

Councillor G M Green, Ward Member, had requested that the application be determined by the Planning Committee. Councillor Green spoke in opposition to the application, noting that the application had significantly unsettled the community who had raised concerns regarding the process of consultation, the impact that the business would have upon the character of the estate, policy limitations regarding this particular type of application, a restrictive covenant preventing use of the property as a business and current levels of service provision for children in care.

Local residents, Mr S Starkey, Mr D Atkinson, Mrs C Bunn, Mr S Longbottom and Mrs S Clarence spoke to oppose the application regarding breaches of the Wildlife and Countryside Act, irregularities in the submission of planning documents, lack of car parking, appropriateness of the location, need in the area, National Planning Policy Framework considerations and residents' perception of the process of consultation.

The Planning Officer referred Members to the report, advising that the application was made in accordance with policy, that amenity would not be affected, asserted that vehicle movements would not be abnormal and reminded Members of the adequate car parking space viewed during the site visit. She commented that no evidence existed about anti-social behaviour and the change of use would be mitigated by condition disallowing permitted development rights. In response to questioning, the Planning Officer advised that the planning permission granted in 2004 related to extension works and that no detail was available regarding the restrictive covenant, the enforcement of which was subject to a separate process. She also advised that the proposed conditions would limit parking provision to six vehicles. Further, she informed the Committee that the replacement of documents was common in the application process and Officers were satisfied that all the correct information was available to determine the application.

The Legal Advisor also clarified that if Members were so minded, investigation into the potential breach of the Wildlife and Countryside Act could be investigated but

such investigations did not affect the Committee's ability to determine the application at this meeting. She further clarified the legal position with regard to restrictive covenants.

Members noted local opposition to the application and expressed sympathy for the community's concerns, however, for reasons of planning policy the majority of Members felt that they were not in a position to refuse the application.

**RESOLVED – that with respect to planning application TWC/2013/0325 planning permission be granted subject to the conditions as set out in the report.**

(f) TWC/2013/0338 - The Quarry, Waters Upton, Telford, Shropshire, TF6 6NP

This application sought full planning permission for one detached, two storey 2-bedroom dwelling, landscaping to the front, a rear garden, parking and turning area. The occupancy of the proposed dwelling was linked to the operation of the neighbouring industrial units (Units 1, 2 and 3 with B2 permission; light engineering works undertaken).

Waters Upton Parish Council had requested that the application be determined by the Planning Committee. Ms K Baker, on behalf of Waters Upton Parish Council, spoke to oppose the proposals, highlighting the planning history at the site, impact on the character of the village, the role of employment in key settlement status and sustainability. Ms Baker asked that, if Members were minded to approve the application, additional conditions regarding removal of permitted development rights, no further residential property on site and the retention of the site's commercial classification.

Councillor S Bentley, Ward Member, spoke in opposition to the application, echoing the comments of the Parish Council, he also commented on the planning history at the site, the village's key settlement status, retention of employment opportunities, viability, the site's suitability for this type of development and the current accommodation available in the village.

The Planning Officer referred to the planning history of the site and the comments detailed in the report regarding the national change in policy since the previous applications were refused. She also referred to the sections of the report dealing with access and visibility splays. She further asserted that through appropriate conditioning, the visual amenities and character of the site would not be harmed.

During the course of the following debate, Members considered the previous planning history of the site and subsequent implementation of the National Planning Policy Framework. The Planning Officer provided clarification of the previous application which had been refused and the reasons for refusal. Members also considered security at the site, employment use and carbon emissions.

On being put to the vote it was, by a majority:

**RESOLVED** – that with respect to planning application TWC/2013/0338 planning permission be granted subject to the conditions as set out in the report.

(g) TWC/2013/0459 - Dawley Park, Doseley Road, Dawley, Shropshire, TF4 3AL

This was a full planning application seeking consent for the installation of a “Health Trek” facility (consisting of low level hurdles, vaults, step-ups and sit-up beams made from wood) to be installed on part of Dawley Park recreational ground.

On being put to the vote it was unanimously

**RESOLVED** – that with respect to planning application TWC/2013/0459 planning permission be granted subject to the conditions as set out in the report

#### **PC-019 INVEST IN TELFORD – PLANNING UPDATE**

The Committee considered the report of the Development Management Service Delivery Manager which provided an update on the Planning team’s performance over the previous 12 months, including recent changes to the service area structure. The report also set out proposed national changes to performance indicators and the need to provide both timely and quality decisions. The report considered the refocus of the Council’s priorities towards being a “Business Winning Council” and suggested methods to achieve this when determining planning applications.

Members welcomed information regarding viability appraisals and encouraged more viability detail to be included in future reports. Regarding applications dealt with under delegated approval, Members reflected upon introducing a criteria in relation to the volume of public objections required to trigger determination by Planning Committee but concluded that the opinion of the Development Management Service Delivery Manager was sufficient in this regard. Also regarding applications dealt with under delegated approval, Members requested that the Committee receive a regular summary of Council applications granted planning permission under delegated powers.

The Assistant Director: Planning Specialist congratulated the Development Management Service Delivery Manager and the Planning Team on their performance to date and for putting together an excellent report, improving relations with Parish and Town Councils in the process.

On being put to the vote it was unanimously

**RESOLVED** –

(a) that the officer/Planning Committee determination arrangements set out in paragraph 4.24 of the report be approved; and

- (b) that the Development Management Service Delivery Manager be authorised, in consultation with the Chair of Planning Committee, to develop and implement a formal 'Call In' procedure to determine applications at Planning Committee; and
- (c) that the Development Management Guidance Note be approved; and
- (d) that the introduction of the early notification of site visits as proposed in paragraph 4.25 of the report be approved; and
- (e) to **RECOMMEND** to **COUNCIL** that the Scheme for Public Speaking at Planning Committee be amended to reduce the time allocated to each category of speaker to a maximum of three minutes.

The meeting ended at 8.34pm

**Chairman:** .....

**Date:** .....