

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Thursday, 29 November 2012 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, R T Kiernan, J Loveridge, G C W Reynolds, S A W Reynolds, M J Smith, C R Turley

**ALSO PRESENT:** Councillor A J Eade (for planning applications TWC/2011/0916 and TWC/2012/0679)

#### **PB-058      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on Wednesday, 14 November 2012 be confirmed and signed by the Chairman.

#### **PB-059      APOLOGIES FOR ABSENCE**

None

#### **PB-060      DECLARATIONS OF INTEREST**

Cllr I T W Fletcher declared an interest in planning application TWC/2012/0828 because he was a member of the Parish Council which had actively supported the application and indicated that he would withdraw from the meeting during determination thereof.

Cllr J Loveridge declared an interest in planning application TWC/2012/0794 because of her involvement in Parish Council discussions and indicated that she would withdraw from the meeting during determination thereof.

Cllr J C Minor declared an interest in planning application TWC/2012/0828 because he was a member of the Parish Council which had actively supported the application and indicated that he would withdraw from the meeting during determination thereof.

Cllr C R Turley commented on his position regarding planning applications TWC/2012/0679, TWC/2012/0778 and TWC/2012/0794 but stated that, in the circumstances, he would not be withdrawing from the meeting for these items.

#### **PB-061      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PB-062      SITE VISITS**

**RESOLVED** - that a site visit takes place in respect of planning application TWC/2011/0292 - land adjacent to Woodhouse Farm, Granville Road, Donnington Wood, Telford, Shropshire departing Civic Offices (Telford) at 2.00pm on Wednesday, 12 December 2012; and to be immediately followed by a site visit in respect of planning application TWC/2012/0679 - Land at Hoo Farm Animal Kingdom, Preston Upon The Weald Moors, Telford, Shropshire, TF6 6DJ

**PB-063      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/2012/0679 and TWC/2012/0778.

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

This application for full planning permission for the erection of a new superstore, highway works, associated infrastructure and landscaping was considered at Plans Board on 25 April 2012 and was subsequently called in by the Secretary of State. The purpose of the report presented to the Plans Board was to update Members on the current position and to establish the Local Planning Authority's position at the forthcoming Public Inquiry. In addition, an update report was tabled at the meeting which summarised objection letters received with responses by the Applicant and the Council's retail consultants. The letters were attached to the update report and Members were given some time to read these in detail.

The Planning Officer reminded Members that this application was one of two proposals that were presented to the Plans Board at about the same time for retail foodstores, the other being at Audley Avenue (TWC/2011/0632). That application was the subject of an appeal against non-determination, with the Council adopting a position that it wished to refuse planning permission. The appeal was allowed by the Planning Inspector earlier in 2012 and the Council, along with the applicant for the Station Road development, lodged a legal challenge to that decision with the High Court (at the time of the meeting a hearing date had not been set). The Secretary of State had subsequently called in the Station Road application and, in doing so also determined that an Environmental Statement was necessary. Members were updated on events that had arisen since the Audley Avenue appeal inquiry, which were fully detailed in the report and particularly related to employment issues, retail planning issues, Section 106 contributions, highways issues, open space issues, village green and agricultural land classification.

Councillor P Evans representing Church Aston Parish Council (adjoining the site) spoke in opposition to the application. He considered that the report raised issues which had not been subject to consultation, that the arguments put forward in appealing the Audley Avenue decision were equally applicable to the Station Road site, that the Environmental Statement suggested further survey work was necessary, that with regard to open space the proposed development was in breach of policy OL6 and he questioned the arguments relating to the commercial attractiveness of the proposals. He was critical of the Council's expenditure in defending its decisions despite the vast local opposition to the proposals.

Cllr A J Eade, Borough Ward Member for Church Aston & Lilleshall, also spoke against the application in terms of loss of employment land being introduced as an issue at this stage and the reintroduction of S106 contributions. He was generally critical of the Authority's stance and urged Members to fully consider the issues.

Ms A Conacur of Indigo Planning, agents for Audley Business Parks spoke to oppose the application, the defence of which she considered conflicted with previous advice brought before the Plans Board in April 2012. She stated that interest in the Audley Avenue site had been received from three of the four major foodstores and her clients

were now in the final stages of negotiations and had cleared the site. She was in no doubt that the Audley Avenue site would come forward and as a result there would be significant adverse impacts upon the town centre if the Station Road proposals also came to fruition.

Mr Paul Hill, the Applicant's Agent spoke in support of the application which he believed was compliant with national and local policy. He drew attention to the current limitations in retail provision in Newport and claimed that the Audley Avenue site was not sufficiently large enough to accommodate a foodstore capable of clawing back leakage of retail expenditure at other retail centres and would, instead, directly compete with the existing Waitrose store. He supported Station Road as the preferable site and stated that highways issues, noise impacts, landscape and flood risk issues had all been considered as part of the application process. He also referred to the appropriation of the site, enhancement of the footpath, provision of public transport links and job creation.

The Planning Officer reminded members that the purpose of the report was not to reconsider the planning application and the related technical information but was to decide how best to present the local planning authority's case to the Planning Inspector and therefore he addressed comments made with regard to the pertinent issues raised in the report. He acknowledged that retail impact was a key issue as set out in the report and which was closely linked to the detailed employment issues as it was considered that if the Station Road site achieved planning permission, a major retailer would not be found for the Audley Avenue site which would, therefore, revert to business class use, supporting the objectives of policy CS6. He advised that the Section 106 contributions were being sought in accordance with the Community Infrastructure Levy (CIL) Regulations. He drew attention to the detailed reasons for Planning Officers' view that the Planning Inspector at the Audley Avenue Inquiry was wrong to regard Station Road as open space within the meaning of Policies OL6 or CS11 and was further incorrect in her application of the National Planning Policy Framework (NPPF) definition of open space to the site. The Planning Officer noted that a hearing to consider an application to designate the site as Village Green was held in October but drew Members' attention to the Notice served under the Appropriation of Land Act which would enable the development to proceed irrespective of the outcome of the Village Green application. The Planning Officer also highlighted the issues regarding agricultural land classification as set out in the report together with the lack of objection by Natural England to the loss of this land for agricultural purposes.

Councillor N A Dugmore noted that the report referenced an Environmental Statement but believed that the Plans Board Members had not had sight of it. Similarly, he considered it would be of use to the Board to view the Consultant's report referred to on page 4 of the report. With regard to employment issues, he noted comments regarding the ratio of jobs in Newport to its labourforce but he formed the view that it was usual for people to commute some distance to work and, therefore, the demand for local employment land was less significant now than it may have been some years ago. He questioned the introduction of employment issues at this stage. With regard to retail planning issues, he noted the contents of Indigo Planning Limited's letter dated 27 November 2012 and suggestions that the presence of two large foodstores would seriously affect the health of Newport town centre; he further rejected the contention that new facilities would not divert trade from the Co-Op store. He considered the suggestion in the report that the Audley Avenue site would not come forward and, with reference to the comments made by Ms Conacur, he felt that she had demonstrated that some

progress was already being made towards occupation at the site. Councillor Dugmore made further comments regarding public transport, town centre enhancement, public art and enhancement of green space and requested clarification of the impact of the appropriation of the land upon the Village Green application.

Councillor G C W Reynolds noted that the NPPF supported economic growth and job creation and supported Local Planning Authorities to look for solutions rather than problems. She further considered that local residents without access to private transport required local employment which could be maximised by the development of a retail foodstore at Station Road and the subsequent expected reversion to business class use at Audley Avenue. She considered that the impact upon the High Street would not be significant.

Concern was expressed by Councillor S A W Reynolds with regard to the ratio of jobs in Newport to its labourforce and she considered that it was, therefore, imperative to increase employment opportunities in Newport. She felt that the report convincingly explained that the Station Road site could deliver upon this measure as it was highly improbable that both retail sites would come forward. She considered the proposals were compliant with the Core Strategy and NPPF and concluded that Station Road was a more preferable location for the development of a retail foodstore.

Councillor I T W Fletcher considered the report had not swayed his original opinion that this proposal could not be supported and, furthermore, he could not find incontrovertible proof that the Audley Avenue site would not come forward. He considered that the proposals would have a serious impact upon the viability of the town centre and the use of Greenfield land and public space was a breach of policy.

Similarly, Councillor R T Kiernan considered that in his opinion, the report did not represent any material change from that presented in April 2012 and he maintained the view that he could not support the proposals.

In response to questions raised, the Planning Officer advised Members that the Environmental Statement had been lodged with the Planning Inspector but that the Council had agreed to host a copy on the Council's website and in Civic Offices to assist public access. He acknowledged that the impact upon the town centre remained a concern for Members but he reminded Members of advice received that if the Station Road site was granted planning permission, the Audley Avenue site would not occur. With reference to sequential testing he confirmed that there was no other site capable of accommodating an application of this size. With regard to Section 106 obligations, he believed that there were disadvantaged people living in Newport who would benefit from the proposed public transport. He contended that the Audley Avenue inquiry Planning Inspector should not have considered the pony paddock to be public open space and reminded Members of the proposals to relocate the footpath.

Also responding to questions raised during the debate, the Legal Advisor confirmed the legal position as it was understood to be which was, as stated in the report, that irrespective of the outcome of the Village Green application, the appropriation of the land would enable the development to proceed. He also noted Member comments that an aspect of the Growth and Infrastructure Bill was to change village green laws in relation to land identified for development but advised that although the Bill was before Parliament it was not yet law and its terms were not finalised so could not be given weight in the consideration of this application.

The Assistant Director: Planning Specialist further advised that the Council was the registering authority for Town and Village Green applications and it was, therefore, dealing with the application appropriately. The appropriation of the land, which took precedence over the Village Green application, had been fully discussed at Cabinet on 26 July 2012. With regard to employment land use, this was an issue raised by the Council's barrister at the Audley Avenue Inquiry and the report detailed the further investigations on this issue which had taken place. He confirmed that the Local Planning Authority did not agree with the Planning Inspector 's view regarding Section 106 requirements and this would form an element of the challenge being made, in addition to the Local Planning Authority's view that Station Road was the preferred site for development. He reiterated the Planning Officer's advice with regard to cumulative retail impact and the view that only one foodstore would eventually manifest. He believed that Officers' advice had been consistent and reminded Members that the purpose of the report was not to reconsider whether planning permission should be granted but to determine, from the elements updated in the report, whether the Local Planning Authority should reconfirm its position for the call-in.

At the end of the debate, at the request of Councillors I T W Fletcher and N A Dugmore and in accordance with Committee Procedure Rule 12, a recorded vote on the motion to approve the recommendations contained in the report was taken, the voting being as follows:

For: 6

Councillors J C Minor, J Loveridge, G C W Reynolds, S A W Reynolds, M J Smith and C R Turley

Against: 3

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

Abstentions: 0

**RESOLVED** – that subject to the Council as landowner providing an appropriate memorandum to be submitted to the call inquiry which agrees 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, £1.2 million 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 £150,000 to create a fund to enhance the Town Centre Shop Fronts and their signage , £100,000 for a Retail Business Development Fund , £15,000 for monitoring of financial and planning covenants, to maintain a position of requesting the Secretary of State to grant planning permission at Station Road and to present evidence to support that grant at the forthcoming Inquiry.

(b) TWC/2012/0679 Land at, Hoo Farm Animal Kingdom, Preston Upon The Weald Moors, Telford, Shropshire, TF6 6DJ

This was a full planning application for change of use of land and the erection of a temporary prefabricated building to accommodate a pre-school children's nursery which was relocating from current premises in Wrockwardine. A small car park and outdoor

playing area was also proposed. An update report was tabled which detailed the supportive comments received from the Council's Early Intervention team with regard to the proposed scheme.

Cllr A J Eade, Borough Ward Member for Church Aston & Lilleshall spoke in support of the proposal, extolling the virtues of the high quality nursery provision and the exciting learning environment which could be provided at the proposed location which was also designated as a Forest School. He asked Members to consider a five year temporary permission to secure viability for the proposals.

Mr P Fenwick, the applicant's agent, and Ms P Hustwick, owner of the relocating nursery, also spoke to support the application. Mr Fenwick stated that the nursery, which accommodated over 50 pre-school children, was four months away from the end of its current lease of property in Wrockwardine and that the Council's Estates and Investment Unit had been unable to locate suitable alternative premises. The proposed location was Brownfield land, close to a local major employment centre. He did not believe that there was a policy precedent for this application and asked Members to take a balanced view. Ms Hustwick advised that the nursery was moving from its current location as the building needed upgrading which the owner was unable to provide, hence the termination of the lease. She advised that a temporary two year permission would not be financially viable and would not provide sufficient continuity for children attending the nursery.

Whilst the Planning Officer acknowledged the high quality service provided by the nursery, it remained her advice that the proposed site was unsustainable given its rural location and that permission in excess of two years would be contrary to Policies E6 and LR1 of the Wrekin Local Plan and CS10 of the Core Strategy.

Members noted the Planning Officer's comments and recognised the difficulties faced by the nursery, particularly with regard to sustainability. In considering the proposed location Members considered that there was potential for a deleterious impact upon local residents due to increasing volumes of traffic along the access road which was referred to as a "dirt track". It was, therefore, resolved by a majority vote that Members would benefit from a site visit.

**RESOLVED – that determination of planning application TWC/2012/0679 be deferred to allow the Board Members to make a Site Visit.**

(c) TWC/2012/0778 Land Off, Beaconsfield/Burford, Brookside, Telford, Shropshire

This application sought outline planning permission with all matters reserved except access for the regeneration of Brookside local centre. The works involved the demolition of 37 residential dwellings, existing retail units and covered walkway and youth centre building and the construction of up to 14 residential bungalows, three replacement retail units for uses classes A1 and A5 with up to 2 residential units above, the extension and refurbishment of the existing community centre building (use class D2) to include a replacement housing trust office ( use class B1), formation of a new public square, community gardens and new children's play facilities, together with all associated engineering works, car parking and landscaping. An update report was tabled which included additional consultation responses.

Members welcomed the application and applauded the co-operative approach which had been taken in formulating the Masterplan. Some concern was expressed regarding parking and Members were advised that this would significantly contribute to the vibrancy of the local centre. With regarding to phasing, some disruption would be inevitable but work was anticipated to progress quickly.

**RESOLVED** – that with respect to planning application TWC/2012/0778 planning permission be granted subject to the conditions as set out in the update report.

(d) TWC/2012/0794 The Rose & Crown PH, Stirchley, Telford, Shropshire, TF3 1DY

*In accordance with her declaration of interest Councillor J Loveridge left the room during determination of this application.*

This was a full planning application seeking the change of use of part of an existing car park into a hand car wash facility. A previous application was heard at Plans Board on 16 May 2012 for the same proposed scheme. Members awarded delegated authority to the Head of Planning to grant but the application was later withdrawn.

Mr R Breeze and Mr A Watkin spoke as local residents opposed to the application. Mr Breeze stated that his objections were unchanged from those expressed on 16 May 2012; he particularly raised issues regarding parking and increased traffic on Northwood Terrace and the suitability of the site for the proposed use. Mr Watkin echoed these comments and also expressed concern regarding the potential for noise nuisance and the environmental impact of the potential drainage of contaminated water into the storm drain.

Mr Keable, representing the Applicant, spoke in support of the application referring to the works which had been undertaken regarding drainage, addressing the potential for noise nuisance and explained attempts to address inappropriate parking.

Councillor I T W Fletcher proposed, seconded by Councillor N A Dugmore, that a site visit take place but, on being put to the vote, four Members voted to undertake a site visit and four voted against. This being the case, the Chairman exercised his casting vote and the site visit was not agreed.

Members expressed some concern regarding the operation of a car wash at this location, particularly with regard to drainage, but were also mindful of the previous decision reached. However, there being no proposer that the application be given temporary approval for two years, it was proposed and seconded that temporary approval be given for one year.

**RESOLVED** – that with respect to planning application TWC/2012/0794 temporary planning permission be granted for one year subject to the conditions as set out in the report.

(e) TWC/2012/0828 Public Open Space, Freeston Avenue, St Georges, Telford, Shropshire, TF2 9EQ

*In accordance with his declaration of interest Councillor I T W Fletcher left the room during determination of this application.*

*In accordance with his previous declaration of interest Councillor J C Minor left the meeting prior to the discussion and determination of this item. Councillor S A W Reynolds took the Chair for this item.*

This proposal for the refurbishment of a children's ball court was unanimously welcomed by Members.

**RESOLVED** – that with respect to planning application TWC/2012/0828 planning permission be granted subject to the conditions as set out in the report.

(f) TWC/2012/0850 Telford Town Park Visitor Centre, Telford Town Park, Hinkshay Road, Dawley, Telford, Shropshire, TF3 4EP

This was a proposal for the installation of a children's water play area in the vicinity of the new visitor centre in Telford Town Park and associated plant room.

Members wholeheartedly welcomed the application which represented a high quality play environment for children. Some queries were raised about drying facilities but comment was also expressed that such facilities were not particularly successful at other water play sites.

**RESOLVED** – that with respect to planning application TWC/2012/0850 planning permission be granted subject to the conditions as set out in the report.

The meeting ended at 8.44pm

Chairman: .....

Date: .....