

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 16 September 2015 at 6.00pm 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 (Chairman), N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, P Scott, M J Smith and C R Turley

#### **ALSO PRESENT:**

Councillors G K Cook (for Planning Application TWC/2013/1033), A J Eade (for Planning Application TWC/2015/0132), M B Hosken (for Planning Application TWC/2013/1033) and J M Seymour (for Planning Applications TWC/2013/1033 and TWC/2015/0192)

#### **PC-040      APOLOGIES FOR ABSENCE**

None.

#### **PC-041      DECLARATIONS OF INTEREST**

With regard to planning application TWC/2013/1033, Councillor C R Turley stated that he was a member of the Shropshire Hills Area of Natural Beauty Management & Partnership Committee but he would not be withdrawing from the meeting for that item.

With regard to planning application TWC/2014/0612, Councillor N A Dugmore commented that he was a member of Donnington & Muxton Parish Council but he had not taken part in their discussions and he would not be withdrawing from the meeting for that item.

#### **PC-042      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 25 August 2015 be confirmed and signed by the Chairman.

#### **PC-043      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PC-044      SITE VISITS**

None.

#### **PC-045      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report.

(a) TWC/2013/1033 - Land to the North of Haygate Road, Wellington, Telford, Shropshire

This outline application for the erection of up to 330 dwellings with some matters reserved had previously been considered at the meeting of the Planning Committee on 21 May 2014 when it was resolved to approve the application subject to conditions and a S106 agreement. The Council had subsequently announced that a five year supply of housing land could be demonstrated and, as this was a material planning consideration which meant that the Council's relevant policies were no longer out of date, the applicant had been advised that the Planning Committee would revisit the decision as the S106 agreement had not been completed. In response, the applicant had decided to lodge an appeal against non-determination of this application and the Committee was, therefore, invited to express a view on the proposals, which would then be put to the Inspector at the appeal inquiry.

Members were also advised that the applicant had lodged a new and near identical (twin-tracked) application (reference TWC/2015/0364) and that application was scheduled to be determined at the next meeting of the Planning Committee when outstanding transport information should be available.

Councillor M B Hosken, Ward Councillor for Ercall, spoke in opposition to the application in terms of the existence of a five year deliverable housing land supply, highway safety and increased use of alternative routes into Wellington Town Centre, utilities, sewerage, drainage, green space, loss of agricultural land, loss of amenity and that the application was contrary to local community needs.

Councillor G K Cook, Ward Councillor for Haygate, welcomed the recommendation to invite refusal of the application and noted the high level of local opposition. He noted the site was outside the development area and would negatively impact on local infrastructure. He also expressed fears regarding road safety and an increase in traffic congestion.

Cllr J M Seymour, Ward Councillor for Wrockwardine, considered that all the objections which had been made to the application when it was originally considered in May 2014 remained and lamented that the previous lack of five year deliverable housing land supply had to take precedence over local objections. She argued that the site was not suitable for residential development and particularly highlighted concerns regarding the site being outside the development area, rural development, loss of prime agricultural land, impact on heritage assets and the impact on the landscape.

Mr J Pattinson spoke on behalf of local residents who opposed the proposals. He referred to the announcement that the Council now had a five year housing land supply, government guidance to planning authorities to place more emphasis on the development of brownfield land and the development of the draft Local Plan. He considered the proposals were unjustified and speculative and also highlighted issues regarding the negative impact on the landscape and Orleton Hall Park, traffic and highways.

The Planning Officer referred Members to sections of the report dealing with the principle of development, sustainable development, loss of agricultural land, impact upon heritage assets and impact on landscape. She reminded Members of the existence of the five year housing land supply, the robustness of which had been successfully tested at appeal (application TWC/2014/0236). This meant that the Council's Core Strategy and Local Plan could now be considered up to date and the application could be assessed against those policies as set out in the comprehensive report.

During the ensuing debate, Members welcomed the announcement of a five year housing land supply which would allow them to fully consider this application against current Council policies. Members expressed particular concerns regarding the location and character of the area, increased levels of vehicular traffic, loss of prime agricultural land, school places and impact upon heritage assets. Overall, Members did not believe the proposals were in accordance with the National Planning Policy Framework or local policies, including the draft Local Plan.

In response to comments made by speakers, the Development Management Service Delivery Manager reiterated the consequences of the announcement that the Council could demonstrate a five year housing land supply in terms of local policy and also reminded Members that their decision was to provide officers with a view on the application to take forward to the Planning Inquiry.

Upon being put to the vote it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2013/1033 the Inspector be informed that the Council will oppose the appeal proposals and invite that outline planning permission be withheld for the following Reasons:**

- 1. The proposal represents unacceptable encroachment into the open countryside which is of local importance at a key approach into Wellington and the loss of an extensive area of high quality agricultural land for which there is no housing justification and would therefore adversely affect the character and appearance of the area which has historic and sensitive value. Accordingly, the proposal is contrary to adopted Core Strategy Policies CS1, CS3, CS7, CS11, CS12, CS13 and CS14, saved Policies H9, OL6 and HE24 of the Wrekin Local Plan and the National Planning Policy Framework.**
- 2. The proposal would adversely affect the setting of the adjacent listed park at Orleton Hall and the impact upon this heritage asset, for which there is no housing justification would adversely affect the character and appearance of the area. Accordingly, the proposal is contrary to adopted Core Strategy Policies CS1, CS3, CS7, CS11, CS12 and CS14, saved Policies H9, OL6 and HE24 of the Wrekin Local Plan and the National Planning Policy Framework.**

(b) TWC/2014/0612 - Land at Muxton Lane, Muxton, Telford, Shropshire

At its meeting on 17 December 2014, the Planning Committee had resolved to refuse this application for outline planning consent for the erection of up to 110 dwellings with associated access with all other matters reserved. The applicant had subsequently lodged an appeal against the decision.

This report set out the consequences of the announcement that the Council could demonstrate a five year housing land supply in terms of local policy and material planning considerations and, in light of these changes in circumstances, Members were asked to consider the proposed approach that the Council would take in defending the appeal.

Mr P Loughlin spoke on behalf of local residents who opposed the application on the grounds that the applicant's reasons for appeal were tenuous or factually incorrect. In particular, Mr Loughlin referred to the traffic survey, highway safety, landscape, and argued that the adverse impacts outweighed any benefit of the proposals.

Referring to the report before them, Members discussed the application in terms of the conflict with planning policy due to the existence of a five year housing land supply, protection of the landscape and "Lilleshall Gap", sustainability and highways.

The Development Management Service Delivery Manager commented upon the status of the draft Local Plan, advising Members that it would hold greater weight by the time of the Inquiry and offered reassurance that there was robust evidence to support the policies upon which the Council would seek to rely.

On being put to the vote it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2014/0612 the Inspector be informed that the Council will oppose the appeal proposals and invite that outline planning permission be withheld 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, OL6 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 Strategic Urban Extension with integrated infrastructure as proposed in the draft Telford & Wrekin Local Plan. 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.**

- (c) TWC/2015/0132 - Former Builders Yard, Barrack Lane, Lilleshall, Newport, Shropshire

This was an outline application for the erection of three detached dwellings and detached double garages, with all matters relating to access, appearance, layout, scale and landscaping to be dealt with at the Reserved Matters stage. Lilleshall Parish Council had requested that the application be determined by Planning Committee.

Councillor J Taylor, representing Lilleshall Parish Council, spoke to oppose the application on the grounds that the location of the proposed development was inappropriate in view of the proximity to the existing farm and feared the future of the farm could be jeopardised.

Councillor A J Eade, the local Ward Councillor, also spoke against the application on the grounds that there would be a detrimental impact upon the existing farm business and it was contrary to local policy, particularly in terms of encroachment on the countryside, and was not an identified settlement in terms of policy CS7, the site was not an infill site, protecting the character of the village, lack of community gain to extinguish the existing use of the land and that the site did not meet the definition of brownfield land.

Mr P Hill, the neighbouring dairy farmer, also spoke in opposition to the application in terms of the anticipated conflict between the proposed residential development and the farm business. He believed the environmental impact assessment was flawed in terms of noise, fly count and odour. He did not believe that if the situation were reversed, the siting of a dairy farm would be approved in such close proximity to a residential development.

Mr A Williams, the Applicant's agent spoke in support of the application which he argued was of small scale, low density, well screened, sustainable, accorded with policy and located on a brownfield site. He considered that there would be an imperceptible increase in traffic, that Public Rights of Way were a civil matter and noted the lack of objection from statutory consultees. He commented upon the site's relationship to the farm and upon the assessment of odour and pest control issues which had been endorsed by the Environmental Health Officer.

The Planning Officer advised Members regarding the principle of development, particularly in relation to recent refusals for housing development in Lilleshall, the

current brownfield and established use of the land, the Environmental Health Officer's assessment of the relationship with adjacent farm use, and the lack of technical objection subject to mitigating conditions. She also noted that the recommendation sought delegated authority to the Development Management Service Delivery Manager to grant planning permission but that this was inappropriate since there was not a Section 106 Agreement involved.

The Committee considered points raised by speakers and information provided by the Planning Officer in conjunction with the report, particularly relating to the brownfield use of the land, impact of the farm on the living conditions at the proposed dwellings and how this could potentially impact the farm business, impact upon the archaeological remains of Donnington Wood Canal and the previous reasons for refusal as set out by the Planning Inspector. One Member advised that he had visited the site and commented upon the farm odours. Members considered that if the situation were reversed, they would not grant permission for a dairy farm in such close proximity to residential dwellings.

There being no proposer that the application be given outline approval, it was proposed and seconded that outline approval be refused and following a vote it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2015/0132 planning permission be refused on the grounds that the close proximity to New House Farm dairy farm would have a detrimental impact on the amenity of the proposed development, that the site was not an infill site and that the development was an unacceptable extension to the village of Lilleshall into the countryside and was not a key settlement in policy terms.**

(d) TWC/2015/0192 - Site of Windhover, Buildwas Lane, Little Wenlock, Telford, Shropshire

This application sought full planning consent for the erection of a single detached dwelling with associated access and landscaping. Little Wenlock Parish Council had requested that the application be determined by Planning Committee.

Councillor J Esp spoke on behalf of Little Wenlock Parish Council to oppose the application on the grounds that it was contrary to the Parish Plan, National Planning Policy Framework and local policies including the draft Local Plan. She commented that the personal circumstances of the applicant did not represent a material planning consideration and was concerned that the proposals would set a precedent for development.

Councillor J M Seymour spoke as local Ward Councillor to put forward local concerns about the application. In principle she was not opposed to the proposals but considered that the design was inappropriate in this location.

Mr A Lees spoke as a near neighbour who also opposed the application on the grounds of sustainability, contrary to Local Plan, location, setting a precedent for development, previous planning history, design and appearance, character and increased vehicular movement.

Miss J Allingham spoke as a local resident in favour of the application noting the discrete, eco-friendly design which would improve access for the disabled applicant who was an active member of the community. The new dwelling would allow the applicant to continue to live on site near her animals which would retain the therapeutic riding benefits on offer and secure the associated employment opportunities.

Miss Marilyn Miller, the Applicant, spoke in support of the application explaining the reasons for the application in light of her changed personal circumstances and the need for her to continue to live near to the therapeutic riding facility which she offered at the site. She noted the mixed character of dwellings in the village and commented on the design of the proposed dwelling which was situated to be hidden from view.

The Planning Officer referred the Committee to the principle of development in terms of the Local Plan and National Planning Policy Framework and also commented upon location and design. She advised the Committee that the 'Little Wenlock Parish Plan' held little weight as it was not a Neighbourhood Plan and that there had only been two objections to the proposals.

Members sought the detail of the previous planning refusal at the site and welcomed the high quality eco-design and considered location of this proposal.

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

**RESOLVED – that with respect to planning application TWC/2015/0192 planning permission be granted subject to the conditions as set out in the report.**

(e) TWC/2015/0699 - 183 Woodside Road, Ketley, Telford, Shropshire, TF1 5WT

This was an application by an elected member for the erection of a new conservatory following the demolition of the existing conservatory. Members considered the information provided in the report and following a vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2015/0699 planning permission be granted subject to the conditions as set out in the report.**

The meeting ended at 7.40pm

**Chairman:** .....

**Date:** .....