

PLANNING COMMITTEE

A

Minutes of a meeting of the Planning Committee held on Wednesday, 28 February at 6.00pm in the Charlton School, Apley Avenue, Wellington Telford

Present: Councillors C R Turley (Vice-Chair in the Chair) N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, R Mehta, P J Scott, L A Murray and C Smith (As substitute for H Rhodes).

PC-069 Apologies for Absence

Councillor H Rhodes.

PC-070 Declarations of Interest

Councillor P Scott declared an interest in TWC/2011/0871 Land to the East and West of Station Road, Newport and TWC/2015/0057 Land South of Springfield Industrial Estate, Station Road, Newport whereby he was a Member of Newport Town Council and had sat on the Neighbourhood Group.

Councillor I Fletcher declared an interest in TWC/2017/0979 whereby he was a Member of the St George & Priorslee Parish Council but had taken no part in any discussions on this matter.

PC-071 Minutes

RESOLVED – that the minutes of the meeting of the Planning Committee held on 17 January 2017 be confirmed and signed by the Chairman subject to the following amendment:

PC-68 (a) TWC/2017/0427 – Land adjacent Sigma & Staubli House, Hadley Park East, Hadley, Telford, Shropshire

“Councillor I Fletcher pointed out that this application did not comply with the local plan in that there was no bicycle parking on the development. Other Members noted their concerns in respect of design and the lack of bicycle parking. Members queried if delivery hours could be conditioned.”

PC-072 Deferred/Withdrawn Applications

None

PC-073 Site Visits

RESOLVED – that a site visit would take place on 60 Forton Road, Newport when this was brought before Committee and that site visits return to their usual time of 3pm.

PC-074 Planning Application for Determination

- a) TWC/2011/0871 – Land to the East and West of Station Road, Newport, Shropshire and TWC/2015/0057 – Land South of Springfield Industrial Estate, Station Road, Newport, Shropshire

This was an information only report updating Members on recently received information from Shropshire Wildlife Trust to designate an area of land located within both application sites as a local wildlife site due to the presence of wax cap mushrooms which had now become a selection criteria for the designation of sites. An update report was tabled at the meeting.

The Council as landowner had written to Shropshire Wildlife Trust to raise concerns regarding the proper designation process not being followed, failure to engage with the Council as landowner in line with DEFRA guidance, lack of formal evidence on which proper decisions could be taken and the lack of transparency and independence. Officers felt satisfied that little or no weight could be given to the site being made a 'candidate site' for designation as a local wildlife site due to faulty procedure.

Members debated the issues raised in the report. One Member commented that he voted against the applications originally because he was against the fields being used for unnecessary building but that this reference to wax cap mushrooms was a desperate attempt, that he did not think that people cared about waxcap mushrooms and that he couldn't say that this is the way to try and stop this development. Another member commented that the Shropshire Wildlife Trust had plenty of time to do this work, that they had made their submissions late, that if this was an agricultural field there would be no mushrooms and that there was nothing to stop the landowner ploughing the land up.

The Development Management Service Delivery Manager mentioned that when the planning obligations had been signed up to, the permissions will be issued.

This report was for information only and members noted the position as set out in the report.

b) TWC/2017/0385 – Greenhouse Group Ltd, Greenhous Village, Osbaston, Telford, Shropshire TF6 6RB

This was a part retrospective application for Phase 2 at Greenhouse Village, Osbaston, which sought permission for the demolition of 11 buildings, partial demolition of water tower ancillary buildings, the installation of a 22,000 litre petrol tank, lighting and additional car storage parking areas over and above that approved by Phase 1 and was subject to a deed of variation of the S106 Agreement to obligate the routing agreement. A site visit had taken place prior to the meeting.

Councillor R Wickson spoke on behalf of Ercall Magna Parish Council who raised concerns regarding the queueing of car transporters, highways and speed of traffic, poor behaviour of the drivers and the lighting columns which affected local residents. He was disappointed that the new speed limit had only just been introduced and that there had been no employment within the local community. It was suggested that to ease the issues with the drivers that an internal holding area be introduced.

Councillor S Bentley, Ward Councillor, suggested that this application was deferred in order for discussions to take place on the operational issues and to allow the conditions attached to the Phase 1 application to be discharged.

Mr K Swinnerton, Applicant, spoke in favour of the application and confirmed that there had not been an increase in transporter journeys. The application was not

contrary to policy and was in a sustainable location and there had been no objection from statutory consultees. He appreciated the concerns with regard to the lighting which had been installed for security reasons but that lamps had been redirected to limit their impact. With regard to the behaviour of drivers, the applicant would continue to work with the suppliers to maintain appropriate behaviour.

The Planning Officer informed Members that with regard to vehicular movements that the Transport Assessment submitted with Phase 1 outlined that the median daily HGV transporter movements would be 40. The Planning Officer outlined how the Applicant had stated there was an average of 17 vehicles which equated to 34 movements. On occasions this number may be exceeded but there were no restrictions on the number of vehicles due to the previous use as a residential training centre although there was a routing agreement in place. There would be limited additional vehicular journeys from the 12 additional staff. A Lighting Mitigation Plan was in place and light sensors overrode the timers. Members were asked to approve the application subject to a Deed of Variation to the S106 attached to the Phase 1 consent to obligate Phase 2 to the same HGV transporter routing agreement.

During the ensuing debate, some Members were happy to approve in principle but requested that all improvements be completed prior to the next phase going ahead. The queueing/waiting of vehicles and antisocial behaviour was unacceptable but could be remedied by a holding area and it was suggested that lighting be looked at.

The Planning Officer explained that there was a condition that the drivers could not access the internal reception area until 6am but that delegated authority could be granted in order to negotiate an internal holding area.

The Highways Officer informed Members that the speed reduction had taken longer than expected but that this was to be advertised on 8 March 2018 with the consultation period ending on the 29th March. Crab Tree Lane had been completed with the exception of the drain and the provision of Give Way and passing place signage.

Other Members were disappointed that this application was part retrospective but would be happy to support the application subject to conditions. It was suggested that a form of dimmer be used on the lighting to help with the issues and the implementation of a holding area welcomed.

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

RESOLVED – That in respect of Planning Application TWC/2017/0385 that delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to the following:

- a) **The applicant entering into a Deed of Variation of the Section 106 agreement with the Local Planning Authority attached to TWC/2015/0359 (terms to be agreed by the Development Management Service Delivery Manager) subject to:**

- (i) **A Routing Agreement:
The routing of all vehicle transporters associated with the movement of cars to and from the site shall be in accordance with those routes indicated on submitted drawing number**

M14074-C-025; in that no transporters are permitted to travel through the Walton Bend on the B5063 and therefore all transporters may only turn left out of Crabtree Lane onto the B5063 and right into Crabtree Lane from the B5063

- (ii) Measures for the provision of the sum of £100,000 to be called upon to install shuttle operation traffic signals on the Walton Bend if there are three proven instances of transporters defaulting on the routing agreement within a 6 month period. Upon any installation of traffic signals on the bend the routing agreement from the junction of Crabtree Lane/B5063 shall become null and void**
 - (iii) Control of existing access for usage by office staff and as a welcome type facility for visitors only;**
- b) delegated authority being granted to the Development Management Service Delivery Manager to explore options and, if appropriate, impose conditions/obligations regarding the provision of a reception/holding area for HGV car transporters (in association with an amendment to delivery hours condition to allow vehicles to park off the highway); and**
 - c) the conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

c) TWC/2017/0406 – Cedar Lodge, Waters Upton, Telford, Shropshire

This application was for the erection of 8 dwellings, to include 3 affordable units and the creation of a new access on land to the rear of Cedar Lodge, Waters Upton. A site visit had taken place prior to the meeting and an update report was tabled at the meeting.

Councillor L Baker Oliver spoke against the application on behalf of Ercall Magna Parish Council. They raised concerns regarding the infill site, building in open countryside, lack of need for rented bungalows, access along a private road, lack of parking and that the development was contrary to the Local Plan and the Waters Upton Neighbourhood Plan.

Councillor S Bentley, Ward Councillor, spoke against the application and raised concerns that the site would not be formally adopted, the site was in open countryside and an extension to the village, the lack of safe passage for vehicles and pedestrians and that the need for further affordable housing within the village was exaggerated. He raised further concerns regarding the public right of way and the lack of services to the village which has no bus service, no local public house and an oversubscribed school.

Mr C Huntley, Applicant's Agent, spoke in favour of the application as Waters Upton was a suitable rural settlement and was in line with the Local Plan. The development would offer two and three bedroomed affordable housing some of which could be used as bungalows with a small first floor that would be ideal as a

bedroom for a carer. The additional benefit was that there was a mix of accommodation within the scheme and it sat within the ribbon of the village.

The Highways Officer informed Members that if the Public Right of Way went along the southern side of the development there would be no need for any diversion.

During the ensuing debate, some Members welcomed the provision of affordable housing with a registered rental provider. Other Members welcomed the development but considered that this was not an infill site and that there was no formal definition within the Local Plan and concerns were raised with the access including it being shared with agricultural vehicles and the road would not be suitable for adoption. The application did not conform to the parking standards and there was no straight line of sight which made the highway unacceptable. Following the site visit other Members felt that access was an issue and that unless this was changed it would be difficult to approve the application. It was suggested that a deferment of the application take place in order for the issues regarding access be further explored.

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

RESOLVED – that in respect of Planning Application TWC/2017/0406 this application be deferred in order for discussions to take place in regard to the access for agricultural vehicles through the proposed development.

d) TWC/2017/0643 – Land to the North of Haygate Road, Wellington, Telford

This application was a Reserved Matters Application for the erection of 289 dwellings which included details of appearance, landscaping, layout and scale on land to the north of Haygate Road, Wellington. This application had been deferred at the meeting on the 7 February 2018 in order that Members' concerns regarding the design, layout, separation distances and overlooking could be explored together with the issues regarding the safety of play and drainage. An update report had been tabled at the meeting and Members were allowed time to read the report.

Discussions had taken place with the applicant who had omitted the two storey buildings to the north east of the development and had agreed to replace these with bungalows. The 5m landscaped buffer zone had been removed and the existing boundary hedge would be plugged where necessary and a 1.8m fence erected between the development and Woodlands Avenue. There would be a land drain system to enable the run off of surface water. A 1.2m post and rail fence would be erected to secure the SUDs pond. RoSPA had inspected the site and were of the opinion that the mitigation measures in place were acceptable. It had been agreed that the play area would not be illuminated in order to prevent a detrimental effect on the residents and to prevent anti-social behaviour. Amended plans had been received and a further 14 day consultation taken place.

Councillor J Alvey spoke on behalf of Wellington Town Council who were disappointed that large swathes of ancient hedgerow had recently been removed unnecessarily. They continued to raise concerns regarding the removal of the 5m buffer zone which they considered would have an impact on the privacy of the residents.

Councillor J Seymour, Ward Councillor, spoke against the application. Although the two storey houses had been replaced with bungalows she remained concerned with

regards to the removal of the 5m buffer which she considered an integral part of the scheme. She continued to raise concerns regarding overlooking onto Woodlands Avenue, the maintenance of the 1.8m hedge which she felt was the responsibility of the applicant.

Cllr M Hosken, Adjoining Ward Councillor, spoke against the removal of the buffer zone which he considered to be against the Local Plan. He raised concerns regarding traffic and the danger to the public and was disappointed that the removal of the hedge had begun prior to the reserved matters application being approved. He requested that if the application was approved that the application be conditioned regarding the hours of work, noise mitigation and regular cleaning of the roads and pavements.

Ms D Treherne spoke on behalf of the Haygate Fields Group who felt that the approval to this development in principle was a planning mistake. They felt that this application was against Policy and raised further concerns about its inappropriate location, the excessive removal of hedgerow, the maintenance of the hedge and they felt that this application had been fast-tracked back to Committee. Although they welcomed the bungalows, they deplored the removal of the 5m landscape buffer.

Mr M Perry, Applicant's Agent, spoke in support of the proposals and addressed the outstanding issues from the deferral. The scheme had been amended to replace the two storey buildings with bungalows, as requested, in order to remove the overlooking issue. The buffer had previously been put in place to address this so was no longer required. RoSPA has undertaken a survey of the play area and had concluded that there was a low risk of cricket balls reaching the play area and sufficient mitigation measures in place and that the issues regarding drainage had also been satisfied.

The Planning Officer reported that the replacement of the two storey properties was a positive replacement although he understood that the resulting omission of the 5m buffer was a point of contention. The bungalows would have a larger garden footprint, but there would be a 1.8m fence to prevent overlooking. Due to the changes in levels and the short gardens the majority of views within the rear of Woodlands Avenue would not be affected and there was no justification to reinstate the 5m buffer. Other issues associated with the buffer could be security, a dumping ground for rubbish, a loss of light along Woodlands Avenue and drainage within the gardens. Permitted development rights would be removed in order to prevent land drainage issues. With regard to the removal of the hedge, the Applicants carried this out at their own risk although officers were satisfied that this was necessary in order for the access road and sewer connections. An ecological survey had taken place and there was no evidence of nesting bird and although there had been an early removal of the hedgerows, this was not a reason to refuse the application. In respect of the play areas these were 100-115m from the cricket pitch and ROSPA were satisfied that there was a low risk of cricket balls reaching this area and sufficient mitigation measures were in place.

Some Members were of the opinion that the application had been granted a long time ago and felt that as the bungalows were to replace the 2 storey houses this application should be approved. With regard to the buffer zone, this was a good idea in principle but in the longer term who would maintain this and who would control the access. There were also concerns this could become a dumping ground and become an area of antisocial behaviour. Other Members welcomed the bungalows and supported the removal of the permitted development rights, but were

disappointed that the hedgerows had been taken up and that 5m buffer had been removed. Some also maintained their concern regarding overlooking and the play area. It was suggested that this application be deferred for one more cycle for further negotiations to take place.

The Development Management Service Delivery Manager informed Members that if this application was not decided at this meeting the Applicant had indicated that they would appeal for non-determination.

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

RESOLVED – that in respect of Planning Application TWC/2017/0643 that delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to the conditions and informatives set out in the report and the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

e) TWC/2017/0847 – 6-14 Horsehay Court, Horsehay, Telford, Shropshire TF4 3PU

This was a full application for the refurbishment and conversion of vacant buildings to form 8 dwellings at 6-14 Horsehay Court, Horsehay. The application had been called in by Councillor J Greenaway, Ward Councillor. Objectors had submitted an annotated decision notice and photo which was tabled at the meeting.

Councillor D Hopkins spoke on behalf of Dawley Hamlets Parish Council who supported the application in principle but had serious concerns regarding the unacceptable loss of a Public Right of Way which had been locked by a 2.2m high steel gate which was a breach of planning conditions. The current gate exceeded the limit by 20cm but removal would not be enforced. He requested the matter be pursued further.

Councillor J Greenaway, Ward Councillor, spoke on behalf of the residents, who did not object to the development but raised concerns regarding the permitted development rights on a Grade II listed building. She considered that this application was contrary to policy and led to the loss of an important community walking route and did not comply with the sustainable mode of transport and requested that a deferment take place in order for the design and access statement to be explored further.

During the ensuing debate, some Members supported the rejuvenation of this site but raised concerns regarding the Public Right of Way and the Definitive Map Modification Order (DMMO) and the gated access which was against Local Policy B1 and B4. There had been a previous refusal on this site under Policy C1 and the footpath was in place at that time. Other Members felt that the DMMO application could go to the Secretary of State and the decision was out of Members hands and that permission be granted, the Right of Way issue would follow process and come to its separate conclusion. A suggestion came forward for a deferral for one cycle.

The Legal Advisor informed Members that the path had been claimed as a right of way but that the landowner did not accept its status as a right of way. As a consequence, the track was not presently a Public Right of Way, should be treated as private land and this application had to be considered on this basis. An

application for a DMMO had been received and would be processed separately from the planning process and, if confirmed, would become an enforceable right of way.

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

RESOLVED - that in respect of Planning Application TWC/2017/0847 that delegated authority be granted to the Development Management Service Delivery Manager to grant permission subject to the conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager).

f) TWC/2017/0923 – Brook Lodge, Kynnersley House Farm, Kynnersley, Telford, Shropshire TF6 6DX

This was an application for the removal of condition 3 from planning permission W2006/1225 to allow the existing annexe to be used as a separate dwelling at Brook Lodge, Kynnersley. This application had been called in by Kynnersley Parish Council.

The Planning Officer informed Members that until recently the annexe had been occupied by a dependent relative of the Applicant but due to a change in circumstances the annexe was now vacant and the applicant was seeking removal of the condition in order for the annexe to be used as a separate unit of accommodation. Due to the new Telford & Wrekin Local Plan this application now went against Policy HO10.

Councillor T Park spoke on behalf of Kynnersley Parish Council who objected to the application due to the unusual village setting and the condition being put in place originally to prevent further development and fragmentation to the curtilage of the site.

Councillor S Bentley, Ward Councillor, spoke in favour of the officer decision to refuse this application to protect this development site.

Ms Wassell, local resident, spoke in favour of the officer recommendation to refuse the application to prevent any further changes to the curtilage of the site. She considered there had been difficulties around this application with the lack of consultation, incorrectly submitted plans which claimed land that did not belong to Brook Lodge and difficulties with parking. She requested that condition 3 be retained as further fragmentation of the site as a whole was undesirable, nothing had changed to justify its removal and Kynnersley was not suitable for housing development under the Local Plan.

Mrs E Attwood, Applicant's Agent, spoke in favour of the application and explained that until recently the officer recommendation had been to approve the removal of condition 3 and the applicant had been disappointed to find that this was before Members for refusal. The applicant's mother had passed away and due to a change in circumstances it was unsustainable for the annexe to remain vacant and was capable of being occupied with the removal of the condition. The applicants did not need the annexe for guest accommodation or other uses. She felt that the proposal would not set a precedent as there were bats in the adjacent part of the building and no internal works would be needed to the property, and each scheme was considered on its merits. She said there would be no fragmentation and it was not a new dwelling and asked members to overturn the recommendation and approve.

During the debate some Members felt that the removal of condition 3 would set a dangerous precedent for other annexes and if the annexe were to be sold this would bring further fragmentation to the development and exacerbate the parking issues. Other Members noted that this condition was put in place originally to allow the barn conversion to take place and it needed to be a relative that occupied the annexe.

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

RESOLVED - that in respect of Planning Application TWC/2017/0923 that the removal on condition 3 of W2006/1225 be refused on the grounds that Kynnersley was not identified as a village suitable for new residential accommodation within local planning policy and would be a departure from the local plan, there was no justification to remove the condition and would result in undesirable fragmentation of the curtilage thus being contrary to local planning policy HO10.

g) TWC/2017/0979 – Elephant and Castle, Stafford Street, St Georges, Telford, Shropshire TF2 9JQ

This was an application for the conversion of a Public house (Use Class A4) to a convenience retail store (Use Class A1) including extension and internal reconfiguration of the existing building at the Elephant and Castle, Stafford Street, St Georges. This application had been called in by St Georges and Priorslee Parish Council and was subject to a S106 Agreement for contributions towards the provision of double yellow lines in the vicinity of the application site and towards the relocation of the existing bus stop. An update report was tabled at the meeting.

Councillor T Hoof spoke against the application on behalf of St Georges & Priorslee Parish Council who raised concerns regarding viability and the two cash offers that had been made for the public house, highways and traffic, HGV deliveries, double yellow lines, re-siting of the bus stop, extension to the existing building, noise pollution and the impact on the safe walking route to local schools.

Ms Bryony Clarke, a local resident, spoke against the application and raised concerns regarding highways and traffic, noise pollution, safety of local residents, impact of fumes and omissions, re-location of the bus stop, loss of residents car parking, impact of deliveries and the noise from trolleys, doors and shutters, loss of privacy, late night foot fall and the overdevelopment of the site.

Mrs Janet Rowley, Applicant's Agent, spoke in favour of the application. The business had been struggling to make the business viable and there were four other public houses within a short walking distance. It was proposed that the front of the existing building would remain due to its historic association. It was proposed to stock a wide range of goods to benefit the local community. The opening hours would be 7am-11pm in line with other local convenience stores and she considered this to be a suitable development within the centre of St Georges.

The Planning Officer informed Members that the applicant had submitted a viability study which the officers had accepted. Policy EC7 of the Local Plan allowed Class A1 retail usage within local centres and there were other food stores within this location. There would be a shortfall of 1 parking space and double yellow lines would be installed. A delivery management plan would be put in place to alleviate issues around school drop off/pick up. A noise assessment would be undertaken and mitigation measures put in place where necessary.

During the ensuing debate, some Members felt that the loss of a local public house and a community meeting point was always disappointing but that there had been no real evidence supplied regarding the viability and that this application should be refused on the grounds of loss of amenity and the impact on local residents. Other Members felt that local knowledge was important and that the cash offers ought to be explored as there were two other local stores nearby and they felt that this was not the right location for another convenience store. They also raised concerns regarding traffic issues, the location of the bus stop, overdevelopment, traffic management plan, amenity of residents, deliveries and the impact on the safe route to school.

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

RESOLVED - that in respect of Planning Application TWC/2017/0979 that planning permission be refused on the grounds that it was contrary to policies COM1 and BE1, there would be significant detrimental impact on local residents and amenities and the overdevelopment of the site.

The meeting ended at 9.26 pm

Chairman:

Date: