

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 17 December 2014 at 5.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ**

**PRESENT:** Councillors J C Minor (Chair), N G Dugmore, I T W Fletcher (as substitute for E J Greenaway), A S Jhawar, R T Kiernan, A A Mackenzie (as substitute for J Loveridge), L A Murray, B J Thompson (as substitute for K R Guy) and C R Turley.

**ALSO PRESENT:** Councillors S Bentley (for Planning Application TWC/2014/0761) and A Lawrence (for Planning Application TWC/2014/0612).

#### **PC-056      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 26 November 2014 be confirmed and signed by the Chairman.

#### **PC-057      APOLOGIES FOR ABSENCE**

Councillors E J Greenaway, K R Guy and J Loveridge.

#### **PC-058      DECLARATIONS OF INTEREST**

With regard to planning application TWC/2014/0612, Councillor N G Dugmore advised that he was a member of Lilleshall, Donnington & Muxton Parish Council but had not been involved in any discussions on this application.

Councillor S Bentley had received a dispensation from the Standards Hearings Sub-Committee to speak as Ward Member on planning application TWC/2014/0761

#### **PC-059      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PC-060      SITE VISITS**

**RESOLVED** – that a site visit take place on Wednesday, 14 January 2015 in respect of the following applications (times to be determined):-

- (a) Tree Preservation Order – Salters Hall, Salters Lane Newport;**  
**(b) TWC/2014/0746 - Maxell Europe Ltd, Hortonwood, Telford, Shropshire, TF1 6DA.**

**PC-061      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/2014/0612 - Land at Muxton Lane, Muxton, Telford, Shropshire

This was an outline application for the erection of up to 110 dwellings with associated access, with all other matters (appearance, landscaping, layout and scale) reserved for consideration at a later stage via a separate application. The application site amounted to four grass fields covering approximately 10.4 ha, of which around 4.06ha would be developed with housing. Almost half of the site would remain undeveloped and preserved as a managed conservation area. An update report was tabled at the meeting which contained a further submission from the applicant. Members had undertaken a site visit earlier in the afternoon prior to the meeting.

The Assistant Director: Planning Specialist reported that he had met with the applicants, who felt that the issues raised by the Planning Officer could be addressed and had asked for a deferral of the application. The Assistant Director advised that the application had been properly assessed, that the report and update report set out the relevant issues, that it was for Members to determine as they thought appropriate but they were in a position to proceed to determination. He also commented on a statement in the applicant's further submission that asserted "Council unable to demonstrate five year supply of housing land so housing supply policies out of date". The Assistant Director reported that he had recently met with the Planning Minister, that the Core Strategy was still a valid document, and that the Minister had also recognised the difficulties local authorities were facing in terms of delivering the 5 year supply of housing land under the current rules.

Councillor A Lawrence, Borough Ward Member and Chair of Lilleshall, Donnington & Muxton Parish Council, addressed the Committee, and referred to the very strong response from the community against this application, including a 500 signature petition. The main concerns of local residents were that it was unwarranted and unsustainable infill development between Muxton and Lilleshall, it would lead to increased traffic congestion and road safety issues, there would be a significant impact on the environment and wildlife, and inadequate drainage. It was very disappointing that the applicants had failed to meet with the Parish Council or local residents to discuss the application.

Mr P Loughlin addressed the Committee on behalf of local residents. This development was not wanted by the local community and would have a significant detrimental impact on the area. Green space and fields needed to be protected. There were other more suitable brownfield sites for such development. The numbers of new houses being proposed would lead to the capacity of the local school being

breached, and the impact on the local highways network was also highlighted. He concluded that the application was contrary to Council policy and should be refused.

The Planning Officer drew attention to aspects of the report relating to the principle of development and five year housing land supply, highways, landscape and settlement coalescence, ecology, affordable housing, sustainable development, drainage, and planning obligations and Section 106 contributions. There were some benefits of the scheme, but these were outweighed by the significant encroachment into open countryside, undesirable coalescence between the edge of Telford and village of Lilleshall, the lack of sustainability and loss of a mature roadside hedge. In their further submission contained in the update report, the applicants had increased their offer of affordable housing to 29%, equating to 32 units out of the 110. While being an improvement of their previous offers, it was still considered that such provision did not outweigh the adverse impacts of the development.

Members referred to the site visit earlier, which had demonstrated how close the site was to Lilleshall, along with flooding/drainage issues along Muxton Lane. There was some concern that a traffic survey had been undertaken on a weekday rather than a weekend, when there were considerably more vehicle movements along Muxton Lane to and from the Golf Club – and reference was made to a separate traffic survey undertaken by local residents. Further concerns were expressed concerning the sustainability of the proposed development and its impact on local facilities, and the loss of species rich grassland and the impact on wildlife and ecology.

In conclusion, the Assistant Director: Planning Specialist reminded Members that the Council did not have a five year land supply, advised that the Planning Officer's report focussed on where there was evidence of harm that would arise as a result of this development, and that the recommendation for refusal was based on defensible reasons within the context of the National Planning Policy Framework.

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

**RESOLVED** – that with respect to planning application TWC/2014/0612 the application be refused planning permission for the following reasons:-

**1. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The development of this site on Muxton Lane would result in an undesirable encroachment into the surrounding countryside and be detrimental to visual amenity by reducing the visual and physical separation and openness between the two settlements of Telford and the village of Lilleshall and result in their undesirable coalescence that would cause irreversible significant and demonstrable harm. The coalescence would be further compounded by the translocation of the mature roadside hedge and by the precedent development of this site would set for other sites in the immediate area. As such the development proposal would be contrary to the NPPF, Wrekin Local Plan policies H9 and OL11 and Core Strategy policies CS7 and CS11.**

**2. The site lies in countryside outside the built up area of Telford, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. In the opinion of the Local Planning Authority the development is located along a quiet rural lane without direct access to public transport and other social and community facilities and would result in an unsustainable form of development with associated social exclusion that would also undermine the preferred delivery of a sustainable urban extension with integrated infrastructure as indicated in Shaping Places Proposed Housing and Employment Sites document. Hence the development would result in an undesirable and unsustainable form of development and would be contrary to the NPPF, Wrekin Local Plan policy H9 and Core Strategy policies CS7 and CS9.**

(b) TWC/2014/0761 – Land east of Waters Upton, Telford, Shropshire

This was a full planning application for the erection of 130 dwellings and associated garages, 8 commercial units for use class A1 and B1 and further commercial unit at use class D1 with associated highway infrastructure, pathways, multi-use games area and landscaping following the demolition of existing agricultural barns, silos and storage sheds. The application covered an 11.9ha site along the length of the eastern boundary of Waters Upton and would be built in three phases over a period of up to 10 years. Members had undertaken a site visit earlier in the afternoon prior to the meeting.

An update report was tabled at the meeting, which contained the following:

- The applicant had submitted a draft legal agreement consistent with the heads of terms set out in the committee report. The Planning Officer reported that the terms of the agreement were broadly acceptable, and would be subject to further negotiation should planning permission be granted;
- A late representation from a resident of the Borough concerning bats;
- A supporting statement from the applicant.

It was also reported that Waters Upton Parish Council had made a further representation concerning planning policies and the status/weight that should be given to the emerging neighbourhood plan for Waters Upton. The Planning Officer read out a further submission purporting to be from a barrister who had previously given a local resident advice.

Councillor L Baker-Oliver, Chair of Waters Upton Parish Council, addressed the Committee and referred to the smaller scale new development in the village that had already been approved. This application would swamp the village and would be life-changing for the community. The village already had many of the facilities that were being offered by the applicants as community gain. It was asserted that surveys carried out in relation to the application were inaccurate and that the applicant had supplied incomplete information. The Committee were urged to give a substantial number of reasons to refuse the application.

Councillor S Bentley, Borough Ward Member, addressed the Committee and referred to the National Planning Policy Framework which advocated the use of brownfield sites before greenfield sites. This application was outside the village

boundary and would not enhance or benefit the village. It was contended that the Waters Upton Neighbourhood Plan should be given significance as part of any consideration of this application. There were many good reasons to refuse the application including loss of good quality agricultural land, lack of community benefit and over-development.

Mrs S Wall and Mr H Roberts, speaking on behalf of local residents, questioned the Council's view that the Waters Upton Neighbourhood Plan carried little weight, and referred to legal advice which suggested that the Plan should be given due weight when considering this application. The application should be refused on the grounds of loss of grade 2 agricultural land, overdevelopment, the dangers posed by increased traffic movements, direct impact on three quarters of properties in the village, drainage and flooding risks and the development was in open countryside.

Mr C Huntley, the applicant's agent, addressed the Committee in support of the application, explaining that this was a detailed planning proposal that was transparent and deliverable. The scheme had been phased in order to introduce the new properties in a considered manner whilst maximising the community benefit in phase 1. The location of the proposal had been carefully considered so that it fitted naturally with the existing settlement. The agricultural value of the land was limited due to environmental/hydrological reasons. It was considered that the Planning Officer's recommendation to refuse the application was flawed in that it was based on outdated guidance concerning great crested newts rather than more recent case law. It was suggested that standard mitigation could be applied which could be regulated by condition. Therefore delegated approval of the application could be given pending a full great crested newt survey in May 2015.

The Planning Officer and Legal Officer referred to the advice given in the report regarding the Waters Upton Neighbourhood Plan. The Plan had yet to go through the public consultation process and independent examination, and therefore it had not reached a point where it could be regarded as having any significant weight in the determination of this application. This view had been supported by legal Opinion. The Planning Officer drew attention to aspects of the report relating to the future of the site as rural land including the loss of agricultural land, design issues and impacts on neighbouring residents, impacts on landscape, ecological assessment and impacts on a protected species, highway impacts, drainage and flood risk, heritage and archaeology, impacts on local infrastructure and responses to other consultees. It was acknowledged that there was planning merit in the development in terms of design and minimising the impact on existing residents. However, the application had been submitted with insufficient information on the protection of great crested newts (a European protected species) and was therefore being recommended for refusal.

Members referred to the lack of community support for the application, the loss of high quality agricultural land, the size of the development, the impact on the local primary school and lack of sustainability. In response to comments about housing needs in the rural area, the Assistant Director: Planning Specialist advised that the housing needs information was up-to-date and was published this year as part of the supporting documents for consultation on Proposed Housing and Employment Sites (PHES) within the draft Shaping Places Local Plan. The application site had been

identified in the draft PHES as a housing site. Following questioning on the assertions made by the applicant about out of date guidance, the Legal Officer advised that the terms of paragraph 99 of ODPM Circular 06/2005 did apply in this case and that it was not considered that any exceptional circumstances existed to allow any surveys to be left to coverage under planning conditions.

In relation to the suggestion from the applicants that the application could be given delegated approval to Officers, the Assistant Director: Planning Specialist advised that it was appropriate, in the light of the incomplete ecological information, for the application to be determined on the basis of the information provided, and that the applicant could re-submit the application for members to consider when the time comes.

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

**RESOLVED** – that with respect to planning application TWC/2014/0761 the application be refused planning permission for the following reasons:

**The proposals do not accord with paragraph 99 of ODPM Circular 06/2005, nor Standing Advice from Natural England nor do they provide necessary survey information including for nearby ponds 1, 2 and 3 (which have clear potential for presence of Great Crested Newts). The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the presence or otherwise of Great Crested Newts has not been established nor the extent to which any Great Crested Newt population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in Policy CS12 of the Telford & Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.**

(c) TWC/2014/0941 – Land to the North West of Existing MoD Donnington, Donnington, Telford, Shropshire

This was an application from the Council to vary Condition 6 of planning permission TWC/2014/0042 to allow a revised access arrangement to serve the proposed MoD Donnington Option Site involving the construction of an 875,000 sq ft warehouse and distribution facility (use class B8) and a 30,000 sq ft office block (use class B1) with associated infrastructure and landscaping.

The Committee considered this application in conjunction with application number TWC/2014/0945 on the agenda schedule. An update report for both applications was tabled at the meeting which set out further comments received from Veolia. In the light of the comments from the Local Highway Authority that the Transport Assessment submitted with the application was robust, and that there may be

opportunities to prevent on-street parking in Hortonwood, Veolia no longer objected to the proposal.

Mrs J McKinnon, a local resident, addressed the Committee and reiterated her previous opposition to the scale of the development of the MoD Donnington site. Condition 6 of the previous planning permission had been put in for a good reason, and highlighted the current problems in the area with vehicles parked on pavements and HGVs parking overnight on-street. It was also suggested that further improvement work would be needed to adjacent roundabouts.

The Planning Officer reported that the proposed alternative access would result in all traffic movements being taken from Hortonwood 50. An updated Transport Assessment had been provided, which suggested that the capacity of three adjacent road junctions was sufficient to accommodate the development. The Local Highway Authority had accepted that the TA was robust, subject to conditions and a financial contribution for improvements to Hortonwood 50 and 60. The report also highlighted arboricultural and ecological issues arising from the proposed variation.

Members were satisfied that the proposed new access arrangements were acceptable, although there was some concern as to the likely impact on the neighbouring highway network. The Assistant Director: Planning Specialist advised that funding for highway improvements might be available through the Marches Local Enterprise Partnership.

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

**RESOLVED** – that with respect to planning application TWC/2014/0941 planning permission be granted subject to the Director of Development, Business & Customer Services signing a Memorandum in lieu of section 106 Obligation setting aside a sum of money of £50,000 to be administered as a grant for the planting of trees and hedges at selected off-site locations within 2 km of the site together with £10,000 to cover costs of monitoring of Travel Plan, £5,000 for TROs and £10,000 for planning monitoring, and subject to the conditions as set out in the report - the final details of which to be delegated to the Development Management Manager.

(d) TWC/2014/0945 – Land North West of Existing MoD Donnington Site off Hortonwood 50, Donnington, Telford, Shropshire

This was an application seeking full planning permission for the creation of a new means of access off Hortonwood 50 to support the MoD Donnington Option site.

The Committee considered this application in conjunction with application number TWC/2014/0941 on the agenda schedule. An update report for both applications was tabled at the meeting which set out further comments received from Veolia. In the light of the comments from the Local Highway Authority that the Transport Assessment submitted with the application was robust, and that there may be opportunities to prevent on-street parking in Hortonwood, Veolia no longer objected to the proposal.

Mrs J McKinnon, a local resident, addressed the Committee and reiterated her previous opposition to the scale of the development of the MoD Donnington site. She highlighted the current problems in the area with vehicles parked on pavements and HGVs parking overnight on-street. It was also suggested that further improvement work would be needed to adjacent roundabouts.

The Planning Officer reported that the application site was a spur off the cul de sac head of Hortonwood 50 and presently consisted of a footpath leading from the Hortonwood Industrial Estate together with a mixture of woodland and undergrowth vegetation. An updated Transport Assessment had been provided, which suggested that the capacity of three adjacent road junctions was sufficient to accommodate the development. The Local Highway Authority had accepted that the TA was robust, subject to conditions and a financial contribution for improvements to Hortonwood 50 and 60. The report also highlighted arboricultural and ecological issues arising from the proposed variation.

Members were satisfied that the proposed new access arrangements were acceptable, although there was some concern as to the likely impact on the neighbouring highway network. The Assistant Director: Planning Specialist advised that funding for highway improvements might be available through the Marches Local Enterprise Partnership.

**RESOLVED** – that with respect to planning application TWC/2014/0945 planning permission be granted subject to conditions deemed appropriate by the Development Management Manager including those set out in the report.

The meeting ended at 7.00pm

**Chairman:** .....

**Date:** .....