

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 23 July 2014 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse), Watling Street, Wellington, Telford TF1 2NJ

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

ALSO PRESENT: Councillors D G Davies (for planning application TWC/2014/0366), A J Eade (for planning applications TWC/2014/0271 and TWC/2011/0821) and J M Seymour (for planning application TWC/2014/0113)

PC-013 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 2 July 2014 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 application TWC/2014/0271, Cllr N A Dugmore declared an interest as Parish Councillor but stated that, in the circumstances he would not be withdrawing from the meeting for that item.

With regard to planning application TWC/2014/0366, Councillor C R Turley commented that he was a member of the Ironbridge Gorge Museum Trust Board and Steering Group and also the Severn Gorge Countryside Trust and indicated that he would withdraw from the meeting during determination thereof.

PC-016 DEFERRED/WITHDRAWN APPLICATIONS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 each planning application.

(a) TWC/2011/0821 - Land At Wellington Road, Newport, Shropshire

This report related to a request to modify an existing Section 106 agreement to an outline planning permission for proposed new housing, open space/playing field and associated works which was granted on 8 January 2013. An update report was tabled at the meeting which set out additional consultation responses received.

Members noted that the level of contribution towards affordable housing was not reduced but that delivery would take place partly off-site and sought justification for this approach. The Planning Officer advised that the modification had been sought by the developer and was in accordance with national planning policy. The Assistant Director: Planning Specialist commented that the government expected local authorities to remove barriers to development and it was considered that the proposed change was beneficial, since it facilitated an option for the Council to bring forward a brownfield site for development. Delivery of affordable housing numbers remained consistent with the original consent but allowed broader affordable housing provision in the area. The Assistant Director: Planning Specialist was not in a position to identify specific sites for development or make assurances in that regard.

Members unanimously welcomed this positive approach to maintain delivery of sufficient affordable housing in the area.

RESOLVED – that with respect to planning application TWC/2011/0821 the Development Management Manager be authorised to facilitate the applicants/landowners entering into a deed of variation to the existing Section 106 Agreement (terms to be agreed by the Development Management Service Delivery Manager) relating to the modification of the following:-

- The level of on-site affordable provision to be reduced from 35% to 20% and for this to be provided in the following mix:
- Rented Social Housing Units: 2 bed 4 person house 5%
- 3 bed 5 person house 4%
- 4 bed 6 person house 1%
- Shared Ownership Housing Units: 2 bed 4 person house 5%
- 3 bed 5 person house 4%
- 4 bed 6 person house 1%

Payment of a financial contribution of £2,750,000 towards off site affordable housing provision (to be ring fenced to the Newport area) with payment triggers split into 3 stages of prior to 31st May 2015, 31st May 2016 and 31st May 2017.

(b) TWC/2011/0827 - Land To The North Of, Audley Avenue, Newport, Shropshire

This report related to a request to revise Section 106 obligations associated with an outline planning permission for the erection of up to 215 dwellings, highway works, public open space, allotments and associated infrastructure development following demolition of buildings which was previously considered by Plans Board on 14

November 2012. An update report was tabled at the meeting which set out additional consultation responses received.

Members sought clarification regarding financial contributions. The Planning Officer explained that financial contributions towards education reflected a proportion of an accumulative figure across number of developments in the vicinity which came forward at the same time since individually none of the developments would have met the thresholds to request financial obligations. He also advised that the education officer was satisfied regarding provision for secondary school places in Newport. The figure requested for affordable housing “in number or value” allowed for the provision of specialist accommodation, eg bungalows. The Parks and Open Spaces Officer was also satisfied with provision for Shukers Field. Members considered that affordable housing was in demand but acknowledged that viability was an issue addressed by national policy.

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

RESOLVED – that with respect to planning application TWC/2011/0827 the Development Management Manager be authorised to grant planning permission subject to:-

(a) the applicants/landowner entering into a Section 106 Agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to

(i) Affordable housing, to include:

- Provisions ensuring that 17% of the dwellings to be built shall be affordable housing either in number or value (to allow for the inclusion of more expensive specialised affordable housing where required);
- Of the above 60% to be Rented Social Housing dwellings and the remaining 40% in Shared Ownership unless otherwise agreed with the Council;
- Provisions ensuring that the affordable housing is provided throughout the development and not left to the latter stages and also that the houses are delivered in small clusters;
- Inclusion of details to ensure lettings are prioritised to Newport area based residents;
- Receipts from the disposal of any Shared Ownership dwellings to be recycled and used for the provision of further affordable housing;

(ii) Highways works, to include:

- Off site highway infrastructure improvements - up to a maximum of £314,072;
- Public transport service enhancements – up to a maximum of £120,000;
- Public transport infrastructure (bus shelters) – up to a maximum of £10,000.

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

- **Travel Plan monitoring - £5,000;**
- (iii) Education infrastructure funds up to maximum of £529,878 provided the average number of bedrooms per dwelling across the development is under 3.35;**

Timescale and triggers for the payment of the contributions to be agreed. Details of reviews will need to be agreed to take into account whether other permissions have been or are likely to be granted or implemented in Newport and if not to reassess whether the maximum figures stated can still be justified for this development.

- (iv) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas;**
- (v) Index linked financial contribution of £162,000 for the provision of a Neighbourhood Equipped Area of Play on land adjoining the application site as indicated on submitted drawings;**
- (vi) Provision of new allotment land of 0.22 hectares to be provided as an extension to the existing allotment site north of the application site and offered for transfer into the ownership of Newport Town Council;**
- (vii) The transfer of 1.6 hectares of privately owned land to Telford and Wrekin Council to be used for continued sports pitch provision as part of the enhanced Shukers Field playing fields area;**
- (viii) The transfer to Telford and Wrekin Council of land owned by the applicant to be developed as a new sports pitch for school and community use adjacent to the Burton Borough School as indicated in the Playing Pitch Assessment Report;**
- (ix) Improvements to Shuker's Fields Playing Fields & Facilities A maximum financial contribution of £225,000 towards improvements to Shuker's Fields. Any underspend to go towards off-site affordable housing; and**
- (ix) Provision of a Planning and Financial Monitoring contribution of £9,000.**
- (b) the planning conditions set out in the main report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

(c) TWC/2014/0113 - Former British Sugar site, Allscott, Telford, Shropshire

This was a proposal seeking outline planning consent for a mixed use development at the former Sugar Beet Plant Allscott comprising up to 470 dwellings (Use Class C3), a primary school (Use Class D1), a commercial area (Use Class B1), clinic and health centres (Use Class D1), retail units (Use Class A1), financial and professional services (Use Class A2), restaurant and cafes and/or hot food takeaways (Use Classes A3 and A5) with associated allotments, sport and recreational facilities, open space, biodiversity enhancement and access. All other matters were reserved for future consideration.

Mr M Goldstraw, representing Wrockwardine Parish Council, spoke in opposition to the application on the grounds that sustainability had not been adequately demonstrated and pointed to issues with regard to CO₂ emissions, public transport, traffic movements, insufficient funding for schools and questioned the viability of the doctors' surgery, pharmacy and village shop. He also commented upon the quality of life in the rural area and the apparent extension of urban development.

Cllr L Stone, representing Withington Parish Council and Councillor John Everall of Tern Ward in Shropshire, spoke in opposition to the application in terms of the adverse effect of increased traffic together with negative social, economic and environmental factors such as social isolation, limited local employment opportunities and highways issues.

Cllr J M Seymour, Ward Member, welcomed development of a brownfield site, sport and recreation facilities and the protection of a Site of Special Scientific Interest (SSSI). However, Cllr Seymour expressed objections in terms of development in the rural area, increased traffic generation, pressure on highways infrastructure, insufficient Traffic Management Plans, viability and the likelihood that following viability assessments the applicant would seek reduced contributions at the reserved matters stage.

Ms S Boardman spoke on behalf of local objectors who opposed the application on the grounds of sustainability, conflict with the National Planning Policy Framework (NPPF), impact on the highway infrastructure, pedestrian safety, questionable road safety data, noise and viability.

Mr P Starling, Chairman of the Allscott Sports & Social Club spoke in favour of the application which he considered would positively transform the site and meet the growing demand for sports and recreational facilities for all age groups in the surrounding area. He welcomed the proposed traffic calming measures and the employment opportunities that would be created.

Mr A De Pol, the Applicant's Agent, spoke in support of the application, commenting upon the extensive consultation which had taken place, the wide range of benefits integral to the proposals, funding for traffic management schemes and improvements, support from the local community and lack of objections (subject to conditions) from statutory consultees. He noted that the proposals were for a

strategic site allocated in the emerging local plan and were compliant with the presumption in favour of sustainable development set out in the NPPF. Overall, he considered that the proposals represented a positive and sustainable reuse of a brownfield site.

Members were afforded time to read the lengthy update which had been tabled at the meeting. The Planning Officer reminded Members of the site visit which had taken place earlier that afternoon and to the comments of the Highways Engineer who had accompanied them. She advised that the proposals would redevelop a brownfield site and were compliant with the NPPF. The proposals would deliver improvements to the local transport infrastructure, a market for the business hub had been ascertained with the associated broadband element benefiting the whole site, the proposals would provide employment opportunities and support the construction industry, financial revenue through Council Tax and Business Revenues, health care and a primary education facility. The site was accessible and situated outside the SSSI which would also be buffered by an ecology park. Environmental concerns regarding CO₂ emissions and water consumption were addressed by the proposals which met the core principles of the NPPF. The Planning Officer drew attention to key points in the report relating to the sensitivity of the site, mitigation of access issues, highways implications and proposed Grampian conditions, improvement to public transport, proximity of the railway crossing, impact upon the bridleway, ecology assessments, noise mitigation, air quality, water, flooding and the impact upon heritage assets. She indicated that the Masterplan was acceptable, including design codes, density, the balance of facilities provided together with planning obligations, viability, sustainability and mitigation against any technical issues identified.

During the course of the ensuing debate, the majority of members were supportive of the proposals applauding development on brownfield land and accepted assurances by the Council's Highways Engineer. The contribution towards the construction industry and housing needs were noted and the primary school and allotments were welcomed. A key concern for some Members was the proximity of the level crossing to the proposed primary school and it was considered that further consideration of this issue together with consultation with Network Rail would be appropriate at the reserved matters stage. Further concerns were expressed regarding education funding and planning for secondary school places including potential school transport costs.

In response to questioning, the Planning Officer advised that safety data only included recorded incidents and noted that the Highways Engineer did not raise concerns regarding the pinch point at the railway bridge, she commented upon footpath provision and explained the Highways Engineer's comments that the larger roundabouts suggested by Members during the site visit would be land hungry and impact on viability. It was considered that the proposed pre-commencement conditions were appropriate to mitigate highway issues. She also commented on the consultation regarding the level crossing and elaborated upon the provision of the public bus service and the statutory duty of the Council to provide transport for secondary school children living further than 3 miles away from their nearest designated school.

The Assistant Director: Planning Specialist also offered Members guidance regarding sustainability in relation to the NPPF, the nature of the settlement, prioritisation of brownfield land for development, employment generation, the briefing provided by the Highways Engineer, the possibility to continue discussions with Network Rail concerning safety measures at the level crossing and confirmed that the Council's education officers were satisfied that provision for school places could be made when appropriate.

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

RESOLVED – that with respect to planning application TWC/2014/0113 the application be referred to the National Planning Casework Unit on behalf of the Secretary of State under the Ministerial Statement of the October 2012 and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination the Development Management Manager be authorised to grant planning permission, subject to:-

- (a) the applicants/landowners entering into a Section 106 agreement with the Council (terms to be agreed by the Development Management Service Delivery Manager with that officer being authorised to impose planning conditions rather than Section 106 planning obligations to secure these matters should he consider it appropriate) that includes the provision of:
- i. £3,900,000 towards onsite provisions of primary education facilities in addition to the transfer of land to the Council of no less than 1ha.
 - ii. £500,000 towards Public transport improvements, including secondary education transportation
 - iii. £137,100 towards a traffic signal junction improvement scheme at the B5061 Roman Road/Holyhead Road Junction.
 - iv. £99,920 towards a roundabout junction improvement scheme at A442/A5223/B5063 Shawbirch Roundabout.
 - v. £25,000 towards Public Rights of Way Improvements in the vicinity of the site.
 - vi. £10,000 for improved signage at Allscott Level Crossing
 - vii. £5,000 towards Travel Plan monitoring and support
 - viii. £5,000 towards Air Quality monitoring
 - ix. £20,000 towards planning and financial monitoring of planning conditions and section 106.
 - x. 10% affordable housing
 - xi. Onsite NEAP facilities (with terms to cover the possibility of transfer to and adoption by the Council if required)
 - xii. Public open space / SuDS / Ecology park (with terms to cover the possibility of transfer to and adoption by the Council if required) where identified by applicant in accordance with the Councils Schedule of Rates
 - xiii. The ecology park
 - xiv. The Sports facilities and pitches including a community use agreement

- xv. **The allotments (with terms to cover the possibility of transfer to and adoption by the Council if required)**
- xvi. **High speed broadband**
- xvii. **A healthcare facility**

(b) the conditions detailed in the update report with authority to amend or impose additional planning conditions to be delegated to the Development Management Service Delivery Manager.

(d) TWC/2014/0271 - Land adjacent 9 Hillside, Lilleshall, Newport, Shropshire

This outline application, for the erection of 2 detached dwellings and detached garages with all matters reserved, had been deferred at the meeting of the Planning Committee on 2 July 2014 to enable Members to undertake a site visit. An update report was tabled at the meeting which set out additional consultation responses received.

The Planning Officer reminded Members of the site visit which had taken place earlier that afternoon and suggested that due to the proximity of the village school, if Members were minded to grant the application, consideration should be given to hours of construction to limit HGV movement at sensitive hours.

Cllr A Baker, representing the Parish Council spoke to oppose the application in terms of the nature of the narrow single track road, pedestrian safety, safe routes to school, and the erroneous photographs displayed.

Cllr A J Eade, Ward Member also spoke to oppose the application on the grounds of the planning history, sustainability, lack of mitigation available for highways concerns, and being in contravention of planning policy. He also commented on the impact on Lilleshall Hill as a tourist attraction.

Mrs E Attwood, the Applicant's Agent, spoke in support of the application noting that the introduction of the NPPF represented a significant change to policy since the previous refusal and noted similar development which had been permitted in the vicinity without objection. She commented on access, highways, visual amenity, design, accessibility, sustainability, parking, form and pattern of development in the area, and policy requirements.

Members noted that since the previous planning application had been refused, the only significant change was to national policy but had some sympathy regarding access and traffic issues, particularly with regard to the safe route to school. Members also noted recent development in the vicinity and that boundary issues had been clarified. Members accepted the Planning Officer's assurances that any breach of hours of operation set out in the Site Environmental Monitoring Plan would be subject to enforcement. The majority of Members therefore considered the application to be acceptable.

RESOLVED – that with respect to planning application TWC/2014/0271 planning permission be granted subject to the conditions as set out in the

update report and further subject to a condition limiting hours of delivery around the village school opening and closing times.

- (e) TWC/2014/0333 - Land corner of Stafford Road/A41, Newport, Shropshire

This was a full application for the erection of 219 residential units, comprising 111 houses and 108 units for the erection of continuing care retirement accommodation together with associated infrastructure and formation of new access onto Stafford Road. An update report was tabled at the meeting setting out additional information received since the publication of the main report.

Mr G Mann, the Applicant's Agent, spoke in support of the application in terms of sustainability, viability, national planning policy and the applicant's commitment to pre-commencement infrastructure works.

In response to questions raised by Members, the Planning Officer stated that satisfactory amendments had been made to the proposals following comments received from Urban Design and that the parking courts were generally associated with the care home. The Assistant Director: Planning Specialist also advised Members with regard to a perceived trend for developers to seek to modify the terms of Section 106 Agreements to reduce affordable housing figures and developers' right to challenge obligations which were considered onerous.

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

RESOLVED – that with respect to planning application TWC/2014/0333 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement to provide 16% affordable housing; £55,855.72 towards offsite highway infrastructure works; £15,000 towards bus stop improvements in the vicinity of the site; £20,000 towards tactile crossings in the vicinity of the site; £5,000 towards relocation of a flower bed; £294,747 towards primary and secondary education provision; £600 per dwelling towards offsite play and recreation in the vicinity of the site(excluding the extra care unit); £5,000 towards Travel Plan monitoring; £5,000 for Traffic Regulation Order; any trees shown within the limits of the adopted highway will attract a commuted maintenance sum of £350 per tree; the clauses in the previous care village s106 such as care provision, age restriction, leases, tenancies, provision of mini bus and pool car for care home residents etc. need to be carried forward into this s106; and s106 monitoring costs of £12,860 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).

- (f) TWC/2014/0335 - Metal & Waste Recycling Ltd, The Old Smithy, Lightmoor Road, Lightmoor, Telford, Shropshire, TF4 3QN

This application sought detailed permission for the erection of a new building for aluminium storage and associated water tank for dust suppression, additional

acoustic barriers and removal of a mobile phone mast. Councillors F M Bould and C P R Mollett, Ward Members, had requested that the application be determined by the Planning Committee. An update report was tabled which set out an additional request from the applicant's agent to slightly amend the suggested maximum noise level condition from Environmental Health.

Mr C Dent, the Applicant's Agent, spoke in support of the application noting that the application did not represent an increase in activity but greater efficiency in the separation of aluminium and ferrous material streams. He commented on noise reduction measures and noted that the proposals represented an opportunity for improvement at the site which was home to a world leader in metal recycling.

The Planning Officer noted that objections to the application centred on intensification, but that the applicant had confirmed that throughput would continue to be limited to approximately 50,000 tonnes and that this would be subject to condition. Enforcement would be by the Environment Agency and Council Enforcement Officers. Noise would be alleviated by sound barriers and there was no impact on visual amenity. In response to questioning, the Planning Officer confirmed that hours of operation were unchanged by the application and expanded upon means of enforcement.

Upon being put to the vote, it was unanimously:-

RESOLVED – that with respect to planning application TWC/2014/0335 the Development Management Service Delivery Manager be authorised to grant planning permission 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).

(g) TWC/2014/0366 - 3 Cherry Tree Hill, Coalbrookdale, Telford, Shropshire, TF8 7EQ

(In accordance with his declaration of interest Councillor C R Turley left the room during determination of this application).

This was a retrospective application for the installation of roof mounted solar panels. Councillor D G Davies, Ward Member, had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting setting out additional information received since the publication of the main report.

Cllr Bragg, representing the Gorge Parish Council spoke to oppose the application which was considered a breach of the Article 4 Direction and threatened the status of the World Heritage Site. The Parish Council was supportive of renewable energies but considered that the solar panels negatively impacted upon the visual aspect of a harmonious roofscape and the geography and aspect of the Gorge.

Cllr D G Davies, Ward Member, spoke in support of the application noting that the applicant had been incorrectly advised by the Planning Team and that the Article 4 Direction was vaguely worded and ambiguous. Cllr Davies was a strong supporter of heritage conservation but also recognised a need to sympathetically move with

the times. He did not feel that the solar panels were inappropriate at this particular site and would not set a precedent as any further applications would be dealt with on their merits.

Mr R Petty, Applicant, also spoke to support the application. He noted the heritage and cultural importance of the Gorge and pointed to the sympathetic renovation of his property and his sensitive choice of solar panels and their limited visibility. He noted the incorrect advice he had received and disputed that the solar panels were located on the principle elevation of the property since they fronted on to the railway. He also did not consider that a precedent would be set if Members were minded to grant planning permission in this case.

The Planning Officer referred to the designation of the World Heritage Site and conflict with the Article 4 Direction. She advised that the application had to be considered in terms of the effect on the character of this part of the Ironbridge Gorge World Heritage Site and the character of a locally listed building when considered against the justified sustainable credentials of a renewable energy proposal. She referred to the site visit which had taken place earlier that day and pointed to the effect on the roofscape on the principle frontage of the property. She also considered that the applicant had not demonstrated that he had considered alternative sites or other free standing or less obtrusive structures such as those viewed at a nearby location as part of the site visit. She was, therefore, of the opinion that the location and type of panels were not adequately justified or in accordance with the NPPF.

Members expressed concern that the applicant had apparently been incorrectly advised regarding the installation and the Legal Advisor reminded Members that what advice was or was not given to the applicant was not a material planning consideration.

Members were generally supportive of renewable energy generation. Some Members felt that the adverse impact on the World Heritage Site outweighed the benefits of renewable energy provision whilst others recognised a need for sympathetic modern technological advances. Members held similarly conflicting views on whether the application was precedent setting in nature. Careful consideration was also given to whether the solar panels were obtrusive in this specific location.

The Assistant Director: Planning Specialist advised that the need for renewable energy did not automatically override environmental protections and that Members should take great care to ensure that the World Heritage Site was conserved in a manner appropriate to its significance and cultural importance. He noted that the property was in close proximity to the Museum of Iron, arguably at the heart of the Gorge, and that it was important not to undermine the principles of the World Heritage designation by piecemeal erosion which could eventually risk its status. He urged Members to consider whether they would expect to see such installations at other comparable iconic heritage asset sites before making a decision which could irrevocably damage the quality of the site for generations to come.

The recommendation of refusal was proposed and seconded but, on being put to the vote, it was defeated. Subsequently a recommendation to grant planning permission was made and seconded from the floor. Following a vote it was by a majority:-

RESOLVED – that with respect to planning application TWC/2014/0366 planning permission be granted.

The meeting ended at 8.51pm

Chairman:

Date: