

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 28 June 2017 at 6.00pm in the Walker Room at Meeting Point House, Southwater Square Telford TF3 4HS

Present: Councillors H Rhodes (Chair), N A Dugmore, I T W Fletcher, N C Lowery, J Loveridge, R Mehta, L A Murray, P Scott, and C R Turley.

Also Present: Councillor J Greenaway (for planning applications TWC/ 2016/0887 and TWC/2017/0305)
Councillor S Burrell (for planning application TWC/2017/0122)
Councillor G Reynolds (for planning application TWC/20170128)
Councillor J A Francis (for planning application TWC/2017/0153)

The Development Management Service Delivery Manager spoke regarding Planning Application TWC/2016/0887. For clarity, Councillor Veronica Fletcher had called in this application on the grounds of overdevelopment and traffic issues. Separate to this, the application was also before Committee due to the Section 106 agreement. It was therefore asked that it be noted that Councillor Veronica Fletcher did not request S106 funding.

PC-001 Apologies for Absence

None.

PC-002 Declarations of Interest

In respect of planning application TWC/2017/0128 Councillor H Rhodes advised that she had been involved in discussions on this application in 2008 in her role on the Town Council but had not had any recent discussions on this application and had kept an open mind.

PC-003 Minutes

RESOLVED – that the minutes of the meeting of the Planning Committee held on 17 May 2017 be confirmed and signed by the Chairman.

PC-004 Deferred/Withdrawn Applications

None.

PC-005 Site Visits

None.

PC-006 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 update reports.

a) TWC/2016/0887 – Land adjacent to The Shires, Shifnal Road, Priorslee, Telford, Shropshire

This application was for the erection of a 69 bedroom care home and extra care building including 18 apartments (reduced from 33) with associated parking and landscaping. An application in 2012 for a 69 bedroom care home and 6 dwellings had previously been approved but this had lapsed in 2015.

An update report had been tabled at the meeting which clarified the call in by Councillor Veronica Fletcher to confirm this had not been for financial reasons. It also referred to obligations requested by the Council's Parks and Open Spaces Officer and the Council's Highway Officer in order to mitigate the impact of the development.

Councillor R Williams spoke against the application on behalf of St Georges & Priorslee Parish Council who raised concerns regarding overdevelopment and overbearing street scene, drainage and sanitary arrangements, traffic, car parking and access. Concerns were also raised with regard to the loss of the dry stone wall and it was requested that this work be conditioned.

Councillor J Greenaway spoke against the application on behalf of Councillor Veronica Fletcher, Ward Councillor, who was unable to attend the meeting. She raised concerns regarding overdevelopment, highways issues and traffic flow, the effect on the historic Thomas Telford wall and street scene, the design and the 3 storey height, the gradient, car parking, access for service vehicles, out of date information and the development which would take place opposite a residential block at the university.

Mr A Khoury, Applicant, spoke in favour of the amended scheme which included a reduction from 33 to 18 apartments, a more traditional design which addressed the height differences on the slope. There were amenity spaces and large gardens which were set back behind trees. The front wall would be retained. Advice had been taken from a tree specialist regarding the border to protect the trees on the boundary. A S106 agreement had been proposed.

The Planning Officer informed Members that the previous application was a material consideration. The street scene had been improved with a more traditional façade. Some of the stone wall would be retained and materials re-used in order to retain the feature as this contributed to the street scene. He considered that the scale worked well and did not have to match other dwellings in the vicinity. Thirty five parking spaces were to be provided and had exceeded the 33 required. The access arrangements were not considered to be a hazard and no issues had been raised by the drainage engineers, although conditions could be imposed. This application contributed towards the green space and there would be a Traffic Regulation Order introduced on Shifnal Road.

During the discussion some Members raised concerns regarding the suitability of the site, overdevelopment, the height of the development, the proximity to the M54, the effect on trees and wildlife, the scale of the reduction of the trees and the Japanese knot weed on site. Further concerns were raised regarding parking for staff and visitors and the provision for delivery/emergency services, the acoustic barrier, fumes, the regular parking of work vehicles on Shifnal Road and the effect on the nearby Grade II listed building. It was suggested that a deferral take place for further

negotiations to take place. Other Members considered this to be a good news story and provided much needed good quality care facilities.

Councillor N Dugmore proposed, seconded by Councillor N C Lowery, that this application be deferred for further negotiations to take place with the Applicant but, on being put to the vote, this was not agreed.

The Group Manager - Development Team considered that the parking provisions were adequate and followed the emerging parking standards and that was a cycle provision for staff who lived in close proximity. There would be a S106 agreement for the sum of £5,000 towards a Traffic Regulation Order for the provision of double yellow lines within the vicinity of the site entrance and frontage. Parking issues were being monitored. With regard to drainage pre-commencement conditions could be put in place.

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

RESOLVED – that with respect to planning application TWC/2016/0887 that delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to

a) a Section 106 legal agreement to secure:-

- £5,000 towards local green space improvements (tree maintenance and tree planting), and
- £5,000 towards a Traffic Regulation Order for the provision of double yellow lines within the vicinity of the site entrance and frontage

b) 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).

b) TWC/2017/0122 – Land between 1-2 Newtown & 66 Shrewsbury Road, Edgmond, Newport, Shropshire

This application was seeking permission to fell 1 no. Ash Tree on the land between 1-2 Newtown & 66 Shrewsbury Road. This application was deferred at Planning Committee held on 17 May 2017 to consider issues relating to insurance and Applicant obtaining a tree report from Ian Murat.

The Planning Officer gave an update from the Tree Officer who had confirmed that work had now taken place to reduce the crown of the tree and remove dead wood, although it had previously been mentioned that the tree was too dangerous for work to be implemented.

Councillor S Burrell spoke against the officer recommendation raising concerns regarding the insurance of the tree, the condition of the tree which he considered to be deceased with a pronounced trunk which risked splitting and falling down. He further considered that the more appropriate course of action would be to fell the tree which would allow for much needed housing to be built in this suitable location.

Ms A Edwards-Seldon, spoke against the Officer recommendation on the grounds that she did not consider the tree to be “veteran”, safety concerns and spoke about

the lack of insurance and the law around the safety of the tree and the possibilities of a claim against the Council. Ms Edwards-Seldon informed Members that if this application was not approved then an appeal on the decision would be lodged.

The Tree Officer drew Members attention to the photographs of the tree which had now been pruned and explained that the canopy had been reduced in excess of 20% which in turn had reduced the target area if the tree were to fail. There was some hollowing of the tree which was considered normal for a tree of its age. Following the report undertaken the tree was considered to be of A3 Veteran Status. Following the work undertaken on the tree, commissioned by Mr Bond and the subsequent planning application for a development of 1 dwelling alongside the tree, the Tree Officer recommended that the Tree Preservation Order remain confirmed.

With reference to Ms Edwards-Seldon's comments regarding a potential claim against the Council, the Legal Adviser informed the Committee that it was their responsibility to act reasonably and to determine the application with reference to the relevant information in front of them.

During the debate some Members considered the tree to be of high amenity value which should be protected now that work had taken place to reduce the canopy. Other Members were raised concerns of liability should the tree fall.

A question was raised regarding the age of the tree and how long they can live. The Tree Officer confirmed that the tree was between 130-180 years old and that they could live up to 1,000 years.

The Legal Adviser informed Members that the Applicant did have a right of Appeal and that, if there was an appeal, the merits of protection would be assessed by a Planning Inspector.

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

RESOLVED – that with respect to planning application TWC/2017/0122 that Tree Preservation Order consent be refused for the following reasons:

In all the circumstances and having regard for the amenity value of the tree and taking into account the various submissions received, the Local Planning Authority considers that consent for the proposed felling of the Ash tree should not be granted. This is a veteran tree which has the potential to be retained and managed within the landscape. Accordingly, the proposal is contrary to policy CS12 of the LDF core strategy and 'saved' policy OL11 of the Wrekin Local Plan and guidance within the NPPF.

- c) TWC/2017/0128 – Land corner of Bank Way/Mossey Green, Ketley Bank, Telford, Shropshire

This was a full application for the erection of 6 no. detached, two storey dwellings on the land between Bank Way and Mossey Green.

Oakengates Town Council has requested that this application be determined by the Planning Committee.

Councillor G Reynolds spoke against the application on behalf of the Oakengates Town Council who raised concerns regarding overdevelopment of a traditional area, loss of recreation space which formed part of the green corridor, infrastructure, drainage and sewerage, flooding, poor road conditions narrow or no footpaths, potholes and noise from the M54.

Mr S Davies, Architect for the Applicant, spoke in favour of the application informing Members that the field was in private ownership and that there was a public recreation space nearby. The principle of development had been established in 2008 for 20 units. Highways Officers had raised no concerns regarding a small scale development and did not consider the junction dangerous and a footpath would be provided along Mossey Green making this safe for both new and existing residents. Only half of the site was being developed leaving a tree belt at the edges of the site.

The Planning Officer informed Members that this application was for six modest dwellings which reflected the local character. A coal mining assessment had been undertaken and was subject to conditions. Separation standards had been observed and were acceptable. A S184 Licence for a footpath would be granted to connect to Bank Way and visibility splays could be observed.

During the ensuing debate, some Members raised concerns as to why the whole site was not being developed and whether the southern site would be developed in the future and if there were more suitable plots for this development. Further concerns were raised as to who would maintain the highway going forward. Other Members considered that up to 19 units could have been sought on this plot and the application was sympathetic to the area and Members could see no ground to refuse this application.

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

RESOLVED – that with respect to planning application TWC/2017/0128 that planning permission be granted 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).

d) TWC/2017/0153 – Site of The Wrens Nest, Wrens Nest Lane, Ketley, Telford Shropshire

This application was for an outline application with all matters reserved for the demolition of a public house and erection of 9 no. dwellings with garages and parking.

This application was deferred at Planning Committee on 17 May 2017 in order for officers to explore opportunities for providing an element of public parking to aid school drop off/pick up as part of the proposal.

The Planning Officer informed Members that the sliver of land off Waterloo Road was not deemed appropriate for car parking as this would add to highway safety issues. The Application did, however, offer the land to the Council to be used as a landscaped pedestrian access and would enter into a S106 Agreement in the sum of £5,609 the maintenance and upkeep of the land. As there was no legal arrangement and the applicant was a private landowner it was deemed appropriate to provide parking for the school.

Councillor J Francis, Ward Councillor and member of Ketley Parish Council, spoke against the application and raised concerns regarding parking and highway safety for children travelling to and from school. A suggestion came forward for a small piece of land on Riddings Close to be used as a turning circle and drop off point for children to join the supervised walking bus.

The Group Manager - Development Team confirmed that he would ask the Network Management Team, as Highway Authority, to investigate this proposal, but no promises were made that this would come forward as a solution and that the Council had a statutory duty to monitor the parking situation.

During the debate some Members were disappointed that a parking provision for parents had not come forward as an option to help dispel traffic as the safety of children was imperative, but were encouraged that the parking issue would be monitored. Members felt that there were no grounds to refuse the development but asked for the hours of construction to be conditioned.

Upon being put to the vote it was unanimously:-

RESOLVED – that with respect to planning application TWC/2017/0153 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 Section 106 Agreement with the Council relating to:**
 - **Highways: A contribution of £2,000 to re-locate the traffic calming features (speed cushions) located along Woodside Road**
 - **Recreation: £600 per dwelling (total of £5,400) towards the upgrading of recreation facilities at Overdale Playing Field and/or Mannerly Wood play area**
 - **A contribution of £5,609.05 towards the future maintenance of the strip of land to be transferred to the Council**
- b) **the conditions and informatives set out in the report together with a condition on the hours of construction (with authority to finalise and impose additional conditions to be delegated to the Development Management Service Delivery Manager).**
- e) TWC/2017/0204 – Land adjacent Belvedere Court, Hinkshay Road, Dawley, Telford, Shropshire

This was a reserved matters application for the erection of 152 no. dwellings including access, appearance, landscaping, layout and scale pursuant to Outline TWC/2013/0592 which granted permission for up to 165 dwellings on the former Ever Ready factory site.

An update report was tabled at the meeting which gave an update from the Coal Authority, information regarding trees and details of the proposed mix of housing.

The Planning Officer updated Members on the Environmental Health conditions for the site which included control of piling activity, a noise survey and control of materials and chemical testing for imported material. Referring to para 6.23 the separation distances between Plot 103-109 were approximately 20m but on Plot 104 and Plot 105 the distance measure approximately 18.5m

Mr M Evans, local resident, confirmed he did not oppose the development but raised concerns regarding lack of privacy and light, height differences, traffic along Hinkshay Road and that work had been taking place on the site, which had now ceased. There were a lot of dangerous chemicals contained within the land and there had been no certification to say that this was a clean area and proposed that development did not take place until the site was clean and free from health risks.

Mr J Howell, Applicant, spoke in favour of the application which was an improved scheme with less units and more parking. A section 106 agreement secured off-site contributions for affordable housing. A contamination survey had been undertaken and a remediation plan agreed by Environmental Health which, when complete, would leave a clean site. Conditions around working hours were acceptable and road widening and traffic calming would take place providing crossing areas for pedestrians. There was appropriate parking provision and financial contributions were listed at 6.2 of the report.

The Planning Officer confirmed that the principle of development had been established and that 35 dwellings per hectare was acceptable. Parking standards had been calculated using the mid-point between central and suburban. The Plots had at least 2 spaces but excluded 41 garages as they were slightly under the standard size of 6 x 3 but were of a size that could accommodate a car and storage. The contaminated land assessment had been incorporated into a discharge of conditions application, which had been assessed by the Councils Land Contamination officers (Environmental Health) which was acceptable.

During the discussion some Members raised concerns regarding overdevelopment, density, infrastructure, adverse impact on the highway, removal of trees, uncapped mines, who would pay for the highway works, contamination and safe removal of asbestos.

The Planning Officer confirmed that the Contaminated Land Officer had sufficient mitigation measures in place within the Environmental Management Plan to protect local resident and that this matter had not been taken lightly.

The Group Manager - Development Team confirmed to Members that a S278 agreement would be entered by the Developer in order to secure the highway improvements.

The Legal Adviser confirmed to Members that Highway Conditions would ensure that highway works would be done at the correct stage of the development.

A suggestion came forward that this application be deferred in order for Members to better understand the contamination and the mitigation measures and that the Contaminated Land Officer be invited to attend and report on the application.

The Legal Advisor informed Members that this was an usual way to deal with an outline application in that contaminated land conditions would have been imposed at the reserved matters stage.

It was proposed by Councillor C Turley and seconded by Councillor L Murray that this application be deferred in order for Members to better understand the contaminated land mitigation measures and that the Contaminated Land Officer be invited to address Members' concerns.

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

RESOLVED – that with regard to planning application TWC/2017/0204 that this matter be deferred in order for Members to better understand the contamination land mitigation measures and to invite the Contaminated Land Officer to attend at Committee and report to Members.

- f) TWC/2017/0305 – Land adjacent to Lawley Bank Court, Bryce Way, Lawley, Telford, Shropshire

This application was for the erection of a three story 66 no. bed care home for older people and associated access, parking and landscaping.

Lawley and Overdale Parish Council requested that this application be determined by Planning Committee.

Councillor D Blackburn spoke on behalf of Lawley and Overdale Parish Council who welcomed the application in principle but raised concerns regarding the size, its positioning near to West Centre Way, parking, highways, effect on bus routes and the travel plan.

Councillor J Greenaway, Ward Councillor for Horsehay and Lightmoor welcomed the application but raised concerns regarding parking, access, close proximity to pedestrian crossing, double yellow lines, no pedestrian link, no barriers or guards for pedestrians and asked if a fire sprinkler system could be put in place.

Mr A Wood, Applicant, spoke in favour of the application which was a balanced scheme in a sustainable position which was an accessible urban extension. Due to a wider parking issue 31 parking spaces and now been provided and there would be a 4m pedestrian footway.

During the debate some Members questioned the location on a busy junction in a highly prominent location and raised concerns regarding parking including disabled spaces and a turning circle for services, access and pedestrian links. A question was raised as to whether a pedestrian link to the main footway through the car for safety could be conditioned. Other Members felt that this was a good news story and fully supported the application.

The Group Manager - Development Team confirmed that the footway at the frontage of the development linked into West Centre Way, guard rails were being investigated but were not in the design code for Lawley. Parking was currently being monitored by the Highway Authority. The Applicant confirmed that a condition to have a dedicated pedestrian footway into the site was acceptable. With regard to the suggestion of a sprinkler system the Applicant confirmed that sprinkler systems were installed as standard.

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

RESOLVED - that in respect of Planning Application TWC/2017/0305 Planning permission be granted subject to the conditions and informatives set out in the report together with an additional condition to provide a footpath within the car park to link into the footways already in place and those being created within this application (with authority to finalise and impose additional conditions to be delegated to the Development Management Service Delivery Manager).

The meeting ended at 8.34 pm

Chairman:

Date: