

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 11 June 2014 at 6.00pm in Training Rooms 5/6, AFC Telford United Learning Centre, off Haybridge Road, Wellington, Telford

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, E J Greenaway, A S Jhavar, J Loveridge, A A Mackenzie (as substitute for K R Guy), A A Meredith (as substitute for I T W Fletcher), and C R Turley.

PC-001 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 21 May 2014 be confirmed and signed by the Chairman subject to the addition of an £8,000 contribution towards pedestrian crossing enhancements in respect of planning application TWC/2013/1033 which had been included in the recommendation set out in the main report but omitted from the update.

PC-002 APOLOGIES FOR ABSENCE

Councillors I T W Fletcher, K R Guy and L A Murray

PC-003 DECLARATIONS OF INTEREST

None.

PC-004 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-005 SITE VISITS

RESOLVED – that a site visit takes place at 4.00pm on Wednesday, 2 July 2014 in Tibberton in respect of planning applications TWC/2014/0230 (Back Lane/Plantation Road, Tibberton) and TWC/2014/0236 (land adjacent 12 Tibberton).

PC-006 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 applications TWC/2012/0530 and TWC/2014/0057.

- (a) TWC/2012/0530 - Off, Priorslee East, Gatcombe Way/York Road/Hereford Drive, Priorslee, Telford, Shropshire

This was a proposal to extend the time limit for implementation of outline planning permission W2002/1421 for phased residential development of land at Priorslee East. The proposal was rooted in the designation of Telford as a new town under

historic planning powers that the Government allowed the Commission for New Towns to enjoy under the New Towns Acts of 1965 and 1981. Following the passage of time, these historic rights had passed and more formal planning permissions for allocated housing sites to be determined by the Local Authority had come in to force. The proposal was first considered by the Authority under outline planning application W2002/1421 in March 2003 but due to protracted Section 106 negotiations, the planning application was not issued until July 2009. An update report was tabled at the meeting which detailed the receipt of an update to the ecology report.

The majority of Members were satisfied with the application, although some concern was expressed regarding the level of contributions towards primary education and marketing of the sites. The Planning Officer explained that there was no loss of contributions, simply that the formula had changed since the original application was approved which meant that, had the application come forward in the present there would be a higher level of contribution expected. The Legal Advisor pointed out that contributions were subject to indexation so the actual contribution payable would be significantly higher. The Development Management Service Delivery Manager agreed to discuss marketing issues with the applicant, HCA, with whom regular meetings were undertaken.

RESOLVED – that with respect to planning application TWC/2012/0530 the Development Management Service Delivery Manager be authorised to grant outline planning permission subject to the applicants/landowners entering into a Section 106 Agreement (terms to be agreed by the Service Delivery Manager of Development Management) relating to:-

- (i) To provide 25% of dwellings built as affordable dwellings comprising of 20% affordable rent and 5 % shared ownership unless otherwise agreed in writing;
- (ii) A contribution of £122,300 toward the provision, maintenance or enhancement of play equipment or facilities near to the application site;
- (iii) A contribution toward the provision of primary education of £405,336.96 based on the scheme provided;
- (iv) The maintenance of informal open space to a detailed schedule of rates.

and further subject to the conditions set out in the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

- (b) TWC/2014/0057 - Land west of The Cottage, Arleston Village, Arleston, Telford, Shropshire

Planning permission TWC/2012/0240 was granted in October 2012 which included provision for 50 extra care housing units. Unfortunately the applicant had not been able to secure an operator for the Extra Care facility and delivery of this element was not possible at this time. This application, therefore, sought outline planning permission for the erection of 30 No. bungalows for the elderly to replace the Extra Care facility granted under permission TWC/2012/0240. The bungalows would be provided as a mix of one and two bedroom bungalows of 1 and 1½ storeys in height.

It was noted that, as a potential fall back position, the applicant also sought to reserve the right to deliver the Extra Care facility as an extant permission should the demand for bungalows alter and the localised market for Extra Care on this site change. A full explanation of the background to the application was detailed in the Planning Officer's report. An update report was also submitted which clarified the recommendation with regard to the fall back position. Councillor A D McClements, local Ward Member, had requested that the application be determined by the Planning Committee.

Councillor J Gorse read a statement on behalf of Councillor A D McClements, the Ward Member, who was unable to attend the meeting. The statement referred to the previous application which was granted due to the exceptional circumstances of an Extra Care provision which was considered to be of sufficient benefit to outweigh the loss of green network land. At the time, Councillor McClements had raised concerns that the Extra Care facility was being used as a means to secure planning permission on land which had previously been turned down for development and she had been concerned at this "trade off". Community facilities had been promised as part of the previous application but this application did not appear to make any equivalent provision. Concerns were raised regarding a perceived lack of consultation among residents, the likely increase in traffic flow on Dawley Road as a result of the greater number of units being built, access to the site, loss of green network and the higher density of development resulting in the buffer between Arleston Village being narrower effecting a greater intrusion on the unique character of the Village. It was also pointed out that there was no recognition in the application as to how the bungalow development would benefit the community, following the previous promise of community facilities with the Extra Care facility. The statement concluded with the Committee being urged to undertake a site visit.

Mr G Devey addressed the Committee on behalf of local residents who opposed the application, noting that the previous approval was based upon the exceptional circumstances presented by the provision of an Extra Care facility which was considered to be of sufficient benefit to outweigh the loss of green network land. Mr Devey did not consider that this application presented similar benefits and asked Members to consider whether the application for bungalows offered sufficient environmental, economic and community benefits to outweigh the protection afforded to the Green Network. He also questioned at what stage the developer would be required to commit to building bungalows or an Extra Care facility, how 1.5 storeys could be considered as a bungalow and meet Housing our Aging Population: Panel Innovation (HAPPI) standards and what the position would be regarding Council Tax. He referred to the increase of traffic which would be generated on Dawley Road which was not mentioned in the assessment. He noted an increased likelihood of flooding and whether the owner of the stream was aware of the proposals and their responsibilities, he also noted that the increased parking provision associated with the proposed bungalows and questioned this in terms of sustainability. He concluded by lamenting the loss of green space.

Ms J Bowater, the applicant's agent, addressed the Committee in support of the proposals. The application was brought after all efforts to deliver an Extra Care facility had been unsuccessful. The bungalows, some of which were dormer style (hence the 1½ storeys), would provide affordable housing for the elderly and meet

HAPPI standards; the applicant had indicated a willingness to work with the Council on the detail. Since bungalows enjoyed enduring popularity, they would provide an equally valuable alternative form of housing and community benefits. The applicant had agreed in principle to work with Morris Care on delivery and the Local Planning Authority would be notified prior to the submission of a reserved matters application as to whether the preferred option was the development of bungalows or an Extra Care facility.

The Planning Officer highlighted aspects of the report, pointing out that the loss of the Extra Care facility was unfortunate but that the principle of development for the elderly had been established so could, therefore, be supported under saved policy OL4 and corporate priorities to deliver supported and specialist housing. She noted the applicant's aspirations to provide housing for the elderly and that the exemplar scheme would meet HAPPI standards which could be further controlled through condition and the proposed Deed of Variation. She pointed out the applicant's contention that in any comprehensive review of the Green Network, and in light of the approved outline scheme, the site would be unlikely to retain its Green Network designation. Notwithstanding this, an assessment in terms of contribution to the aims of the Green Network had been provided. The Planning Officer pointed Members to the well-versed five year housing land supply issue and the principle in favour of sustainable development as set out in the National Planning Policy Framework (NPPF), lack of objection from the Council's technical officers and supportive Highways data. However, the Planning Officer also noted the objection of the local Ward Member and the number of representations received against the proposals from local residents. She further noted that there was a growing need for local facilities for the elderly and that Extra Care facilities were particularly in high demand but that provision in the area was limited, with only one facility approved to come forward in Wellington. She also explained the difficulties that the applicant had encountered in securing a provider for the proposed Extra Care facility which were fully set out in the report.

The Chairman noted the Ward Member's request that the Committee undertake a site visit but, noting that the Local Planning Authority may be criticised for non-determination, he considered that a site visit was unnecessary as the majority of the Committee's Membership remained the same as when a site visit had last been undertaken. Recalling the previous comprehensive visit, the majority of the Committee Members agreed that a site visit was unnecessary.

During the ensuing debate Members asked a number of questions and expressed disappointment at the likelihood that a much valued Extra Care facility would not come to fruition.

Members noted that the previous application was granted based upon the exceptional circumstances presented by the provision of an Extra Care facility. Based on the previous planning history at the site, Members considered that had the Extra Care facility not been proposed, it was unlikely that an application to develop the site would have been permitted. However, at the guidance of the Chairman and Legal Advisor, the Committee considered the application on its merits.

Clarification on the mix of bungalows was sought along with detail as to whether they would be warden-controlled. The Planning Officer responded that the illustrative layout proposed 13 one bedroom bungalows and 17 two bedroom bungalows (the dormer/1½ storey units) which would be affordable rented through a registered provider; and without an onsite warden. The Legal Advisor indicated that the agreement on the tenure of the bungalows was that they would be available in perpetuity to over 55 year olds who required affordable rent. The tenure would be agreed under the terms of a Section 106 Agreement and would be managed by an affordable housing provider. Concern was expressed that the affordable housing element could be lost if the houses were sold on but the Legal Advisor indicated that the Section 106 obligations would be passed on. Members remained cautious in this respect and the Legal Advisor offered further reassurance on the effectiveness and enforceability of the mechanism, advising that as the Section 106 Agreement would be registered, any potential future purchaser would have the terms and obligations explained to them by their solicitor.

Members expressed concern that the requirement for a contribution of £5,000 for the provision of support and monitoring of the Travel Plan required under the terms of the Section 106 Agreement associated with the approved scheme would be negated. The Planning Officer indicated that the Extra Care facility benefited from a travel plan in relation to the limited number of car parking spaces, community and staff use but due to the mix of other issues involved in residential development, it was not a requirement for the development of bungalows.

Members also expressed concern regarding the access to the site, recalling from the site visit that a gate at Kingsland meant that there was no through road. The Planning Officer advised that access had already been approved and was not part of this application which constituted the red line boundary only. However, Members felt that the traffic assessment was unsatisfactory for this application and that further information was required. It was proposed that deferral of the application for a site visit would allow sufficient time for this information to come forward but the proposal was not seconded.

Further concerns were expressed regarding the sustainability of the proposed bungalows. Whilst it was noted that they would be built to HAPPI standards, some of them would be 1½ storeys and which it was believed would involve stairs and limit wheelchair accessibility. In addition, Members noted that the Strategic Housing Marketing Assessment (SHMA) noted a rise in the demand for single bedroom properties but that this application proposed a greater number of two bedroom properties, which led to concerns regarding their future use and sustainability.

Members were also disappointed that the proposal to develop affordable housing and accommodation for the elderly had only been discussed in principal with the agent and that the Council had not been involved in the creation of the outline proposals. The Planning Officer explained that these were comments from the housing team based on indicative site drawings, and since publication of the report, the applicant had considered the comments of the Housing Team and she had, late that day, received correspondence that indicated that the applicant would work with the Housing team to achieve their requirements in terms of ground floor areas and meeting HAPPI standards stating how they would achieve this.

The fears of the Parks and Open Spaces Officer relating to indiscriminate parking on open spaces/verges as a result of limited parking provision were shared by Members. However, the Planning Officer reminded Members that the layout was illustrative only and that the technicalities of car parking provision were not part of the remit of the Parks and Open Spaces Team and would be for the Highways Officer to consider as part of any reserved matters application.

The Legal Advisor and Development Management Service Delivery Manager noted concerns of Members and suggested that if Members were minded to refuse the application, serious thought should be given to the reasons for refusal which would need to stand up to appeal.

There being no proposer that the application be approved, it was proposed and seconded that approval be refused.

The Development Management Service Delivery Manager gave a summary of his understanding of the potential reasons for refusal identified by Members in the debate as outlined above. Following further discussion by Members, the reasons for refusal were clarified, and it was proposed and seconded that the application be refused for the following reasons and, upon being put to the vote, it was unanimously:-

RESOLVED – that planning application TWC/2014/0057 be refused, with authority to finalise the reasons for refusal to be delegated to Development Management Service Delivery Manager following consultation with the Chairman, as it was considered that:-

- (a) historically, development at the site had been resisted and the exceptional circumstances associated with the provision of an Extra Care facility did not exist in this application**
- (b) the application was contrary to policy OL4 and CS10 as the community benefit associated with the provision of bungalows did not outweigh the loss of green network and would not sufficiently meet local needs**
- (c) the applicant had not provided sufficient evidence to demonstrate why the proposed Extra Care facility was not viable**
- (d) the employment opportunities generated by an Extra Care facility would be lost and the application would result in a loss of community facilities**
- (e) members still had concerns that the traffic comments did not adequately assess the impact on Dawley Road which would be caused by the significantly greater number of traffic movements associated with individual bungalows in contrast to the more limited number of movements associated with the Extra Care facility**

The meeting ended at 7.05pm

Chairman:

Date: