

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 3rd June 2015 at 6.00pm in the Haybridge Restaurant, Telford College of Arts and Technology, Haybridge Road, Wellington, Telford TF 1 2NP

PRESENT: Councillors J C Minor (Chair), N A Dugmore, E J Greenaway, N Lowery, J Loveridge, M Smith, P Scott and C R Turley.

The Chair informed the Committee that the Tree Preservation Order would be moved up the Agenda and heard prior to the Planning Applications for Determination.

PC-001 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 8 April 2015 be confirmed and signed by the Chair subject to the following change:

With regard to PC-088 – TWC/2015/0177 Councillor E J Greenaway advised that she was a “Ward Member for Lawley & Overdale” and not “Lawley and Overdale Parish Council”.

PC-002 APOLOGIES FOR ABSENCE

No apologies had been received.

PC-003 DECLARATIONS OF INTEREST

With regard to Item D on the Agenda – the Article 4(2) Direction Report, Councillor C R Turley advised that he was a Councillor appointed Trustee to the Severn Gorge Countryside Trust and the Ironbridge Gorge Museum Trust.

With regard to planning application TWC/2014/0671 Councillor E J Greenaway advised that she was the ward member of Horsehay and Lightmoor but had not been involved in any discussions on this application.

With regard to planning application TWC/2015/0254, Councillor N Lowery advised that she was the ward member for The Gorge but had not been involved in any discussions on this application.

PC-004 DEFERRED/WITHDRAWN APPLICATIONS

The Development Management Service Delivery Manager informed the Committee that the applicant had withdrawn application TWC/2014/1054 – 1 Moorhead, Preston Upon The Weald Moors, Telford, TF6 6DL.

The Committee were also informed that the applicant and officers had requested that with regard to TWC/2015/0220 – Site of Roden Nurseries, Roden Lane, Roden, Telford that the application be deferred to allow investigations to take place regarding the water supply for wider community benefit.

PC-005 SITE VISITS

TWC/2015/0196 – Car Park, Chapel Street, Oakengates – 4.30pm

PC-006 TREE PRESERVATION ORDER

The report of the Assistant Director: Law, Democracy & People Services was presented concerning the making of a provisional Tree Preservation Order at Roden Nurseries, Roden Lane, Roden, Telford which sought confirmation of the Order.

On 27 March 2015, a provisional Tree Preservation Order (TPO) was made in respect of four Red Oak trees and three English Oak trees within the grounds of Roden Nurseries, Roden Lane, Roden, Telford as identified on the plan attached to the report. An objection to the TPO was received from the Advance Land & Planning Ltd on behalf of their Client, in respect of all seven trees. A copy of the objection and supporting documents were appended to the report.

The TPO had been made in reaction to the planning application which sought to protect trees T1-T3 Red Oak trees which were adjacent to the highway and were of public amenity value and had good colour and good form. It also sought to protect T4-T7 which also had good community value. Trees T4 and T5 were both Red Oak Trees. T6 and T7 were Common Oaks. All of the trees gave good amenity value; they were near to existing dwellings and faced the highway. If the Committee decided to confirm the TPO and the application came forward again with the loss of T4 then the TPO could be modified to allow for the removal of Tree T4.

Further clarification was given to the Committee that a planning application may override the TPO if it came back before Committee but that this was a matter for the Committee to decide if and when it came forward. It was important to protect the trees in the first instance.

Cllr Dugmore raised concerns regarding the maturity of the trees and long-established trees if they have only been there for 10-15 years and was intrigued to establish why this collection of young trees had been the subject of a TPO as he understood the TPOs were put in place to protect very well established trees for a particular use.

The Arboricultural Officer informed the Committee that the Trees were on the roadside situated on a junction and were prominent within the landscape, the colour of the Red Oak trees during the autumn season enhanced the area and that these trees were 15 years into maturity and if these trees were replaced it would take a further 15 years for them to enhance and improve the area. TPOs could be made on areas of young trees and early maturity was not an issue. The trees would serve as a screen as the development was on along a roadside and would protect the development from highway lights at night. The trees did serve a purpose and were of amenity value.

The Assistant Director: Planning Specialist gave an observation on what he had heard which was that the trees were prominent and an important part of the

environment, the trees were in the early stages of maturity, but that it was important to protect trees now as well as in the future.

A further comment was made that if the trees weren't protected by the TPO then the owners could immediately chop them down.

Cllr J Greenaway commented that 15 years was a substantial amount of time for the tree to grow to a decent size and she, personally, did not want to lose the trees if the owners decided to cut them down.

Following the discussion it was:

RESOLVED – that the Borough of Telford & Wrekin (Trees within the grounds of Roden Nurseries, Roden Lane, Roden, Telford TF6 6BP) Tree Preservation Order 2015 be confirmed without modification.

PC-007 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/2013/0685 – Land adjoining Waters Upton Village Hall, Waters Upton, Telford, Shropshire

The Planning Officer informed the Committee that this application had previously been before the Committee on 11th December 2013. Members resolved to approve the S106 relating to the transfer of land at Waters Upton Parish Council. The S106 agreement had not been completed and the grant of permission remained outstanding. The decision was made at the time when the Council was unable to identify a 5 year housing land supply as required by the NPPF. Therefore Policies CS1 and CS7 were out of date and there was a strong presumption in favour of sustainable development. As the Council now had a deliverable 5 year housing land supply, a number of applications that had previously been the subject of resolutions to approve but no permissions issued need to be reconsidered. Three of these applications had been brought to this meeting to be re-considered on this basis. Applicants had been notified of the material change and that a period of consultation had taken place. In addition, since the resolution to grant had taken place, Waters Upton Neighbourhood Plan had been consulted upon in accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012. Reference was made to the NPPF Guidance which explained the weight to be given to emerging plans where they were at pre-examination stages of their progress and where there were unresolved objections to relevant policies. It was mentioned that the Council had raised a number of concerns whether some of the proposed policies met certain basic conditions as required by the Regulations. In all circumstances, whilst it was a material consideration, it was considered that limited weight that could be attached to the Waters Upton Neighbourhood Plan at this stage.

Cllr L Baker-Oliver spoke on behalf of Waters Upton Parish Council who considered now to be in a difficult position following the original application in 2013 and the fresh application. The original planning application was approved subject to the signing of the Section 106 agreement by way of community gain providing a village green, a village hall and car parking. Although this site was on greenfield land there would be benefits to Apple Trees Nursery and community gain. The NPPF no longer imposed a presumption in favour of development and Waters Upton now had a Neighbourhood Plan which carried significant weight regarding greenfield sites within village settings. Brownfield sites should be used without encroaching onto greenfield land as this would ensure gradual and sustainable growth over the next few years in order to benefit the communities involved. After careful consideration the Parish Council opposed the application.

Cllr S Bentley, Ward Member for Edgmond and Ercall Magna noted that the application had been brought back to Committee following the changes around the 5 year land supply. The Government directions were in favour of development and he fully supported that the application should be reconsidered. The report has now significantly changed but was now correct. If the S106 had been signed it would not have been called back. When the original application came to Committee there had been a lack of a 5 year housing land supply and applications could be approved regardless of being on a greenfield site and the Parish Council took a pragmatic view that this would be of benefit to the community and a deal was struck that £30,000 would be paid to the Parish Council for community benefit and to negate the need for affordable housing as it was not required within the village and to secure the benefit for the community and there was no objection to this. As there has now been a considerable delay, there are now objections to the application due to the Waters Upton Neighbourhood Plan. Although examination was needed to see how much weight it carried under the Localism Act and the DCLG guidance it was considered that the Plan carried significant weight as the land does not appear in the plan. As the Neighbourhood Plan was now complete this was significant reason to refuse the application.

Mrs S Wall, local resident, addressed the Committee and explained that residents had identified preferred brownfield sites for development. The legal position had now changed in relation to the DCLG Regulation 16 used in planning decisions. If the DCLG's regulations were not considered then the decision could be passed to the Secretary of State or be taken to judicial review. It was a statutory requirement, following the end of the consultation period on 6th March 2015, that the plan and the responses were examined and a decision made by the examiner. A letter had been sent to Jonathan Eatough and Richard Partington expressing their view that the lack of a decision was stopping their plan. No reply had yet been received. The Applicant did not agree with the Neighbourhood plan and the officers were following the planning process but the determination of the plan was by the examiner and not the local authority. Mrs Wall asked that Members refuse or defer the application whilst this issue was resolved.

Mr J Davies, Applicant's Agent, informed the Committee that this area much needed green open space and the affordable housing issues had caused the delay with the S106 agreement and this had led to the re-hearing of this application. The agent acknowledged the change in government criteria for affordable housing in the rural

area, but confirmed that the Applicant still stood by the previous agreement which proposed the area of open space in lieu of affordable housing as previously agreed and considered the application was policy compliant and sustainable. The application came under Neighbourhood Plan Policy 4, Policy 1 and 7, Policy UH4, Policy DS1 and 3, Policy WUA1, Policy WUA4, and Policy WLC3. Mr Davies was aware that the Neighbourhood Plan was not yet adopted and that the existing recommendations were now for approval. He also confirmed that the Planning Officers supported the application complying with the NPPF and the Core Strategy which was of benefit to the Local Community and considered sustainable.

Legal advice was given to Members that an important issue was how much weight was given to the Neighbourhood Development Plan bearing in mind the stage it had reached in its process. The legal adviser stated his view that there was no need to defer the application as the position regarding weight to be given to the Neighbourhood Development Plan in such circumstances was clear enough. Recent case law supported the view that limited weight should be given to the provisions of the draft Waters Upton Neighbourhood Plan. The legal advisor referred to a comment which had been made suggesting that applications that are granted which are in conflict with a Neighbourhood Development Plan could be reviewed by the Secretary of State or a Judicial Review process could be undertaken and clarified that he was not aware of any particular special process. The Applicant could lodge a judicial review if the application was approved. Policy CS7 was a material consideration; identifying Waters Upton as a suitable settlement due to the local facilities and services and was sustainable under the NPPF. The proposed development was in the centre of the village and was not encroaching on the countryside and was not isolated. No affordable housing was required on application with 10 units or less. There had been an element of affordable housing – 3 houses – but objections from the Parish Council had been received due to the lack of need and as such a number of options had come forward and it was agreed that there would be a transfer of land and that this still remained. It was suggested that the Members focus on the policy principles taking account of why this was being reconsidered by members and that the proposed development was still acceptable for approval subject to the signing of the S106.

Cllr C Turley commented that on the first submission of the outline planning permission there were concerns from the Parish Council but that this application had been approved and the S106 was progressing to completion. This gave additional land to the village hall as well as a front hedgerow which would contribute to the local Parish assets. Due to the non-completion of the S106 the scheme had been brought back to the Committee. The scheme adhered to policy and was of significant benefit to the community. Cllr Turley continued to support the application subject to the S106 agreeing to transfer the land as in Drawing 15 and the £30,000 for community benefit.

Cllr N Dugmore expressed that due to the change surrounding the 5 year housing land supply, this had not previously been significant or fundamental to approving or objecting to the application and the community got the best deal at the time. Due to the delay in signing the S106 the application has been brought back before the Committee. The Community had been working for 2 years on a local plan and the decision as members was how much weight to give to the plan. The Council now

had a 5 year land supply and less land needed to be bulldozed. Cllr Dugmore suggested that the plan be referred or rejected to wait to see if the Neighbourhood Plan was approved as the grounds may completely change. It was suggested that the Local Plan was followed as this was the point of Parish Councils having their plans.

Cllr J Greenaway raised concerns regarding the outline statement of 5 dwellings and this had now been changed to “up to 5 dwellings” Cllr Greenaway also asked if it was likely that the Plan would be in place before the reserved matters came back to Committee and she considered that the dwellings exceeded CS1 Planning Policy.

The Assistant Director: Planning Specialist addressed the Committee that the Council now had the 5 year housing land supply and it was important that the Committee used the up-to-date policy and use the relevant document to determine applications. The application complied with local policy and conformed to the NPPF and was in conformity with both national and local policy.

Cllr C Turley re-affirmed the notable benefit to the community as the parcel of land would provide outdoor play facilities for the Apple Trees Nursery and if this was removed the nursery would be lost.

The Planning Officer confirmed that this application sought to preserve the Nursery with the land being made available for the Parish Council ownership, but at present as this was leased it could be terminated. With regard to the number of houses, the reserved matters discussions were progressing with only 4 houses. Originally the application had 8 units which had been reduced to 5 and now stated up to 5. The plans attached to the application showed how 5 houses could be accommodated on the site together with the land to be transferred over and this was what members were approving. A change to the plan had occurred which had now squared off the land to the village hall, as confirmed by the title plans. The Application was originally submitted in 2013 and officers were recommending for approval prior to the 5 year housing supply announcement in November 2013. In all the circumstances and bearing in mind the policy consequences of now having a five year housing supply this application was now brought forward for approval.

Following the discussion it was:

RESOLVED – that with respect to planning application TWC/2013/0685 authority be delegated to the Development Management Service Delivery Manager to grant outline planning permission, subject to the applicant entering into a S106 agreement to transfer the ownership of land as shown on Drawing No 15 Land Transfer Plan to Waters Upton Parish Council for community benefit subject to the conditions and informatives set out in the report.

b) TWC/2015/0196 – Car Park, Chapel Street, Oakengates, Telford, Shropshire

The Planning Officer presented the report which was a change of use from a private car park to a hand car wash and valet facility. The hours of operation were 9am to 6pm Monday to Saturday and 9am to 1pm on Sundays. A portable building would

be erected on the site for use as a customer waiting area and secure storage for equipment. There would be space for 4 cars to be washed and 4 cars to be valeted.

Mr C Kelleher, on behalf of Oakengates Town Council, raised concerns regarding the application and informed members that objections had been made by the Parish Council and the shops either side of the car park. The applicant had lain cabling under the highway breaking regulation 7671. There was no direct water supply and hosepipes would have to be laid across the highway. Drainage was a problem on the site with the drains being blocked and there was no provision for drainage. The Japanese Knotweed had been cut down. Mr Kelleher explained that the applicants had shown aggressive behaviour and he was concerned regarding this. Large lorries currently blocked the road when deliveries took place which couldn't happen if the car park was used for a business. This was not a simple situation and needed careful consideration.

The Planning Officer commented that the site was privately owned and objections had been received by the Town Council and local residents. Concerns were raised regarding the highway, due to poor visibility, but officers considered this to be a suitable location in principle to support growth. Officers carefully considered the objections but there were no vehicular movements that have not been previously undertaken by vehicular use and it was considered that these would be limited movements. This application was therefore recommended for approval on a 12 month temporary consent subject to highways and hours of use. The electrical aspect would be raised with the Highways Engineers if it has crossed local authority footpaths. There were no comments regarding the Knotweed and no concerns had been raised.

The Members discussed if it would be necessary to have a site visit in order to assess this application fully. Following the discussion it was:

RESOLVED - that with respect to planning application TWC/2015/0196 it was unanimously agreed that the application be deferred in order for a site visit to take place.

- c) TWC/2014/0272 – Ivydale, High Street, Coalport, Telford, Shropshire
TF8 7HZ

The Planning Officer informed the Committee that this application had previously been to Committee on 5th November 2014 where Members resolved to approve the application subject to a S106 for financial contribution for offsite recreation facilities. Due to the S106 remaining unsigned the resolution to grant remained outstanding. This decision was made at a time when the Council was unable to identify a 5 year housing land supply, as required by the NPPF. Whilst the reports and the minutes did not make reference to the 5 year land supply, the consequences of having a 5 year land supply were now a material consideration. This was the second of the three applications that members had been asked to re-consider and had followed the same notification period to both the applicant and consultees.

Cllr C Turley praised the proposed development.

Cllr J Greenaway raised on query with regard to the site visit which had previously been undertaken in regard to the footway and highway improvement.

Cllr P Scott commented that he had not been part of the decision making on the original Application but that this development was one that most people were in favour of and was beneficial to a lot of people.

Cllr N Dugmore also raised the footway issue, together with the narrowness of the bridge and the need to cross the road to access the footpath and asked if this could be dealt with under the reserved matters.

Mr A Williams, the Applicant's Agent, was invited to respond to the comments regarding the footway. At the site visit discussions took place regarding the footpath at the top end of the cul-de-sac. The plans on P52 and P53 to the report showed the slight difference with P53 showing a little input at the bottom of the cul-de-sac which led through to the Silkin way and High Street and that this was part of the scheme. Mr Williams did not think that the bridge would be a suitable place to provide a footpath as this would be too narrow. The S106 agreement was ready for completion.

Following the discussion it was:

RESOLVED - that with respect to planning application TWC/2014/0272 it was unanimously agreed that authority be delegated to the Development Management Service Delivery Manager to grant planning permission subject to a S106 agreement for the provision of £600 per dwelling towards enhancement works to the neighbouring Silkin Way and the conditions set out in the report.

- d) TWC/2014/0671 – Land adjacent to Cheshire Cheese, Doseley Road, Doseley, Telford, Shropshire

The Planning Officer informed the Committee that this application had previously been considered by Members on the 25th February 2015. On this occasion Members had approved the application subject to the S106 financial contributions towards off-site recreation facilities. The S106 agreement had not been completed and the resolution to grant remained outstanding. The decision was made at a time when the Council had been unable to identify a 5 year housing land supply as required by the NPPF. Although the minutes and reports did not directly reference the 5 year housing land supply, this had now become a material consideration due to development plan housing supply policies no longer being regarded as being out of date. This was the third of three applications for consideration by Members at this meeting and had followed the same notification period to both the applicant and consultees. The S106 specific details were considered to be compliant with the Community Infrastructure Regulations with contributions to be made towards the proposed children's play area at Doseley Plant Pipeworks and the education provision to Captain Webb Primary School.

Cllr N Dugmore raised a question as to whether the Steam Railway were aware of the planning application.

The Assistant Director: Planning Specialist confirmed that they were aware and that the Steam Railway were currently working openly on a plot in Lawley area but were satisfied that this development would not impair their aspirations.

Cllr J Greenaway raised issues regarding noise mitigation if the application was approved and who would be responsible to put this in place and how this would be achieved. It would be difficult for her to support the application following these concerns

The Planning Officer confirmed that the Steam Railway would be responsible for any noise that caused a statutory nuisance and other legislative powers would enable protection from noise sources. Members were advised that as an application from the Steam Railway had not yet come forward that it would not be just and reasonable to condition any noise mitigation from a source that did not exist and that officers recommended that the application was approved, if they were so minded and any statutory noise nuisance would need to be raised with the Environmental Health Team at the time of any event.

The Assistant Director: Planning Specialist confirmed to the Members that the Steam Railway were not concerned with the proposed development and the houses being close by did not appear to be an issue. The Steam Railway only operated at weekends and it had secure boundaries. If noise mitigation was raised as an issue then further fences could be installed.

Following the discussion it was:

RESOLVED - that with respect to planning application TWC/2014/0671 it was agreed that authority be delegated to the Development Management Service Delivery Manager to grant planning permission subject to a S106 agreement for the provision of £600 per dwelling towards offsite improvements at Doseley Pipeworks or Shirefields and £2298 per dwelling towards the refurbishment of the Captain Webb Primary School and the conditions set out in the report.

- e) TWC/2014/1151 – Telford Millennium Community (Part of Phase 4), Ketley, Telford, Shropshire

This Application sought full planning permission for 52 apartments and 14 dwellings together with associated parking, roadways, landscaping and areas of open space. It also sought to vary the planning permission under TWC/2013/0096, which was originally for 375 units, by a further 29 units. This was the final phase of the development of the community housing scheme. The first two phases of the current scheme had consisted of 2 and three storey units and 3 storey apartments, together with terraced units. The submission of a viability study had been completed in 2013 by the Applicant. The proposal brought forward was smaller to the original offer, but this would enable the development to be brought forward somewhat earlier. The Group specialist had reported that the £2.4m towards the S106 contributions would not be affected by this change and that there had been no objections. The principle for development had been established since 2013 and the development was proposed along the spine road. The design was far superior and gave an imposing entrance with good views across open spaces. The Urban Design Officer had been

involved with the proposed development and gave a better solution to the sloping site. Members were asked to approve the S106 for this development and/or a Deed of Variation for the S106 associated with the original planning consent.

Cllr J Greenaway raised a query regarding the parking space allocation of 2 spaces per dwelling as to whether this was adequate.

The Planning Officer confirmed that the allocation was relative as the units were apartments and there had been no objections from Highway Officers.

Cllr N Dugmore raised a further query regarding the figures for car ownership and suggested that 1.23 cars per household was a little on the low side. Although he welcomed the development which needed completing, he considered that the parking allocation was still insufficient. Cllr Dugmore requested updated figures on cars per household.

The Planning Officer confirmed that although the original submission was 1.5 spaces per house, the type of units had now been amended to apartments and it was less likely that there would be a need for 2 parking spaces per apartment and she reiterated that the Highway Officers had not objected to the application.

The Assistant Director: Planning Specialist confirmed that the information requested by Cllr Dugmore would be provided following the meeting. The current position was that the Highway Officers were satisfied with the proposed development. The Learning Community was a complete form of development and was 1 of only 6 in the country to be approved. The development site had been a successful government site and the former Blockleys Brick Works was a success story.

Following the discussion it was:

RESOLVED: that with respect to planning application TWC/2014/1151 it was unanimously agreed that authority be delegated to the Development Management Service Delivery Manager to grant full planning permission subject to the conditions set out in the report and that it was necessary for the development to be tied into the S106 agreement negotiated as part of permission TWC/2013/0096 and required planning obligations would be entered into to achieve this.

f) TWC/2015/0254 – 60 Hodge Bower, Ironbridge, Telford, Shropshire TF8 7QE

The Application sought consent for the erection of a detached garden room for use as an office within the grounds of Hodge Bower.

The Planning Officer explained that the Application had been brought to Committee as it was an application from an Assistant Director. No objections had been received and there were no concerns regarding the design or location.

It was:

RESOLVED - that with respect to planning application TWC/2015/0254 it was unanimously agreed that authority be delegated to the Development Management Service Delivery Manager to grant planning permission subject to the conditions set out in the report.

**PC-008 CLARIFYING THE TERMINOLOGY IN THE ARTICLE 4(2)
DIRECTION IN THE IRONBRIDGE WORLD HERITAGE
SITE/SEVERN GORGE CONSERVATION AREA**

The Assistant Director: Planning Specialist presented the report on the Article 4 Direction on the Ironbridge Gorge World Heritage Site.

This report sought Members confirmation that the definition within the Article 4(2) Direction was correct and that this ensured that the officers used this in the correct manner.

Paragraph 1.3 to the report set out the definition which was important to ensure that the Council managed visible change to listed houses within the Ironbridge Gorge World Heritage Site.

The risks to the site were listed at 4.2 to the report and sought to manage continual erosion by small changes which was now a nationally reported official statistic. The Borough was fortunate that its conservation area was not deemed to be “at risk”. This was due to comprehensive planning controls and sound policy framework which were in place and looked after the area.

English Heritage was actively encouraging all Local Authorities to use their powers under Article 4 Directions to ensure that erosion of our historic environment was prevented.

Cllr N Dugmore queries the word “frontage” within the report.

The Assistant Director: Planning Specialist confirmed that this meant “that which was visible”. He further confirmed that the Council tried to ensure that changes were managed and applications came before the Board to make the appropriate decision.

Following the discussion it was:

RESOLVED – that the report of the Assistant Director: Planning Specialist be unanimously noted and endorsed.

The meeting ended at 7.39pm

Chairman:

Date: