

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 11 December 2013 at 6.00pm in the Telford Suite, The Telford Whitehouse Hotel, Watling Street, Wellington, Telford TF1 2NJ**

**PRESENT:** Councillors J C Minor (Chairman), S P Burrell, N A Dugmore, E J Greenaway, K R Guy (as substitute for J Loveridge), A S Jhawar, G C W Reynolds, S A W Reynolds and C R Turley

**ALSO PRESENT:** Councillors S Bentley (for planning application TWC/2013/0685), A J Eade (for planning application TWC/2011/0871) and A A Meredith (for planning application TWC/2011/0871)

#### **PC-060      APOLOGIES FOR ABSENCE**

Councillor J Loveridge.

#### **PC-061      DECLARATIONS OF INTEREST**

Cllr N A Dugmore commented on his position regarding planning application TWC/2013/0832 but stated that, in the circumstances he would not be withdrawing from the meeting for that item.

#### **PC-062      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PC-063      SITE VISITS**

**RESOLVED** – that a site visit takes place at 3.00pm on Wednesday, 18 December 2013 at land off Castle Farm Way, Priorslee, Telford, Shropshire in respect of planning application TWC/2013/0769.

#### **PC-064      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/2011/0871 and TWC/2013/0832.

(a)            TWC/2011/0871 - Land to the East and West of Station Road, Newport, Shropshire

This was an outline application, including access, for the erection for up to 350 dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development. Issues relating to layout, scale, appearance, and landscaping were reserved matters for later consideration.

The Planning Officer advised that the application was first submitted in October 2011 and included 3.9 hectares of land to be used for a new supermarket and petrol filling

station; this application had since been amended and now excluded that land such that the supermarket and petrol filling station no longer formed part of the outline application. The Planning Officer pointed out that if members were minded to grant outline planning permission, then the committee report and committee resolution would be sent to the Secretary of State, to allow an assessment to be made as to whether there were any issues of a significant enough nature to warrant intervention or whether the final decision could be left to the local planning authority. Referral to the Secretary of State had taken place for housing applications at Wellington Road and Land North of Audley Avenue, and neither application had been called-in. The Planning Officer reminded Members that the Council's housing land supply had recently been reassessed and that the five year deliverable supply required by the National Planning Policy Framework (NPPF) was not available; she did not believe that there were significant material planning considerations to outweigh the provisions of the NPPF in this regard. Not all approved housing development would come forward at the same time, there would be some phased development. The Planning Officer also referred Members to the Cabinet report dated 14 November 2013 which considered a review of employment land in Newport and drew attention to the enhancement to employment land which was proposed by the application. The Planning Officer also explained that Newport's continued growth would require some greenfield sites to be built on and that there would be some loss of agricultural land as a result. The Planning Officer particularly pointed out that a Habitats Regulation Assessment had been undertaken which concluded that there would be no adverse impact on statutorily protected sites and the application had been subject to an Environmental Impact Assessment. In addition, the Environmental Statement had recently been revised and updated and the Environmental Statement had been considered in assessing the application.

The Planning Officer also highlighted the update report which had been tabled which set out further comments received since publication of the main report. The Planning Officer pointed out that there was no objection from Highways subject to Section 106 contributions, drainage or ecology officers.

Cllr J Pay, representing Church Aston Parish Council spoke in opposition to the application on the grounds of housing need and the Council's recent statement on housing land supply in the borough, viability of affordable housing targets, sustainability and the impact on local infrastructure. He made assertions that there had been some misinformation during consultation.

Cllr A J Eade, Ward Member for Church Aston and Lilleshall, spoke against the application questioning the evidence that there was not a deliverable five year supply of housing land in the borough as required by the National Planning Policy Framework. He noted the effect of this requirement was that the application could only be refused on the grounds of sustainability, and he pointed to issues regarding highways, impact on GP and dental surgeries and loss of employment land to support refusal. He suggested that the Committee should defer determination of the application until the Cabinet had considered the housing supply position as part of the Shaping Places: Local Plan Update report which was due to be presented on 12 December 2013.

Cllr A A Meredith, Ward Member for Newport South, also spoke to oppose the application in terms of the length of time it had taken for the application to come forward for determination, disturbance to current tenants of employment units and the potential for them to relocate outside Newport if they were not rehoused prior to demolition, loss of employment land contrary to the Cabinet decision on 14 November 2013, size of

homes and distortion of local rental market by annual tenancies let to students at Harper Adams University.

Mr P Hill, the Applicant's Agent addressed the Committee in support of the application, pointing to the national impact of the government's directive regarding five year housing supply, the mixed-use nature of the application, including extra care facilities and open space. He noted the proposed extension of bus services, and financial contributions. He noted that the current business park was out-dated and facilities would be significantly enhanced by these proposals. He indicated that, if Members were minded to support the proposals, development would take place in a phased, co-ordinated manner which would support current tenants of the business park.

Members asked a number of questions about the application which were addressed by the Assistant Director: Planning Specialist:-

- Government policy stated that where a 5 year housing supply could not be demonstrated, relevant policies for the supply of housing could not be considered up-to-date. Difficulties had arisen over how a "deliverable" housing supply was defined. He advised that after careful consideration of the terms of the NPPF, recent decisions by the Planning Inspector and advice from the Local Government Association, Officers had concluded that whilst approvals existed, a 5 year supply could not be demonstrated. This position was reflected nationally as the housing market remained difficult due to the economic recession. In accordance with the NPPF, this limited the weight the Council could apply to its housing supply policies when determining planning applications and instead there was a 'presumption in favour of sustainable development'.
- The National Planning Policy Framework set out the government's definition of sustainable development and it was the Planning Officer's opinion that this application was compliant with the requirements.
- There had been no change to local policy and there was no basis upon which the Committee could be recommended to defer the application.
- The Chancellor's Autumn Statement indicated that if Local Authorities refused applications for housing development which were later overturned at appeal, a loss of New Homes Bonus would result.
- The timeframe for bringing an application forward was somewhat led by the developer.
- The Cabinet report of 14 November 2013 regarding the need for employment land in Newport noted the need for quality facilities as well as quantity. Whilst the current employment buildings would be lost, the new buildings proposed by this application represented a significant enhancement in provision for future employment. The report represented an update of the position that was reported in 2012.
- The Council's Choice Based Lettings Scheme was not a material planning consideration.
- Education colleagues were satisfied that Burton Borough School could meet the needs of the development.
- Utilities and Geotechnical Engineers had not raised issues and there was no reason put forward why the site could not be adequately served. Similarly, no objection had been raised regarding flooding.
- Housing Needs Officers had not raised any issues regarding the Extra Care facilities. A spread of facilities across the borough was sought.

- At the examination in public of the Council's Core Strategy, it was concluded that development of Greenfield land in Newport was inevitable to provide for future needs.

After consideration of these responses, the debate continued with Members noting that education contributions would be phased and subject to indexation. Some Members considered that the housing development would have a positive impact on the local economy and boost spending power on the local high street. A significant waiting time for affordable housing in the locality was noted and the viability of developing Brownfield land was considered as well as whether there may be Brownfield land of a large enough size to accommodate these proposals. Some Members considered that the current business park was outdated and welcomed the proposed modern accommodation which would be efficient, sustainable and attractive to new businesses. The Chancellor's Autumn Statement with regard to the New Homes Bonus was noted and considered in light of a case in Lancashire where the Planning Inspector had over-turned decisions to refuse planning permission. Members, therefore, acknowledged that there needed to be good, defensible reasons to refuse the application.

Some Members sought greater clarity regarding viability as it was noted that it had proved difficult to achieve affordable provision in Newport. The Assistant Director: Planning Specialist indicated that developers could not be forced to build unviable homes and he was unable to guarantee that the developer would not seek a reduced contribution of affordable homes on the grounds of viability. However, the Committee were advised to make their decision based upon the proposals before them. Some Members also noted proposed works at Burton Borough School under the Building Schools for the Future programme, but noted that capacity at the school would not be significantly increased. Some Members noted the debate between housing need and deliverability and expressed disappointment that the government drive to increase house building had a perceived negative effect on the local community and preferred to await the Council's Cabinet's consideration of the Annual Monitoring Statement before making a decision on this application.

Some Members considered that the concerns which had been raised were adequately addressed in the report and by Officers at the meeting and, whilst local opposition to the proposals was noted, for reasons of planning policy and strategy they did not consider that they were in a position to refuse the application.

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

**RESOLVED** – that with respect to planning application TWC/2011/0871 the application be referred to the Secretary of State and if there is no objection or no request to call-in the application within the prescribed time period then the Development Management Service Delivery Manager be authorised to grant outline planning permission subject to the applicants/landowners entering into a Section 106 Agreement to provide: 35% affordable housing; £820,596 for off-site highway infrastructure works; £10,000 for public transport infrastructure; £7,500 for Public Rights of Way; £360,000 for public transport service enhancements; £10,000 for Travel Plan monitoring (comprising £5,000 (C class uses) + £5,000 (B class uses)); Commuted maintenance sum for the Station Road PUFFIN crossing to be confirmed; a sum to be agreed for Public Art (to the value of £100,000); £2,464.55 per dwelling towards primary and secondary education facilities; Open space/landscape maintenance sums to be agreed, depending if land to be

**transferred to the Council; S106 Monitoring fees (£1,000 flat fee plus £500 per covenant), and further subject to the conditions set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

(b) TWC/2013/0685 - Land adjoining Waters Upton Village Hall, Waters Upton, Telford, Shropshire

This was an application for the erection of 5 detached dwellings with associated garages, provision of open space with associated access.

Ms K Baker, representing Waters Upton Parish Council spoke in favour of the application, welcoming the consultation which had taken place and the community gain which formed part of the proposed Section 106 Agreement. She welcomed the transfer of land, noted that there was sufficient affordable housing in the village and that the front hedge would be maintained. If Members were minded to approve the application, she asked for consideration to be given to plot 5 being designated as a single storey dwelling.

Cllr S Bentley, Ward Member for Ercall Magna, also spoke in support of the application, similarly welcoming the applicant's engagement with the community and reiterating the request for a bungalow at plot 5.

Mr C Huntley, the Applicant's Agent, addressed the Committee in support of the application, noting comments made for the first time at the meeting regarding plot 5 and suggesting that the issue be dealt with at reserved matters stage.

Members listened to the Planning Officer's summary of the report, which drew attention to consultation, principle of development, National Planning Policy Framework requirements regarding housing land supply, the sustainability of Waters Upton village, layout, access, drainage, ecology and the reasons for not requesting financial contributions as part of a Section 106 Agreement. Noting comments regarding plot 5, which had not previously raised, the Planning Officer indicated that there was not an issue with the canopy of the protected Oak Tree as the layout had been amended. Responding to a question as to whether it was possible to condition plot 5 as a single storey dwelling, she did not believe it would be defensible if it were to be appealed and she indicated that it would be more appropriate to pursue this aspect at the reserved matters stage.

Members welcomed the applicant's co-operative approach and hoped that the applicant would continue working with the community at reserved matters stage. On being put to the vote, it was, therefore, unanimously:

**RESOLVED – that with respect to planning application TWC/2013/0685 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement to transfer the ownership of land as shown on Drawing No. 15 Land Transfer Plan to Waters Upton Parish Council for community benefit and further subject to the conditions and informatives set out in the report.**

(c) TWC/2013/0832 - Burton Borough School, Audley Avenue, Newport, Shropshire, TF10 7DS

This was an application for the erection of a two storey rear learning block extension, with associated landscaping. Relocation of four temporary classroom blocks and creation of new football pitch and demolition of part of existing two storey building and associated remedial works to existing buildings.

An update report was tabled which set out details of a petition received to retain the cadet hut located within the site. The local highways authority had undertaken vehicle tracking and concluded that the building would not be impacted by bus movements.

The Planning Officer also reported that the additional information requested by the Council's Ecologist had been received and additional conditions and Informatives were requested relating to badgers, bats and lighting.

Members welcomed the proposals but some Members expressed reservations that there were insufficient places to accommodate the likely future local population growth; Sixth Form provision was applauded and the retention of the Cadet hut was also welcomed. Clarity was sought on the size of the playing field and the Planning Officer advised the scheme was commensurate with Sport England requirements. In addition, floodlighting for evening community use was questioned and the Planning Officer advised that this could be controlled through the Community Use Agreement.

On being put to the vote, it was unanimously

**RESOLVED** – that with respect to planning application TWC/2013/0832 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the conditions set out in the report and further subject to conditions relating to badger protection, bat protection, bat and bird boxes, lighting plan and informatives.

The meeting ended at 7.52pm

**Chairman:** .....

**Date:** .....