

PLANNING COMMITTEE

**Minutes of a meeting of the Planning Committee held on
Wednesday, 3 February 2016 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 (Chair), N A Dugmore, I T W Fletcher,
J Loveridge, N C Lowery, P J Scott, M J Smith and C R Turley.

ALSO PRESENT: Councillors A Lawrence (for planning application
TWC/2015/1082) and J M Seymour (for planning applications TWC/2015/0694 and
TWC/2015/1110)

PC-079 APOLOGIES FOR ABSENCE

None

PC-080 DECLARATIONS OF INTEREST

Councillor N A Dugmore declared that, in respect of planning application
TWC/2015/1082, he was one of the local Ward Members and a member of
Donnington and Muxton Parish Council but he indicated that he had not engaged in
any prior discussions and, therefore, he would not be withdrawing from the meeting
for that item.

Councillor I T W Fletcher declared that, in respect of planning application
TWC/2015/0530, he was the local Ward Member and a member of St Georges and
Priorslee Parish Council but he indicated that he had not engaged in any prior
discussions and, therefore, he would not be withdrawing from the meeting for that
item.

Councillor M J Smith declared that, in respect of planning application
TWC/2015/1119, he was a member of Hadley and Leegomery Parish Council but he
indicated that he had not engaged in any prior discussions and, therefore, he would
not be withdrawing from the meeting for that item.

PC-081 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held
on 13 January 2016 be confirmed and signed by the Chairman.

PC-082 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-083 SITE VISITS

None.

PB-084 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 application TWC/2012/0530, TWC/2015/0694, TWC/2015/1082 and TWC/2015/1110.

- (a) TWC/2012/0530 Off Priorslee East, Gatcombe Way/York Road/Hereford Drive, Priorslee, Telford, Shropshire

The Committee was asked to consider a variation to the existing S106 agreement for this site to alter the triggers and timescales of when contributions should be paid. The proposed variations, as detailed in the report, would better reflect the size of each of the respective plots within the wider development and allow for the planning and provision of a Neighbourhood Equipped Area for Play (NEAP) on nearby Council land rather than within the boundary of plot D3 where the potential developer proposed to deliver a scheme of 100% affordable housing. An update report was tabled at the meeting to clarify that the proposals for affordable housing at Plot D3 were not included as a requirement in the S106 Agreement and there were no proposals to change existing requirements for affordable housing across the development.

Councillor V A Fletcher, the local Ward Member, spoke in opposition to the proposed changes to plot D3. She noted a lack of play facilities in the Priorslee area and sought an upgrade of the NEAP to a Multi Use Games Area (MUGA) to be sited on plot D3. She also opposed the affordable housing at the site, which she argued should be pepper-potted throughout the whole development in accordance with policy to avoid concentration in this area. She also sought confirmation of the timescale of development

The Planning Officer commented that the planning permission had been renewed in September 2014 with a requirement to submit a reserved matters application by September 2017. She noted that if Members were minded to support the upgrade to a MUGA as sought by Councillor V A Fletcher, further consultation with Parks and Recreation Officers would be required.

Members were concerned at the delay in bringing this site forward for development and the Planning Officer confirmed that the consent included conditions for a phasing plan which would be submitted by whoever sought to progress development. Some Members were concerned that this meant that developers could seek to delay payment of the S106 contributions. Members were also concerned that the proposed NEAP would be moved off the site and its location was not certain. The opinion that viability issues were caused by the high cost of the land imposed by HCA was also expressed but some Members welcomed the provision of 100% affordable housing and felt that on balance the variation was acceptable.

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

RESOLVED – that the Section 106 Agreement relating to planning application TWC/2012/0530 be varied as follows:-

- (a) amend triggers for education contribution of £405,000 to:
 - (i) 5% on commencement of plot D3;
 - (ii) 60% on commencement of plots I or F (whichever is earlier); and
 - (iii) 35% on commencement of plots J1 or J2 (whichever is earlier).

- (b) amend triggers for recreation contribution of £122,000 to:
 - (i) £29,200 within 12 months of commencement of plot D3 (towards adoption and maintenance of the NEAP on either council owned land of plot J2)
 - (ii) £42,500 within 12 months of commencement of plots J1 or J2 (whichever is earlier) (towards upgrade of existing NEAP on Kesworth Drive)
 - (iii) £50,600 on commencement of plots I or F (whichever is earlier) (towards construction of a NEAP within 1,000m of the development on Teece Drive)

- (c) amend location, requirement for a programme, specification and timescale for construction for the NEAP to:
 - (i) Local authority to provide costing and design layout for location of NEAP on local authority owned land to the south of the existing LEAP or on plot J2;
 - (ii) Prior to submission of a Reserved Matters application for plot J2 agree NEAP location with the council;
 - (iii) Provide agreed funding, a maximum of £55,000, for construction of NEAP within 12 months of the commencement of plot D3;
 - (iv) Agree programme, specification and timescale for construction; and
 - (v) Construction of NEAP to be procured and completed by local authority.

- (d) amend triggers for POS contributions to:
 - (i) Provide plan, design and programme for delivery of POS of plots I and F before commencement on I or F (whichever is earlier); and
 - (ii) Provide plan, design and programme for delivery of POS of plots J1 and J2 before commencement on J1 or J2 (whichever is earlier).

- (b) TWC/2015/0694 - Halfway House, The Wrekin, Telford, Shropshire, TF6 5AL

This was an application seeking full planning permission for residential alterations to Halfway House on The Wrekin, including installation of new timber cladding, four dormer windows, four rooflights, three windows, erection of a detached car port and an outbuilding to house a vending machine. An update report was tabled at the

meeting which detailed a consultation response received since preparation of the report.

Councillor J M Seymour, Ward Member, had requested that the application be determined by the Planning Committee. The application had been deferred at the meeting of the Committee on 13 January 2016 to enable Members to undertake a site visit which had taken place prior to this meeting.

Councillor J M Seymour spoke to support the application noting that it was a solitary house and, whilst the design was not to all tastes, she did not feel it was out of keeping with the area and noted the comments of Natural England that the application did not affect the setting of the Site of Special Scientific Interest. She considered that the property offered much needed facilities for walkers, and whilst concerns regarding the car port, vending machine and bins could be more easily addressed, significant investment in the roof had taken place and, she feared that if it was required to be removed or replaced, the applicant may find himself in such a financial position that he had to abandon the property.

The applicant, Mr S Saward, thanked the Committee for undertaking the site visit and stated that the comments he made at the previous Planning Committee stood. He considered that the visual impact of the application only affected walkers on the Wrekin. He pointed out the service offered to walkers and asked that the project be allowed to move forward.

The Planning Officer referred to the key points, comprehensively explained in the report, relating to:

- the harm caused to the dwelling by the timber cladding
- the failure of the dormer extensions to respect and reinforce the original dwelling house and failure of the dormer windows to meet building regulations
- the alien location of the vending machine and associated collection of rubbish due to a lack of bins
- the lack of evidence forthcoming regarding land stability and whether the erection of a car port would be structurally safe due to the dramatic slope of the land; and the lack of detail associated with the ground levels of the proposed car port.

She also noted that from the site visit a hip roof to the rear elevation had been replaced with a gable roof but this had not been specifically addressed in the application and needed planning consent. She went on to state that whilst investment in the site was encouraged, it was important that any development was sympathetic in this exposed site within the Area of Outstanding Natural Beauty. Members were informed of the importance of this designation, and that they had the same level of landscape quality and protection as a national park; hence why permitted development rights were limited in such areas. She reminded Members that the cost of removal of unauthorised works and the fact that this is a retrospective application should not impact on their decision, which had to be made on the merits of the application before them. In addition to outlining the issues around the proposed alterations she reminded members of the aspects set out on the site visit, in particular the location of the car port which would be set on a gradient and the issues relating to any additional fill, or excavation at this point that could adversely

affect the hillside of the Wrekin. The proposed alterations failed to meet building regulations, and in order to address these, amendments would be required which would alter the proposals currently being considered by Members. Whilst officers had tried to negotiate during the application process no amendments had ever been received.

Whilst all Members supported development at this site and concern was shared regarding the land stability for the car port, Members held polarised views regarding the timber cladding, roof and dormer extensions. Members hoped that further negotiations between the Planning Officer and applicant may resolve these issues but the Development Management Service Delivery Manager pointed out that Officers had thus far been thwarted in their attempts to negotiate with the applicant due to his lack of engagement and failure to provide any requested evidence. Although he discouraged deferral of the application the Development Management Service Delivery Manager reminded Members that if they were minded to refuse permission, negotiation could take place alongside any appeal lodged, Members were keen to provide the applicant with a final opportunity to revise the application to an acceptable standard and it was unanimously:

RESOLVED – that planning application TWC/2015/0694 be deferred until 16 March 2016 for further negotiation between the applicant and the Planning Officers in relation to the planning considerations and issues set out in the report.

(c) TWC/2015/0997 - Former Malinslee Primary School, Matlock Avenue, Dawley, Telford, Shropshire

This application sought full planning permission for the erection of a residential development comprising 92 dwellings on the site of the former Malinslee Primary School together with associated parking, highway works and landscaping.

Mrs J Middleton, the Council's Housing Investment Programme Manager spoke to support the application made by Nuplace, a Council initiative to build and manage more than 400 homes for the private rental market to support the delivery of the Council's long term capital investment programme by developing stalled and brownfield sites. It was hoped that the provision of a high quality landlord service would drive standards in the sector. In addition to these wider benefits, Mrs Middleton referred to viability, traffic assessment and building on the Green Network.

The Planning Officer highlighted aspects of her report relating to the Green Network, planning history, layout and density, highways, drainage and viability issues resulting in a lack of affordable housing. She also pointed out that the recommendation was to grant full planning permission rather than outline planning permission as mistakenly indicated in the report.

In response to comments regarding affordable housing, the Planning Officer advised that this application formed part of a suite of sites coming forward for development under the Council Housing Investment Programme and, with some sites returning 100% affordable housing, the total affordable housing across this programme was around 20%. Additionally, Wrekin Housing Trust were developing a nearby site as

part of the Dawley Regeneration Masterplan with 100% affordable housing in the form of much needed bungalows.

The Planning Officer offered further clarification on the exceptional circumstances which permitted development on the Green Network due to compliance with the Dawley Regeneration Masterplan which identified replacement community benefits for the loss of the playing fields and which had received the support of Sport England.

Members asked a number of further questions, to which the Planning Officer responded that a new access road would be provided in the location of the existing school entrance, the density of the development reflected the surrounding area, the site was in a sustainable location, a landscaping scheme would be subject to conditions and conditions regarding contamination were standard and did not indicate any specific problems on site.

Whilst some Members remained disappointed by the lack of affordable housing at this site, the wider benefits of the scheme were recognised and it was unanimously:

RESOLVED – that with respect to planning application TWC/2015/0997 the Development Management Service Delivery Manager be authorised to grant full planning permission subject to:-

- (a) continued discussions with the applicant to achieve an acceptable surface water drainage scheme
- (b) the applicant submitting a signed Memorandum of Understanding relating to: -
 - (i) Education Contribution of £165,916 (towards the expansion of Old Park School)
 - (ii) Highways contribution of £44,234 (towards the Telford Town Centre Connectivity Package)
- (c) 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).
- (d) TWC/2015/1082 - 10 Pine View, Muxton, Telford, Shropshire, TF2 8QX

This was a proposal for the erection of a two storey and first floor side extension and a detached games room. Councillor A Lawrence, Ward Member, had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which set out further comments received from a neighbouring objector and proposed a further condition to prevent the future conversion of the games room into living accommodation.

Councillor A Lawrence, the local Ward Member, spoke to oppose the proposals on the grounds of overdevelopment, impingement on the street scene, and the impact

on neighbouring properties. He welcomed the additional condition to restrict use of the games room.

Mr R Rees, a neighbouring resident, spoke against the proposals in terms of the impact on the street scene, overbearing on his property, future policing and enforcement of use, noise, traffic issues, disturbance during construction, not in keeping with the character of the area, permitted development rights, existing covenants and the effect on the quality of life of neighbours.

The Planning Officer referred to aspects of the report regarding the principle of development, scale and design, overlook, construction and permitted development rights. Upon request, she refreshed Members' understanding of the size of development allowed by permitted development rights.

Due to the addition of a condition to restrict the future use of the games room, the majority of Members were of the mind that the modest proposals were acceptable and upon being put to the vote it was by a majority:

RESOLVED – that with respect to planning application TWC/2015/1082 planning permission be granted subject to the conditions as set out in the report and further subject to the condition set out in the update report tabled at the meeting.

(e) TWC/2015/1110 - 1 Broomfield Barn, Allscott, Telford, Shropshire, TF6 5EQ

This was an application for retrospective planning consent for the erection of a detached garage. Councillor J M Seymour, Ward Member, had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which detailed two letters received in support of the application.

Councillor J M Seymour, the local Ward Member, spoke to oppose the application on the grounds that the applicant had been aware of the need for planning permission and his new neighbour had based her decision to purchase the neighbouring property on the plans for the existing permission. She contended that the existing permission made provision for adequate garage space and there had been no consultation on the revised plans which she stated impacted upon the neighbour's right to peaceful and quiet amenity.

Miss E Mackenzie, the neighbouring resident, spoke to oppose the application on the grounds that the building differed from existing planning permission and, whilst she appreciated loss of view was not a material planning consideration, she had not anticipated the current structure when she recently purchased her property based on the existing consent. She questioned the planning officer's contention that there were no habitable windows which overlooked the newly erected triple garage and considered that the increase in size and location caused noise and disturbance to her which could be exacerbated further if the use of the garage changed over time.

The applicant, Mr A Taylor, explained the work he had undertaken on site as a retirement project and apologised that he had misinterpreted guidance on the government's Planning Portal which had led to him believing planning permission

was not required for the new garage. He commented upon the lack of overlooking and presence of a boundary wall and advised that the angular stone material used for the driveway had been chosen to minimise noise when driven over. He agreed to enter into a section 106 agreement as set out in the report.

The Planning Officer noted that the principle of development had been established by a previous planning approval and also commented on scale, siting and impact on neighbouring properties as detailed in the report. She commented upon separation distances, evidencing the approved floor plans for the barn conversion and noted that the visible windows at the neighbouring property did not serve habitable rooms (ie they were not a lounge or bedroom). She pointed out that, if Members were minded to grant planning permission, the existence of the earlier planning permission meant that there would be consent for two garages at the property but that this could be rectified by the proposed section 106 agreement to rescind the previous permission.

Following a request by Members, the Planning Officer displayed the plans for the existing garage and workshop permission and contrasted these with the plans for the current building works. Whilst Members were disappointed that the application was being received in retrospect and acknowledged the points made by speakers, they considered that the application was acceptable and on being put to the vote it was unanimously:

RESOLVED – that with respect to planning application TWC/2015/1110 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement preventing the implementation of planning permission TWC/2013/0295 – Erection of a detached garage, upon the issuing of this permission and to agree not to claim compensation in the event of revocation; 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/2015/1119 - 1 Waterloo Road, Hadley, Telford, Shropshire, TF1 5NX

This was a full planning application seeking retrospective planning permission for the creation and enclosure of an external storage area compound to the side of the 'Badhan Factory', an established industrial unit situated off Waterloo Road in Hadley. Hadley & Leegomery Parish Council had requested that the application be determined by the Planning Committee.

Councillor W A M McClements spoke on behalf of Hadley & Leegomery Parish Council to oppose the application due to its prominent location and the history of untidiness at the site which did not meet the aspirations of regeneration in the area. The Parish Council sought a condition to limit storage in the area to keep the associated car park tidy.

The Planning Officer noted that the factory was an established industrial unit and there were currently no conditions in relation to storage on the car park area and, therefore, it would be inappropriate to impose one as part of this application. The

Legal Advisor noted that the applicant appeared to be trying to alleviate storage problems with this application and that any conditions to restrict storage elsewhere on site would be vulnerable on appeal. Although Members initially considered deferring the application to seek assurances from the applicant regarding storage on the car park, this did not form part of the application before them and Members felt that it may be more prudent for the Parish Council to formalise any complaints regarding storage in the future. It was, therefore, unanimously:

RESOLVED – that with respect to planning application TWC/2015/1119 planning permission be granted subject to the conditions as set out in the report.

(g) W2007/1254 - Plot E, Pool Hill/Doseley Road, Dawley, Telford, Shropshire

Cllr I T W Fletcher left the room during consideration of this application. The meeting adjourned until his return.

The Committee was asked to consider a variation to the existing S106 agreement for this site to remove all financial contributions and affordable housing requirements to allow this site to come forward in 2016. It had previously been intended for Wrekin Housing Trust to deliver 100% affordable housing across the site, however, due to the impact of the government's budget announcement in July 2015, the Trust had decided that they could no longer progress with the scheme. Given the very high development costs associated with the site, the applicant had defined that an open market scheme would not be viable with the requirements of the current section 106 agreement and the variation was sought.

Members lamented the loss of affordable housing on this site together with the loss of play facilities and education contributions. The Planning Officer explained the viability issues and, reluctantly the majority of Members accepted that the variation was necessary in order to move development forward at the site. It was by a majority:

RESOLVED – that the Section 106 Agreement relating to planning application W2007/1254 be varied to:-

- (a) **remove the Recreation Contribution of £600 per dwelling (excluding one bedroom units) for improvements, enhancements, upgrading and maintaining recreation and leisure facilities at Dawley Park or within 1,000 metres of the development**
- (b) **remove the Education Contribution of £1250 per dwelling (excluding affordable housing and any one bedroom units) to primary school facilities in the vicinity**
- (c) **remove Affordable Housing Units requirement of 22.5%**

whilst retaining the Highways Contribution of £12,000 (with indexation) towards street improvements to facilitate pedestrian movements to the Captain Webb School and Phoenix Secondary School.

The meeting ended at 8.31pm

Chairman:

Date: