

TELFORD & WREKIN COUNCIL

AUDIT COMMITTEE 22nd MARCH 2011

UPDATE OF THE CORPORATE ANTI-FRAUD & CORRUPTION POLICY

REPORT OF THE HEAD OF GOVERNANCE

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The Council is committed to high standards of Corporate Governance and has a set of procedures in place which are regularly updated and reviewed by the External Auditor. These procedures include the Anti-Fraud & Corruption Policy. The existing Anti-Fraud and Corruption Policy was last updated in 2008 and needs to be kept under review in order to meet legal requirements and maintain the Council's high standards of governance.

2. RECOMMENDATIONS

- 2.1** That the Audit Committee approves the updated Corporate Anti-Fraud and Corruption Policy attached at Annex A and recommends it for adoption by the Council.
- 2.2** That the Audit Committee delegates power to the Head of Governance to make minor changes to the policy that may be required as a result of the guidance on the Bribery Act 2010, when published.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	<i>Community-Focussed Efficient Council – Working Together in New Ways – Achieving fast and flexible decision making while also ensuring good governance, accountability and transparency.</i>
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	Annual Council May 2011 and initial communications and awareness completed by 30/06/11. Further training will be provided to meet the requirements of the Bribery Act 2010	
FINANCIAL/VALUE FOR MONEY IMPACT	No	None, any training and awareness sessions will be provided from within existing budgets.
LEGAL ISSUES	Yes	The Anti-Fraud and Corruption policy needs to comply with all relevant legislative requirements. The regular review of the policy will ensure that

		this is the case. See paragraph 4.4 below.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	Having a policy which sets out the Council's anti-fraud, bribery and corruption culture and associated procedures assists in the management of the risk of fraud, bribery and corruption against the Council. The other opportunities and risks associated with this policy have been identified and are being managed appropriately.
IMPACT ON SPECIFIC WARDS	Yes	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 The Anti-Fraud and Corruption Policy supports one of the key dimensions of good Corporate Governance – Standards of Conduct. The Council aims to ensure that all those associated with it maintain high standards of ethics and conduct in public life contributing to good corporate governance.
- 4.2 The key changes to the policy are due to the requirements of the Bribery Act 2010,
- 4.3 The implementation of the Bribery Act 2010 has been delayed several times due to a long consultation period on the guidance that supports the Act. However officers have been told that the guidance is now imminent and the provisions in the Act will then be effective 3 months from guidance issue date (estimated guidance issue date late March 2011 and therefore Act effective from late June 2011).
- 4.4 The Bribery Act 2010 repeals the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1916 and sub sections 68 and 69 of the Criminal Justice (Scotland) Act 2003. However, the definitions within the Bribery Act 2010 are very similar to those for corruption so the objectives and aims of the Anti-Fraud and Corruption policy are not fundamentally affected. The main changes to the policy are that it has been changed to refer to and define bribery. Once the guidance has been received Governance (Legal, Procurement and Audit & Assurance) will, subject to the approval of recommendation 2.2 above, make minor consequent amendments to the policy and develop/update appropriate procedures to meet these requirements and provide appropriate awareness to members, staff and external stakeholders. This policy is supported by the Speak Up Policy (last reviewed early 2008).

5. PREVIOUS MINUTES

- 5.1 Audit Committee 16th September 2008

6. BACKGROUND PAPERS

Corporate Anti-Fraud and Corruption Policy 2008

Speak Up Policy 2008

Benefit Fraud Sanction & Prosecution Policy 2010

Corporate Prosecution Policy 2010

Audit Commission requirements for the National Fraud Initiative

Fraud Act 2006

Local Government and Public Involvement in Health Act 2007

The Bribery Act 2010

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TELFORD & WREKIN COUNCIL - ANTI-FRAUD AND CORRUPTION POLICY 2011

1. INTRODUCTION

- 1.1 The Council through this policy clearly demonstrates its zero tolerance commitment to dealing with fraud, bribery and corruption and will deal equally with perpetrators from inside (members¹ and employees) and outside the Council.
- 1.2 The policy outlines measures designed to frustrate attempted fraud, bribes or corruption (defined in Appendix A) and the steps that will be taken if such action occurs. It is separated into four areas:-
1. Culture
 2. Prevention/Deterrence
 3. Detection and Investigation
 4. Training
- 1.3 The Council also recognises the high degree of external scrutiny of its affairs by a variety of external bodies. These bodies are important in highlighting any areas where improvements to anti-fraud, anti bribery and anti corruption activities can be made.

2. CULTURE

- 2.1 The Council's culture and values including openness² supports the zero tolerance commitment to fraud, bribery and corruption.
- 2.2 The prevention and detection of fraud, bribery or corruption and the protection of the public purse are responsibilities of everyone, both internal and external to the organisation. The Council's anti-fraud, bribery and corruption culture and associated procedures assist the Council in its management of the risk of fraud, bribery and corruption against the Council and are an integral part of its governance framework.
- 2.3 The Council's members, employees, partners, volunteers and governors play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud, bribery and corruption, regardless of seniority, rank or status, in the knowledge that such concerns will be investigated and wherever possible be treated in confidence³. Suppliers/contractors to the Council and the public also have roles to play in this process and should inform the Council if they feel that fraud, bribery or corruption may have occurred. Examples of types of concerns are listed in Appendix A.
- 2.4 The Council will deal firmly and take appropriate action against those who defraud the Council or who are corrupt. There is, of course, a need to ensure

¹ The term "members" is used in the policy to include elected, co-opted and independent members.

² Part of the Ethos/Culture/Values of the One Council One team One Vision

³ The Council's Speak Up policy sets out how concerns can be raised (including anonymous information) and how they will be dealt with, including allegations in respect to fraud and corruption.

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that any investigation process is not misused and, therefore, any abuse (such as employees/members raising malicious allegations) will also be dealt with appropriately.

- 2.5 When fraud, bribery or corruption has occurred due to a breakdown in the Council's systems or procedures, senior managers will ensure that appropriate improvements in systems of control are implemented to prevent a re-occurrence.

3. PREVENTION & DETERRENCE

3.1 MEMBERS

- 3.1.1 All members of the Council have a duty to the citizens of the Borough to protect the Council and public money from any acts of fraud, bribery or corruption. This is achieved through the Anti-Fraud and Corruption Policy, compliance with the Code of Conduct for Members, the Council's Constitution⁴, relevant legislation and any other protocols and procedures adopted by the Council.

3.2 EMPLOYEES

- 3.2.1 The Role of the Chief Financial Officer – one of the Corporate Directors has been designated the statutory responsibilities of the Chief Financial Officer as defined by s151 of the Local Government Act 1972. These responsibilities are set out in Appendix B.
- 3.2.2 Managers are responsible for controls and ensuring that adequate systems of internal control exist within their areas of responsibility, that these controls operate effectively and that they test them regularly to confirm this. They should also operate so as to prevent and detect fraud and implement appropriate controls into new systems and new controls into existing systems to reduce the risk of fraud occurring or recurring.
- 3.2.3 Managers at all levels are responsible for managing the risk of fraud, bribery and corruption through:
- a) Recruitment – following the Council's recruitment policies and procedures
 - b) Appropriate induction and training in order for their staff to do their job
 - c) Providing awareness of the Council's constitution, appropriate policies and procedures (key ones associated with this policy are listed in Appendix B)
 - d) Regular reminder, updates and vigilance in respect to fraud, bribery & corruption
 - e) Encouraging their staff to raise concerns with them or through the Speak Up policy

⁴ Including Financial Regulations and Standing Orders

3.3 MEMBERS & EMPLOYEES

- 3.3.1 Both members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise particularly with planning and land issues, procurement (especially tendering), recruitment etc. Effective role separation is essential to ensure decisions made are based upon impartial advice and seen to be based upon impartial advice to maintain public confidence in the Council's decision-making processes and avoid questions about improper disclosure of confidential information.
- 3.3.2 All members and officers are expected to fully co-operate with whoever is conducting fraud, bribery and corruption investigations, proactive checks or data matching exercises.

3.4 INTERNAL AUDIT

- 3.4.1 Internal Audit plays a vital preventative role in ensuring that systems and procedures are in place to prevent and deter fraud, bribery and corruption and has specific rights within the constitution (see Appendix B). Internal Audit investigates all employee cases of suspected financial irregularity, fraud, bribery or corruption⁵, except Benefit fraud investigations (see below), in accordance with agreed procedures. Internal Audit liaises with management to recommend changes in procedures to improve controls, reduce risks and prevent losses to the Authority.

3.5 BENEFITS INVESTIGATION TEAM

- 3.5.1 Benefits administration is recognised nationally as being complex and difficult to administer. This results in the scheme being prone to error and abuse. The Authority is committed to tackling poverty but it must also ensure that the administration of housing and council tax benefit is secure, fair and provides prompt help to those who need it. Equally, it must also be vigilant in tackling fraud and error to ensure value for taxpayers' money. The Revenues & Benefits Service operates within the legislation, government guidance and local procedures with the aim of improving the quality and accuracy of benefit determinations and to both prevent and reduce the incidence of fraud.
- 3.5.2 The Benefits Investigation Team is responsible for the investigation of welfare benefit fraud, often jointly with the Department for Works & Pensions (DWP), in accordance with legislation, agreed codes of conduct and a separate Council policy. In cases where employees and/or members are involved the team will work with Internal Audit, Human Resources, the Monitoring Officer and appropriate senior management to ensure that correct procedures are followed.

3.6 DATA MATCHING

- 3.6.1 The Council participates in all mandatory Data Matching exercises. In respect to Benefits there are also regular external exercises with HBMS (Housing

⁵ Except where they are referred to the Police when they may leave it to the Police or assist, as appropriate

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Benefits Matching Service) and DWP. In addition internal data matching exercises are undertaken. All exercises adhere to Data Protection requirements.

3.7 EXTERNAL AUDIT

3.7.1 Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by the Audit Commission or their nominated supplier through a Code of Practice that is designed to test (amongst other things) the adequacy of the Council's financial systems, the arrangements for preventing/limiting the opportunity for fraud and the arrangements for the detection of fraud, bribery and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. Where External Audit is required to undertake an investigation they will operate within legislation and their codes of conduct.

3.8 OTHER AGENCIES

3.8.1 Appropriate Council services have arranged (in compliance with the Data Protection Act 1998) the exchange of information on national and local fraud, bribery and corruption activity with appropriate external agencies.

3.9 CONTRACTORS/SUPPLIERS AND THE PUBLIC

3.9.1 This policy, although primarily aimed at those within or associated with the Council, encourages contractors/suppliers and the public to assist in the Council's zero tolerance commitment to fraud, bribery and corruption.

3.10 PROSECUTION AND RECOMPENSE

3.10.1 To support this policy the Council has a Corporate Prosecution Policy which is complemented by the Benefit Fraud Sanction & Prosecution Policy. The corporate policy is designed to clarify and ensure consistency in the Council's action in specific cases and to deter others from committing offences against the Authority. The Benefit Fraud Sanction & Prosecution policy ensures that Benefits prosecutions are undertaken within the requirements of Benefits legislation.

3.10.2 In addition or instead of prosecution, the Council will seek to recover any money or assets fraudulently/corruptly obtained from the Council.

3.11 DISCIPLINARY OR OTHER ACTION

3.11.1 Theft, fraud, bribery and corruption are serious offences against the Authority and employees will face disciplinary action if there is evidence that they have been involved in these activities, including Benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case.

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3.11.2 Members will face appropriate action under this policy if there is evidence that they have been involved in theft, fraud, bribery and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a potential breach of the Code of Conduct for Members then it will also be referred to the Standards Committee.

3.12 PUBLICITY

3.12.1 The Council's Communications & Marketing Team will optimise the publicity opportunities associated with anti-fraud, anti bribery and anti corruption activity within the Council. Information will be publicised in respect to prosecutions and other appropriate cases as a deterrent.

3.12.2 Internally where the Council can learn from incidents the relevant points will be communicated to members and employees.

3.12.3 Any notifications received by the Council of possible regional/national frauds, scams or alerts will be communicated to employees and members, as appropriate.

3.13.4 All anti-fraud, anti bribery and anti corruption activities, including the update of this policy⁶, will be publicised in order to make the employees, members and the public aware of the Council's commitment to taking action on fraud, bribery and corruption, when it occurs.

4. DETECTION AND INVESTIGATION

4.1 Internal Audit plays an important role in the detection of fraud. Included in their risk based audit plan (informed by a fraud risk register) are specific fraud tests, spot checks and unannounced visits. However it is often the vigilance of employees, partners, volunteers, members, governors, suppliers/contractors and the public that aids detection.

4.2 All suspected fraud, bribery and corruption irregularities (except benefit fraud) are required to be reported (verbally or in writing) to the Audit & Assurance Manager⁷ either by the person with whom the initial concern is raised or through the Council's Speak Up policy. (See paragraph 3.4.1).

5. AWARENESS AND TRAINING

5.1 The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for Members, employees and affected external parties. The policy is an integral part of the officer and member's induction programme and incorporated in the Member Development programme. Specialist training for certain employees is provided due to their specific roles.

⁶ This policy will be updated on a regular basis, with a maximum of two years between each update.

⁷ Further information can be found in the Fraud Response Plan on the intranet

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- 5.2 Regular awareness through corporate communication, managers' briefings and leaflets will ensure that the policy is applied. Full copies of the Anti-Fraud and Corruption and Speak Up policies are available on the intranet.

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APPENDIX A DEFINITIONS OF FRAUD, BRIBERY & CORRUPTION

Fraud is defined by the Audit Commission as:-

Fraud – “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”.

In addition, fraud can also be defined as *“the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to mislead or misrepresent”.*

The Fraud Act 2006 which came into effect on 15th January 2007 created a new general offence of fraud with three ways of committing it:

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position

It also created new offences:

- Obtaining services dishonestly
- Possessing, making and supplying articles for use in frauds
- Fraudulent trading applicable to non-corporate traders.

Corruption is defined by the Audit Commission as:-

Corruption – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

In addition, this policy also covers *“the failure to disclose an interest in order to gain financial or other pecuniary benefit.”*

Bribery is defined under the Act as:-

A bribe is a financial or other advantage that is offered or requested with the intention of inducing or rewarding the improper performance of a relevant function or activity, or with the knowledge or belief that the acceptance of such an advantage would constitute the improper performance of such a function or activity.

EXAMPLES OF THE TYPES CONCERNS that could be raised:

- * A criminal offence
- * A failure to comply with a statutory or legal obligation
- * Improper or unauthorised use of public or other official funds
- * A miscarriage of justice
- * Maladministration, misconduct or malpractice
- * Discriminatory behaviour

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- * Endangering an individuals health and/or safety
- * Damage to the environment
- * That offers or requests have been made in respect to a promise, gift, financial or other advantage to or from a person that results in improper performance of a decision or action
- * Deliberate concealment of any of the above

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APPENDIX B

Roles and Responsibilities of the Chief Financial Officer (CFO) in respect to Fraud & Corruption

S151 of the Local Government Act sets out that in every local authority in England & Wales should:

“make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs”.

Under the Constitution the CFO responsibilities of proper administration encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit;
- Ensuring the Authority's responsibility for the proper administration of its financial affairs;
- The proper exercise of a wide range of delegated powers both formal and informal;
- The responsibility for managing the financial affairs of the local authority in all its dealings; and
- The recognition of the fiduciary responsibility owed to local tax payers.

KEY COUNCIL DOCUMENTS THAT SUPPORT THIS POLICY

(This list contains examples but is not exhaustive)

- Constitution
- Financial Regulations and Standing Orders and associated detailed procedures
- Fraud Response Plan
- Employee Code of Conduct
- Health and Safety Policies
- Corporate Information Security Policy (which includes the E-mail and Internet Usage Policies and IT Strategy).
- Gifts and Hospitality Guidance
- Equalities policies

CONSTITUTION POWERS FOR REPRESENTATIVES OF INTERNAL AUDIT

(Part 4 – Rules of Procedure: Section 6 – Financial Regulations paragraph 9.7)

9.7 The Chief Finance Officer's authorised Internal Audit representatives shall be empowered to:

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records⁸, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, Head of Governance or Audit & Risk Manager.

⁸ Records include business e-mail and internet records

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- have access to records belonging to third parties such as contractors or partners when required
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

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PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 13th April, 2011 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors N.A. Dugmore (Chairman), R.T. Kiernan, D.R. Chaplin, J.A. Francis, G.M. Green, F.R. Picken, H. Rhodes, and M.J. Smith

ALSO PRESENT: Councillors K.S. Sahota (for planning applications TWC/2010/0637 and TWC/2011/0017) and R. Overton (for planning application TWC/2011/0158)

PB-105 DATE OF NEXT MEETING

The Chairman advised the Board that the next meeting of the Plans Board, scheduled for Wednesday, 27th April 2011, would be cancelled due to the Borough Council Election timetable and the dates of the Easter holiday.

PB-106 MINUTES

RESOLVED – that the minutes of the meetings of the Plans Board held on Wednesday, 30th March, 2011 be confirmed and signed by the Chairman.

PB-107 APOLOGIES FOR ABSENCE

None.

PB-108 DECLARATIONS OF INTEREST

None.

PB-109 DEFERRED/WITHDRAWN APPLICATIONS

RESOLVED – that planning applications TWC/2010/0688, TWC/2010/0715 and TWC/2010/0820 be deferred until the meeting of the Board on the 1st June, 2011 to allow Members to make a Site Visit and that planning application TWC/2011/0108 be withdrawn for consideration at a later date.

PB-110 SITE VISITS

RESOLVED - that Site Visits be made in respect of planning applications TWC/2010/0688, TWC/2010/0715 and TWC/2010/0820 commencing at 3.00 p.m.

PB-111 PLANNING APPLICATION FOR DETERMINATION

- (a) TWC/2010/0637 – Land adjacent 34 Rhodes Avenue, Dawley, Telford, Shropshire

This application sought full planning permission for the erection of a small detached 2 bedroom dwelling with a kitchen/diner and a lounge area on the side garden land of an established red brick, end-terrace property. Councillor K. Singh Sahota had requested that the application be determined by the Plans Board and its determination had been deferred until this meeting to enable Members to make a Site Visit.

Great Dawley Parish Council had no objections to the proposal but 2 neighbour letters and a petition with 11 names had been submitted, raising a number of objections including the safety of children walking to and from school during construction, the inconvenience to residents when accessing properties, parking and manoeuvring vehicles, and the removal of a silver birch tree from the site. The Council's Highways Engineer and the Drainage Engineer had no objections subject to appropriate conditions, as set out in the report.

The site had no land allocation within the Wrekin Local Plan and could, therefore, be considered for development. No.34 had only a side garden with the rear garden area serving No. 33 Rhodes Avenue. It was proposed to sub-divide the side garden area to create the new plot, with a garden located on the triangular piece of land to the front and side, bin storage to the rear, and a reduced garden area to No.34.

Following discussions with officers, the plans had been amended to ensure that sufficient amenity space was provided for both the existing and proposed dwellings and to minimise problems of overlooking/loss of privacy of adjoining properties in Rhodes Avenue. The proposed dwelling had been repositioned to provide usable amenity space to the side of the property and the rear bedroom window relocated to the side elevation. As a result, there were now no habitable room windows at first floor on the rear elevation and, therefore, there would be no detrimental impact on adjoining residential amenities. A condition could be imposed to ensure that no additional windows were added to the development. Whilst the new property would be of a different form and design to the terraced row, the materials, roof eaves, ridge height and window proportions would match the prevailing character and appearance.

One parking space would be provided at the front of the site with a space for No.34, which was considered to be adequate for both properties. Following the concerns raised by neighbours, a condition could be imposed to ensure details were provided of the parking of construction traffic and the storage of materials in order to minimise inconvenience to adjoining residential properties and protect highway users on the pedestrian access to the side of the site. The silver birch tree, which had been removed for safety reasons, could be addressed by a suitable replacement landscaping scheme controlled by condition.

Councillor K.S. Sahota, Ward Member, spoke against the application on behalf of local residents and stressed their concerns as set out in the letters of objection. Ms. Kayleigh Willetts, a local resident, spoke against the application and reiterated the concerns expressed by Councillor Sahota.

Tony Appleby, the applicant's agent, spoke in favour of the application. He said that understood the concerns of residents, which he had sought to address when

preparing the application. With regard to any potential problems from construction and delivery vehicles, these would be controlled by good site management. He would be relocating to Telford and would be available to resolve any issues raised by the residents during the construction process. In conclusion, he emphasised that the Council's Highways Engineer had raised no objections to the proposal.

Members voiced a number of concerns about the application in particular the loss of amenity space, access issues, and the closeness of the proposed dwelling to the boundary. There being no proposer for the recommendation to approve the application, it was proposed and seconded that the application be refused.

RESOLVED – that planning application TWC/2011/0637 be refused as it was considered to be overdevelopment of an unacceptable site which would result in an insufficient area of amenity space for the proposed dwelling.

(b) TWC/2010/0820 – Land off Queens Drive, Newport, Shropshire

This was an application for the erection of a pair of 4 bedroomed semi-detached dwellings with integral garages on a vacant 0.16 acre site situated between the rear gardens of nos. 4 and 6 Station Road and 1 Queens Drive. Queens Drive was a cul-de-sac in a predominantly residential area comprising various styles and ages of 2 and single storey dwellings. It lay outside the Newport Conservation Area but was within the built up area of Newport. The site had previously formed the rear gardens of nos. 4 and 6 Station Road, a pair of Grade II white painted stuccoed 2 storey Victorian dwellings. There was a landscape strip approximately 2m wide between the application site and the public highway.

Newport Town Council supported the application subject to conditions and the Council's Highways Engineer had no objections subject to conditions in respect of driveway surfacing, visibility splay and gates.

Planning Application W2007/0152 for the erection of a pair of semi-detached dwellings was refused in March 2007 but had been allowed on appeal by the Planning Inspector. Due to the downturn in the economy this permission had not been implemented and had lapsed leading to the submission of the current and identical application. However, the principle of 2 dwellings on the site, as established by the Inspector's decision, was a material consideration when assessing this application.

The occupiers of 10 neighbouring properties had made representations in respect of the application, as outlined in the report, and to which the officer's report had responded, as follows.

With regard to the size of the proposed development, in allowing the appeal the Planning Inspector had taken the view that the proposed development should be seen in the context of detached and semi-detached houses that had reasonably spacious and open settings. In contrast, the proposed development site was smaller and, although each house would be off-set from the side boundaries, the development would have an effective height of 2 stories across the entire site. Despite this, the Inspector did not consider that the site would have an over-

developed appearance. To the south-west there would be open space in the form of the rear garden of 4 Station Court and a single storey garage and entrance to 1 Queens Drive opposite, which would contribute to the openness. Moreover, the house on plot 2 would be off-set from the boundary by approximately 1.8m. Accordingly, the Inspector did not consider that the development would have an unduly cramped appearance or fail to respect the character and appearance of the area. In addition, the proposed development was sufficiently distant from the adjacent Listed Buildings to ensure that they would not be adversely affected.

Concerns had been raised by neighbours regarding overlooking and loss of privacy. However, while the Inspector had acknowledged that there would be views towards the rear garden of 2 Pen-y-Bryn Way from bedroom window 3 of the house on plot 2, he had been of the opinion that the substantial holly hedge along the common boundary would provide effective screening between the two properties and, in the unlikely event that it was removed, alternative screening could be provided. Therefore, there would be no detrimental impact on the neighbours' living conditions and the proposal complied with 'saved' policy UD2 of the Wrekin Local Plan (WLP).

With regard to the provision of adequate drainage of surface water, anecdotal evidence provided by neighbours was noted but the Inspector had previously pointed out that such issues could be addressed via appropriate conditions and was satisfied that adequate provision could be made. The Council's Drainage Engineer had agreed with this approach and had no objections to the proposal subject to conditions. Therefore, the proposal complied with 'saved' policy UD2 of the WLP.

Neighbours had raised concerns regarding the impact of additional traffic but Queens Drive was a quiet cul-de-sac and the Inspector had observed that traffic turning into and out of the site would have no significant effect upon the free flow of traffic. In addition, off-street parking was provided on the site and, thus, movement on Queens Drive would not be impeded. With regard to highway safety, providing a satisfactory visibility splay could be provided at the entrance to the site across the landscape strip, the safety of traffic would not be compromised and adequate views would be available up and down Queens Drive. Therefore, the proposal complied with 'saved' policy UD2 of the WLP.

The ownership of the landscape strip was currently not known, as raised by objectors to the application, but Members were advised that this issue was not a material planning consideration. In addition, the Inspector had observed that, even if ownership was disputed, traffic safety would not be compromised provided that the applicant could secure the necessary visibility at the entrance.

In response to the concerns expressed by neighbouring properties, Members were informed that the parking of construction vehicles and the storage of machinery and building materials could be controlled by a condition requiring a scheme to be submitted prior to commencement of the development.

Objections had also been submitted that the application was an instance of 'garden grabbing'. Whilst Planning Policy Statement 3 – Housing had recently been revised to prevent this, by excluding residential gardens from the definition of previously developed land, this gave less national support than previously and did not prohibit

development of garden land. Therefore, it was not justification alone for refusing planning permission.

The Planning Officer advised Members that, if they were minded to refuse the application, their decision would be contrary to the Secretary of State's decision and could be considered perverse and a subsequent appeal could lead to costs being awarded against the Council.

The update report tabled at the meeting informed the Board that an additional representation, including historical maps of the area, had been received from the occupier of no. 9 Queens Drive. The issues raised, which related to the strip of land between the application site and the public highway, were summarised in the report. In response, the Planning Officer stated that, regardless of the boundaries indicated on the old maps and the Town Council's intention to claim this strip of unregistered land and having previously maintained it, this did not impact upon the principle of the development of the site. The correct ownership certificates had been signed and the requisite publication and advertisement of the application had taken place. Members were advised that lines on Ordnance Surveys maps were features which were present on the site when the land was surveyed, i.e. walls, buildings, verges, and the centre line of hedges, but did not necessarily show boundaries, land ownership and title. The update report further listed the other issues raised in the representation.

Ms. R Borsley spoke against the application with reference to the loss of light and privacy to two properties, and the narrowness of Queens Road. In addition, she said that great crested newts had been found on the site and asked that a full ecological survey be undertaken. She had taken legal advice and stated that the application was not in keeping with a Grade II Listed Building and the proposed dwellings were too large for this small plot. If the application were to be approved, she asked how the conditions would be enforced and any breaches reported. The application stated that there was sufficient space for vehicles to park but she did not agree with this and requested that the Board impose a condition requiring cars to only park within the boundaries of the properties.

Mr. R. Jones also spoke against the application on the basis of loss of privacy and impairment of his enjoyment of the Grade II Listed Building. He asked if there was a requirement for land formerly comprising the garden of a Listed Building to be delisted before planning approval was granted. Although the earlier application had been granted planning permission on appeal, his objections remained the same and he considered that the current application should be treated as a new one and not just determined in line with the Planning Inspector's decision.

Steve Atkinson of Design Forum, spoke on behalf of the applicant. The previous application in 2007 had been agreed by the Planning Inspector and this application was a renewal of that proposal, which had established the principle of development on the site. He considered that the context of the development was acceptable, compliant with local planning policies, and would provide a sustainable development to enhance the area.

In response the Planning Officer reminded Members that the Planning Inspector's decision still stood. With regard to the comments on the presence of great crested

newts on the site, she said that the Ecological Officer had had no objections to the application but that the situation could be investigated.

The Head of Housing & Planning reminded Members of the previous approval and said that the Council could incur costs if they were minded to refuse the application. In response to the request for a condition to prevent vehicles from parking on the highway, he explained that this was not possible as the Local Planning Authority could only condition to prevent vehicles blocking the highway. However, given the concerns raised with regard to the great crested newts, and proposed development within the curtilage of a Listed Building, he advised the Board that a Site Visit would enable them to see the Planning Inspector's decision in context and, thus, make a secure and reasonable decision on the application.

RESOLVED – that determination of planning application TWC/2010/0715 be deferred to allow the Board Members to make a Site Visit.

(c) TWC/2011/0017 – Land at Prince Edward Crescent, Malinslee, Telford, Shropshire

The application sought full planning permission for the erection of 12no. 2-bedroom affordable bungalows with parking provision, private amenity space and landscaping on an area of public open space, together with the relocation of an improved local equipped area of play (LEAP) to the south of the site. The dwellings were specifically for people aged over 55 and the accommodation mix comprised 2 mobility bungalows with the remainder being socially rented properties and other affordable types. The majority of the tree belt along the north and east boundaries of the site would be retained with additional tree planting adjacent to the new LEAP. Both Councillor K.S. Sahota, the Ward Member, and Great Dawley Parish Council had requested that the application be considered by the Plans Board.

Great Dawley Parish Council had initially raised no objections but, following re-consultation, had done so the grounds that the application was contrary to the Central Telford Area Action Plan (CTAAP). The Council's Highways Engineer and the Parks and Open Spaces Officer had no objections subject to appropriate conditions and the Arboricultural Officer had withdrawn his initial objections subject to the conditions as set out in the report. 11 neighbour letters of objection and a petition containing 26 names had been received, as summarised in the report.

The principle of residential development on this site had previously been approved by the granting of outline approval for 13 dwellings, including access, by the Plans Board in 2009 (W2008/1324). The layout of the development on site had been slightly revised following discussions with the Local Planning Authority and the developers had submitted a full planning application rather than an application for reserved matters. Both the current application and W2008/1324 had been submitted in conjunction with the Malinslee Local Centre redevelopment (W2007/0359) in providing affordable housing associated with the residential element of the scheme. The site was in a highly accessible location within walking distance of both Malinslee Local Centre and Telford Town Centre. It was, therefore, considered that residential development of this scale and form and providing affordable housing complied with

policies CS3, CS9 and CS10 of the Core Strategy, H6 and H23 of the Wrekin Local Plan (WLP) and national guidance contained in PPS1 and PPS3.

The site did not constitute Green Network in the WLP but, when green spaces were evaluated for the CTAAP Action Plan, it was considered that this site should be included. At the time of that assessment, the application for outline planning permission (W2008/1324) was being considered for the site. Policy CT21 of the Core Strategy required the protection of all green spaces within the designation, however there was some flexibility built in to allow development where it was deemed to be 'unavoidable and appropriate'. In such cases the green space lost to development must be replaced to an equivalent or higher quality and accessibility in accordance with the Provision of New Green Space Policy (CT22). Whilst the proposal would result in a loss of some open space, this would be mitigated by the improvements to the play area within the site and the new facilities at Malinslee Centre. Furthermore, the proposal would retain the belt of trees to the boundary of the site adjacent to Royal Way and Brunel Road, ensuring a green corridor was retained with additional landscaping to screen the LEAP from adjoining residential properties. Thus, on balance, the loss of green space was considered acceptable in this instance.

Officers considered that the proposal would alter the character and appearance of the existing site but given the site's context in a predominantly residential area with larger areas of open space, adjacent play provision, the LEAP to the south, and the retention of trees to the north and east boundaries of the site, the proposal would not have a significant detrimental impact on the character and appearance of the area.

With regard to the design and appearance of the development, the contemporary design and materials of the properties was in keeping with the redevelopment scheme at Malinslee Centre and the use of brick and render would relate to the adjoining development in Prince Edward Crescent. Accordingly, the development would accord with urban design policies UD2 and CS15.

The vehicular access to the site between Nos.22 and 23 Prince Edward Crescent had been agreed at the outline planning stage. Whilst, it was acknowledged that Prince Edward Crescent was a narrow road, the assessment of the Highways Engineer was that the additional traffic associated with this development could be accommodated without detriment to highway safety. The site included a shared surface/traffic calming measures which would dictate lower speeds and ensure the safety of pedestrians, and children using the LEAP. Parking provision of 1 allocated space for each new dwelling and 9 visitor parking spaces was considered sufficient given the proximity to the Local Centre and Town Centre and public transport links.

The layout and orientation of the proposed 12 bungalows had been designed to ensure that the development did not have an adverse impact on existing and proposed residential amenities. As the buildings were single storey, there would be no problem of overlooking or loss of privacy or light to the existing properties whose gardens adjoined the site. However, the area would benefit from dual aspect properties, providing natural surveillance. The proposed gardens were relatively modest in size but were considered comparable with the surrounding area and, therefore, acceptable.

There would be a 20m. separation distance between the LEAP and the existing properties in Prince Edward Crescent and Prince Charles Crescent which was considered sufficient to ensure that it would not cause an unacceptable level of noise and disturbance to residents. Whilst it was not possible to ensure the behaviour all users of the LEAP, the proposed development would provide a level of natural surveillance which would help to reduce potential anti-social behaviour in the area. Provision for older children would be sited at Malinslee Local Centre and at Telford Town Park. As the development would provide housing for people over 55 years of age, it was considered appropriate to limit play provision design for the under 7s in line with the previous approval. Furthermore, additional planting was proposed between the existing properties and the LEAP to maintain residential amenity. It was suggested that appropriate conditions were imposed with regard to on-site construction and hours of construction work in order to protect residential amenity. The retention of the trees and additional landscaping would ensure that the impact on birds and wildlife was minimised.

With regard to other matters raised by local residents, whilst officers noted their concerns that the proposal would only benefit new residents and be to the detriment of existing residents, the proposal was being developed in conjunction with the Malinslee Redevelopment Scheme to provide affordable housing and upgraded play provision and would, therefore, benefit the wider community. Malinslee was relatively densely populated but the proposed scale of development was considered appropriate to the context of the area and would not lead to a complete loss of the existing open space.

The update report, as tabled at the meeting, informed the Board that, following discussions with the applicants' agents, it was proposed to omit one of the suggested condition, 'Dwellings to be built to Code 4 rating of the *Code for Sustainable Homes*,' and to include it as an informative on the Decision Notice. The applicants had stated that, while it was the intention for each dwelling to achieve this standard, they were concerned that, if this was not possible, the imposition of such a condition could affect the viability of the scheme. Accordingly, officers recommended that the Code be included as an informative to encourage such standards.

Councillor Nicola Holmes, Vice-Chairman of Great Dawley Parish Council, spoke against the application. She referred to Policy CT21 of the Core Strategy and said that she did not consider that exceptional circumstances applied in this instance or that the scheme was unavoidable as alternative sites had not been fully considered. In addition, she spoke of the problems construction traffic would cause to what was a narrow, single track cul-de-sac and the danger to children and residents and, in conclusion, said that approval of the application would be contrary to the Council's own planning policies and would result in the loss of an important local community amenity. Councillor K.S. Sahota, Ward Member, spoke against the application and reiterated the comments made by Councillor Holmes.

Mrs. S. Chowdhury and Ms. K. Worthing, local residents, spoke against the application. Mrs. Chowdhury said that the proposed layout of the bungalows would inhibit both her family and the residents of the bungalows. While the applicant had

stated that scheme would enhance safety in the area, she had not experienced any problems in the 32 years she had lived in her house, a period of time in which she had also seen 3 generations of children growing up using the green area. Ms Worthing also considered that the application would contravene CT21, result in a loss of green space, and lead to an increase in traffic which would endanger the safety of children.

Matthew Haynes, of the Council's Property & Design, spoke on behalf of the application, as the Council was the owner of the site with the developer being the Wrekin Housing Trust, and said that the application was little changed from that granted outlined planning permission in 2009. With regard to the concerns expressed regarding the narrowness of Prince Edward Crescent, he said that large refuse vehicles did not experience any such problems and no construction companies had expressed concerns at the access. The scheme was only likely to generate a minimal amount of additional traffic as the bungalows would be occupied by retired people and people aged over 55. There was a strong local need for 100% affordable bungalows for these groups and for disabled people and, therefore, the site could be seen as exceptional within the CTAAP. In conclusion, he said that the capital receipt from the sale of this site would be reinvested directly into the Malinslee Ward and refusal of the application would create a large funding gap for the Community Centre development.

The Planning Officer reminded the Board that the outline planning consent was still valid and one year was left in which the applicant could submit a Reserved Matters application. The application before the Board was for 12 bungalows but the applicant could still submit a reserved matters for 13 bungalows as per the outline consent. With regard to the concerns expressed by Mrs. Chowdhury, the Planning Officer said that it was considered that there was sufficient separation distance between her plot and the proposed units, in addition to which the units would be lower in height than the existing houses. While some trees would be lost as a result of the scheme, a large number would be retained. A LEAP for under 7s would be provided as that would reduce the need for older children to use it and, potentially, cause a nuisance to older residents. With regard to the loss of green space and policy CT21, the officer informed the Board that the application had been validated in February 2011 with CTAAP being approved in March 2011. Policies CT21 & 22 permitted some flexibility where development was unavoidable and it was considered that this site could be judged to be an exception as it already had outline consent.

The Chairman reminded the Board that the application could only be refused on the grounds of design, as the principle of development on the site had been accepted at the outline stage. However, Councillor H. Rhodes said that she could not support an application that was contrary to CTAAP. Councillors F.R. Picken and R.T. Kiernan supported the provision of housing for these specific groups.

The Head of Housing & Planning advised that this was an application for full planning permission and that, while CTAAP sought to protect green space, an appropriate development would not be inconsistent with that. Bungalows were sought after in the Borough but not frequently delivered and, therefore, Members needed to balance the loss of open space against the requirements of the elderly for

purpose built and affordable housing. The site was owned by the Council and its sale would enable a direct community benefit to be provided.

RESOLVED – that with respect to planning application TWC/2011/0017 planning permission be granted subject to the conditions as set out in the update report tabled at the meeting.

(d) TWC/2011/0140- Hartshill Park Tennis Courts, Oakengates, Telford, Shropshire

This application by Telford & Wrekin Council related to the erection of 6no. 8m high floodlights to illuminate the 2 existing tarmac surface tennis courts. The Council was building an indoor tennis centre at Oakengates Leisure Centre and, together with a professional tennis coaching team, First Point Tennis Coaching, would provide a community coaching and competition programme for all ages and abilities at a number of locations across the Borough, as fully supported by the Lawn Tennis Association and Tennis Shropshire. The proposed floodlights around the existing tennis courts were an essential part of this initiative as they would enable a year-round community tennis programme in an easily accessible community site.

Following publication of the application, no comments had been received from neighbours. Oakengates Town Council supported the application but had asked that any planning consent should ensure that the lights were adjusted to prevent them shining into adjacent houses.

The 6 floodlight columns would be located at the 4 corners of the tennis courts and at the mid point of the courts. They would provide a dark sky lighting scheme, which was designed to an IEE E1 standard deemed acceptable for such areas of leisure parks and prevented horizontal light spillage and contained vertical spillage to within 2m of the boundaries. The lights would be fitted with effective shields that would concentrate the light onto the playing surfaces at all times and would be conditioned accordingly.

The flood light operation would be by a token obtained by users on booking a court and a tennis programme would detail when the courts were available for public use and potential flood light use. Flood lights would not be used after 10.00 p.m. and only between 1st September to 30th April, although the Tennis Coaching Team would have the ability to override this if necessary if there were poor natural light conditions.

The application site was well serviced by public transport with frequent bus services operating from Oakengates Centre and the Railway Station was within walking distance.

The park was well used at present and, even if the courts were to be used most evenings of the week, it was considered that there would be no appreciable increase in the amount of noise and disturbance experienced by local residents as a result of installing the floodlights.

RESOLVED – that with respect to planning application TWC/2011/0140 planning permission be granted subject to the conditions as set out in the report.

(e) TWC/2011/0158 – Gower Street, St. George's, Telford, Shropshire

This was an application for a determination as to whether prior approval was required in relation to the siting and appearance of a new 15m. high slim line telecommunications monopole with 6 antennae, giving a total height of 15.5m, on an area of public open space opposite the former Youth Centre and in front of a row of semi-detached dwellings. The monopole would be coloured grey and the ground equipment cabinet at the base of the pole would be green.

The site was a shared facility for Vodaphone and O2 with 3 Vodaphone antennae within the monopole, between 12.2 and 13.5m. above ground level, and 3 O2 antennae, between 14.05 and 15.35m. above ground level all of which would be contained within a smooth circular sheath. The applicants had stated that the proposal was required in order to provide 3G coverage for this part of St Georges.

Councillor R. Overton, the Ward Councillor, had requested that the determination should be considered by the Plans Board. He had submitted objections to the proposal and 17 e-mails had been received objecting to the proposal, as summarised in the report.

The applicants had submitted additional information in support of their application. The Apple i-phone and the widespread use of 'dongles', which provided a mobile broadband service for laptops, meant that more 3G stations were required. In addition, people were increasingly using mobile operators to provide their only home phone line and broadband connection, which had increased the demand for base stations in residential areas. The 3G cells for 3G masts were approximately 1000m. across and additional masts would be required to cover adjoining areas. The proposed monopole would be taller than the existing street lighting columns in order for the pole to accommodate the required antennae, plus amplifiers, which enabled the installation to provide the required coverage to the target area. Without these the installation would not provide the required level of coverage, which could result in the need for an additional installation in the surrounding area. In order to minimise interference within its own network and with other radio networks, O2 and Vodaphone operated their networks in such a way that the radio frequency power outputs were kept to the lowest levels commensurate with effective service provision.

With regard to the choice of application site, the applicants had stated that there were no existing telecommunications operator sites in the area which were suitable for sharing, the majority of the search area for this cell was predominantly medium density residential development, and other sites had been investigated but dismissed for the reasons set out in the report. In conclusion, the applicants considered that the chosen location would have less visual impact on the surrounding area than a similar structure in any other location within the required cell search area. The mast was a slimline monopole that had been utilised across the whole country and, while a replica telegraph pole could be used, it would have had to be taller than a monopole because the antennae were stacked within the body of the pole and thus

were slimmer but longer. Careful consideration had been given to finding a site that placed the facility as far as possible away from any housing.

This was a telecommunications determination application and Members were reminded that the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation.

Although the monopole would differ in appearance from the existing angled street lighting columns, it would, in effect, be an additional item of street furniture and, as such, would not be an alien feature to the street scene nor significantly visually intrusive. Its location within the grassed open space would not form an incongruous or unduly prominent feature on the skyline or on the street scene. There was no fenced compound proposed and it was normal to find various types of electrical equipment cabinets and relay boxes alongside urban roads. Therefore, the overall impact of the installation on the street scene was considered to be acceptable.

There was much public concern concerning the possible adverse health impacts of telecommunication development. However Members were advised that consideration of this application should follow the advice given in PPG8, paragraph 98 *"..it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them."*

The requisite ICNIRP certificate had been submitted with this application which confirmed that the site and the proposed emissions would comply with the appropriate guidelines. Recent High Court and Court of Appeal decisions in relation to planning appeals for telecommunications equipment had established that when evidence was submitted to confirm that an installation fell within the ICNIRP guidelines, that a perception of fear or concerns about health issues did not provide justification for a Council to refuse an application.

Councillor R. Overton, Ward Member, spoke against the application and expressed the concerns of local residents that the proposed mast would be a visually intrusive structure in the heart of a residential area and would appear taller in its context due to the site being on a hill. The proposed mast would be sited on a highway verge on which children played and he made reference to the refusal of an application for a mast in Priorslee which would have been sited along a main road with an adjacent play area but no adjacent residential properties and asked the Board to take a consistent approach when determining this application.

Councillors H. Rhodes and M.J. Smith both were of the opinion that the proposed location of the mast would be too close to the houses, be intrusive and out of character in the street scene. The Planning Officer advised the Board that the Local Planning Authority could not dictate the location as it did not have the necessary technical knowledge. However, the Head of Housing & Planning said that Members

could decide not to give prior approval and advise the applicant to look for an alternative and more appropriate location.

There being no proposer that the application be given prior approval, it was proposed and seconded that prior approval not be given.

DETERMINATION:

The proposed 15 metre high slim line telecommunications monopole not be granted **prior approval.**

Reasons for Refusal.

- 1. The proposed mast will be visually intrusive in this residential area due to its height and siting;**

The applicant to be made aware that alternative sites be more fully explored.

- (f) TWC/2011/0160 – Hortonwood 30, Hortonwood, Telford, Shropshire

This was an application for a determination as to whether prior approval would be required in relation to the siting and appearance of a new 15m. high slim line telecommunications monopole with 6 antennae, with a new equipment cabinet at its base on a site within the highway verge on the northern side of Hortonwood 30. The monopole would be coloured grey and the equipment cabinet coloured green.

The site was a shared facility for Vodaphone and O2 with 3 Vodaphone antennae and 3 O2 antennae within the monopole, all to be contained within a smooth circular sheath. The applicants had stated that the proposal was required in order to provide 3G coverage for this part of Hortonwood.

The applicants had submitted additional information in support of their application. The Apple i-phone and the widespread use of 'dongles', which provided a mobile broadband service for laptops, meant that more 3G stations were required. In addition, people were increasingly using mobile operators to provide their only home phone line and broadband connection, which had increased the demand for base stations in residential areas. The 3G cells for 3G masts were approximately 1000m. across and additional masts would be required to cover adjoining areas. The proposed monopole would stand at a height taller than the existing street lighting columns in order for the pole to accommodate the required antennae, plus amplifiers, which enabled the installation to provide the required coverage to the target area. Without these amplifiers the installation would not provide the required level of coverage, which could result in the need for an additional installation in the surrounding area. In order to minimise interference within its own network and with other radio networks, O2 and Vodaphone operated their networks in such a way that the radio frequency power outputs were kept to the lowest levels commensurate with effective service provision. With regard to the choice of application site, the applicants had stated that there were no existing telecommunications operator sites in the area which were suitable for sharing, the majority of the search area for this cell was predominantly medium density residential development, and other sites had

been investigated but dismissed for the reasons set out in the report. In conclusion, the applicants considered that the chosen location would have less visual impact on the surrounding area than a similar structure in any other location within the required cell search area. The mast was a slimline monopole that had been utilised across the whole country and, while a replica telegraph pole could be used, it would have had to be taller than a monopole because the antennae were stacked within the body of the pole and thus were slimmer but longer.

This was a telecommunications determination application and Members were reminded that the decision whether to give or refuse prior approval had to be based on the siting and appearance of the installation.

Although the monopole would differ in appearance from the existing angled street lighting columns, it would, in effect, be an additional item of street furniture and, as such, would not be an alien feature to the street scene nor significantly visually intrusive. Its location within the grassed highway verge would not form an incongruous or unduly prominent feature on the skyline or on the street scene and the mast would be seen against the background of large industrial buildings. There was no fenced compound proposed and it was normal to find various types of electrical equipment cabinets and relay boxes alongside urban roads. Therefore, the overall impact of the installation on the street scene was considered to be acceptable.

There was much public concern concerning the possible adverse health impacts of telecommunication development. However, Members were advised that consideration of this application should follow the advice given in PPG8, paragraph 98 *“..it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.”*

The requisite ICNIRP certificate had been submitted with this application which confirmed that the site and the proposed emissions would comply with the appropriate guidelines. Recent High Court and Court of Appeal decisions in relation to planning appeals for telecommunications equipment had established that when evidence was submitted to confirm that an installation fell within the ICNIRP guidelines, that a perception of fear or concerns about health issues did not provide justification for a Council to refuse an application.

DETERMINATION:

The proposed 15 metre high slim line telecommunications monopole does not require a full planning application, and therefore **prior approval is given** for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.

PB-112 URGENCY RESOLUTION – SECTION 100B(4), LOCAL GOVERNMENT ACT 1972

The Chairman of the meeting made the following statement:

“I am of the opinion that the following items of business should be dealt with as a matter of urgency at this meeting to avoid any unnecessary delay.”

PB-113 PLANNING APPLICATION TWC/2011/0144 – BOWRING PARK TENNIS COURTS, HAYGATE ROAD, WELLINGTON, TELFORD, SHROPSHIRE

This application by Telford & Wrekin Council related to the erection of 6no. 10m high floodlights to illuminate 4 existing tarmac surface tennis courts located in the middle of Bowring Park.

One letter of support had been received from a neighbouring property encouraging the extended use of the tennis courts beyond normal daylight hours and Wellington Town Council had no objections to the scheme. The Council’s Ecology Officer had stated that the measures to prevent horizontal and vertical spillage to within 2m. and the would not adversely affect any protected species.

The Council was building an indoor tennis centre at Oakengates Leisure Centre and, together with a professional tennis coaching team, First Point Tennis Coaching, would provide a community coaching and competition programme for all ages and abilities at a number of locations across the Borough, as fully supported by the Lawn Tennis Association and Tennis Shropshire. The proposed floodlights around the existing tennis courts were an essential part of the scheme as they would enable a year-round community tennis programme in an easily accessible community site.

The 6 floodlight columns would be located at the 4 corners of the tennis courts and at the mid point of the courts. They would provide a dark sky lighting scheme, which was designed to an IEE EI standard deemed acceptable for such areas as leisure parks and prevented horizontal light spillage and contained vertical spillage to within 2m of the boundaries. The lights would be fitted with effective shields that would concentrate the light onto the playing surfaces at all times and would be conditioned accordingly.

The flood light operation would be by a token obtained by users on booking a court and a tennis programme would show when the courts were available for public use and potential flood light use. Flood lights would not be used after 10.00 p.m. and only between 1st September to 30th April, although the Tennis Coaching Team would have the ability to override this if necessary when there were poor natural light conditions.

The application site was well serviced by public transport with frequent bus services operating from Wellington Centre and bus stops along Haygate Road within walking distance. There was a vehicular access off Haygate Road via a gated entrance giving access to parking for approximately 20 vehicles together with an existing

provision for cycles. Wellington railway station was within walking distance from the Park.

The park was well used at present and, even if the courts were to be used most evenings of the week, it was considered that there would be no appreciable increase in the amount of any noise and disturbance that was experienced by local residents as a result of installing the floodlights.

RESOLVED – that with respect to planning application TWC/2011/0144 planning permission be granted subject to the conditions as set out in the report.

PB-114 PLANNING APPLICATION – TWC/2011/0078 - UNIT B, STAFFORD PARK 2, STAFFORD PARK, TELFORD, SHROPSHIRE

This application was for the part demolition of an existing industrial building, the conversion of the remaining part of the building to a motor car dealership for the selling of new and used vehicles, servicing, valeting and MOT, together with associated external alterations. The floor area of the existing building was 3095 sq.m., which would be reduced to 1884 sq.m, with 567 sq.m. being created on the first floor. The ground floor the building would accommodate a workshop for 13 vehicles, a valeting bay for 4 vehicles, a showroom for 10 vehicles, sales desks, offices, reception, and parts store and the first floor would have additional offices, canteen, parts store, and storage. The existing property on the site was a steel portal frame building with brick/blockwork infilling and most of the walls would be re-clad with goosewing grey galvanised or smooth insulated cladding and the showroom element would be glazed. The existing access arrangements onto the site from Stafford Park 2 would remain unchanged and car parking provision would comprise 73 customer spaces, 58 used car spaces, and 114 spaces in the car compound.

Hollinswood & Randlay Parish Council had no objections to the application. The Council's Highways Engineer had no objections subject to a condition relating to the provision of car parking and the Council's Ecologist had no objections subject to a condition relating to bat and bird boxes, and to wildlife informatives. The Council's Arboricultural Officer had objected to the application by reason of there being no tree survey accompanying the application, and no mitigation planting to compensate for the loss of the trees that had been felled.

The building had been used for industrial/warehousing purposes in the past but had remained vacant since 2001 and, despite active marketing, the owner had not been able to secure its letting or sale for the currently approved planning uses. The current industrial market in Telford for properties of this age, size, and type was very difficult given the level of investment needed to bring the properties up to a decent standard which was reflected in the large number of industrial buildings over 10,000 sq feet which were currently vacant. The applicants had stated that they wished to expand their business but could not do so on their existing sites in Trench and Bridgnorth. They had undertaken a site search over a wide area and this site was the only suitable one otherwise they would have to take the investment out of

Telford. It was envisaged that 49 full-time and 3 part-time staff would be employed on the site.

In principle there was no objection to the site accommodating a car dealership as it would complement the existing car dealerships in this part of Stafford Park. It was also considered that the redevelopment proposals would visually update and modernise a bland and uninteresting building that looked somewhat dated in design and appearance. Although the existing building and the land at the eastern end of the site was shown on the Wrekin Local Plan as 'white land' on the Wrekin Local Plan, where new development was acceptable in principle, the western end of the site was designated as Green Network. This part of the site, which extended for approximately 50m. along the site frontage, and slightly more at the rear, was formerly an old pit mound and, until recently, had been covered in semi-mature trees. There was normally a presumption against any development within the Green Network unless there were exceptional circumstances or environmental or community benefits. However, in this particular case it was considered that the land barely fulfilled any of the original aims of the Green Network and, as all of the trees on the site had been felled, it was considered that the site contained no ecological, recreational, landscape, or aesthetic merit. Moreover, the applicants had agreed to provide environmental benefits by way of a comprehensive replacement landscaping scheme around the boundaries of the Green Network land.

As the application site boundaries had changed since the original submission of the application, a re-consultation exercise had been necessary, which expired on 27th April, 2011. As the site was in the Green Network approval would be a departure from policy and, therefore, the granting of delegated authority to the Head of Housing & Planning, subject to no new issues being raised, would allow that procedure to be followed.

RESOLVED – that with respect to planning application TWC/2011/0078 the Head of Housing & Planning be authorised to grant planning permission subject to no new issues being raised during the departure/re-consultation exercise.

The meeting ended at 7.50 p.m.

Chairman:

Date:

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 1 June 2011 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire

PRESENT: Councillors J C Minor (Chair), N A Dugmore, K R Guy, A S Jhawar, R T Kiernan, J Loveridge, S A W Reynolds and C R Turley

ALSO PRESENT: Councillors Cllr S Davies (for planning application TWC/2011/0201), M B Hosken (for planning application TWC/2010/0715), A A Meredith (for planning application TWC/2011/0820) and Cllr A J Stanton (for planning application TWC/2011/0192).

PB-001 MINUTES

RESOLVED – that the minutes of the meeting of the Plans Board held on 13 April 2011 be confirmed and signed by the Chair.

PB-002 APOLOGIES FOR ABSENCE

None.

PB-003 DECLARATIONS OF INTEREST

Councillor J C Minor declared a personal and prejudicial interest in planning application TWC/2010/0667 and indicated that he would leave the room during determination thereof.

Councillor R T Kiernan declared a personal and prejudicial interest in planning application TWC/2011/0183 and indicated that he would leave the room during determination thereof.

Councillor N A Dugmore declared a personal and prejudicial interest in planning application TWC/2011/0164 and indicated that he would leave the room during determination thereof.

PB-004 ANNOUNCEMENTS

Members were asked to accept proposed changes to the published Calendar of Meetings which sought to rectify scheduling difficulties due to the Christmas and New Year period.

RESOLVED – that the meetings on 7 December 2011, 4 January 2012 and 25 January 2012 be cancelled and meetings be held on 14 December 2011 and 18 January 2012.

PB-005 DEFERRED/WITHDRAWN APPLICATIONS

RESOLVED – that planning application TWC/2011/0261 be withdrawn for consideration at a later date.

PB-006 SITE VISITS

RESOLVED - that a Site Visit be made in respect of planning application TWC/2011/0243 commencing at 4.00pm.

PB-007 PLANNING APPLICATIONS FOR DETERMINATION

(In accordance with his declaration of interest Councillor J C Minor left the room during determination of the following application.)

- (a) TWC/2010/0667 Land to side and rear of 81 Freeston Avenue, St Georges, Telford, Shropshire, TF2 9EP

This was an application for outline planning permission, with all matters reserved for consideration at a later date, which had been amended and sought for the erection of a detached dwelling fronting Freestone Avenue and 1no. detached dormer bungalow fronting Stafford Street on land adjacent 81 Freestone Avenue, St Georges. As the Applicant was related to a Member of the Council, it was required that this application be determined by the Plans Board.

The determination of the application had been delayed due to various inaccuracies and errors on the application form which had necessitated reconsultation with the neighbours. The original proposal was for four dwellings on the site and Officers had considered this to be unacceptable over-development of the plot, hence the submission of amended drawings for two units and a subsequent further round of public consultation.

Seven representations and a small petition containing seven signatures objecting to the proposal had been received. The issues raised were alleged inaccuracies on the application form, the proximity of the development to the common boundary, that the differing ground levels between properties required a retaining wall to be built to ensure there would be no land slippage or damage to neighbouring foundations, that the entry and exit was very close to a fast busy road, bollards and bus stop, that school children cross the road adjacent to the site, there were existing parking problems and congestion, there would be a loss of privacy and queries regarding the Council's intentions with regard to the local road system together with a suggestion that a Section 106 agreement may be appropriate.

The report addressed these concerns, referring to the access to Plot 2 being drawn as required by the Council's Highway Engineer, that the design of the dwellings were subject to reserved matters which would address privacy and amenity issues together with the provision of a retaining wall.

The Head of Housing & Planning advised the Board that although the Applicant was related to the Chair, Councillor J C Minor had not had any involvement in the scheme.

Councillor N A Dugmore noted from the report that further comments were awaited from the Geotechnical Engineer and was advised that these had not yet been forthcoming; the Head of Housing & Planning advised that he understood the

comments would take the form of Informatives. Councillor S A W Reynolds stated that she knew the site which was an eyesore and felt that residents would approve of appropriate development on the site to improve its appearance. However, Members expressed some reticence to approve the application without the Geotechnical Engineer's comments.

RESOLVED – that with respect to planning application TWC/2010/0667 the Head of Housing & Planning be authorised to grant planning permission subject to satisfactory comments being received from the Council's Geotechnical Engineer.

(b) TWC/2010/0688 Land Adjacent to, 53 Maslan Crescent, Tibberton, Shropshire, TF10 8PB

This was a full application for the erection of a 4 bedroomed detached dwelling on a corner site which comprised a former garage court with 6 garage lock-ups in an established housing development. The site was enclosed with timber panel fencing to the sides and rear with wire mesh fencing to the front. Tibberton Primary School, Sports Pavilion tennis courts, and Sports Pavilion lay beyond the application site. Tibberton & Cherrington Parish Council had requested that the application be determined by the Board.

Following officer concerns regarding the size, scale and height of the proposed dwelling and the existence of an extension to No.13 Maslan Crescent, which had not been shown on the location/block plan, the scheme had been amended showing a reduced ridge height of 7.81m, which was comparable with that of neighbouring dwellings, and a slightly reduced footprint to provide a 1.0m gap around the northern boundary of the site. Neighbours had been re-consulted as a result of the amendments.

Tibberton & Cherrington Parish Council had raised a number of issues, as detailed in the report, and the Case Officer had met with Parish Councillors, a Governor of Tibberton Primary School, and the owner of No.13 Maslan Crescent on site to discuss the amended scheme. The Council's Highways Engineer had no objections to the proposal. Two representations had been received from neighbours raising the issues set out in the report.

Outline planning permission for a dwelling on the site, W2008/1054, had previously been approved by the Planning Inspector on appeal and, therefore, the principle of a dwelling on the site had already been established and that decision was a material consideration when assessing this application. The Inspector had considered there to be three main issues with planning application W2008/1054.

With regard to whether the proposal would meet the Council's housing location policy, the Inspector had opined that the site was brownfield, in a sustainable location, and in one of the three key settlements where the majority of rural development was to be focussed. The Inspector had, therefore, concluded that one additional dwelling would not harm the underlying objectives of the Council's housing location policy, in particular policies CS1 and CS7.

With regard to the effect the proposal would have upon the character and appearance of the area, in particular, the future need for ball-stop fencing, the Inspector noted that the existing dwellings adjoining the sports facility did not have such fencing. Although these dwellings were further away from the playing field, the Inspector did not consider the difference in distance was material and that, additionally, the Pavilion and 3m high fence would provide an effective physical barrier. As the result, the current application did not include ball stop fencing. The design of the dwelling had been amended to respect the character and appearance of the existing dwelling in Maslan Crescent by reducing the ridge height and the detailing on the gable end matching that found on the estate. The imposition of a condition would require a brick sample panel to be built on site for inspection to ensure that the best match possible with the existing dwellings was achieved. Accordingly, the proposal complied with policy UD3 of the WLP and Policy CS15 of the Core Strategy.

Thirdly, as to whether the proposed dwelling was likely to result in the removal of the adjoining sports facility, the Inspector had commented that it was common for dwellings to back on to Recreation Grounds and Parks and was, therefore, not convinced that an additional dwelling would put pressure upon the Council to remove the facility. Accordingly, the proposal was compliant with policy CS10 of the Core Strategy.

Finally, the Inspector had noted comments from third parties in respect to highway safety and residential amenity but had concluded that one additional dwelling would not be harmful to highway safety and could be designed so that residential amenity was not compromised.

Sufficient on-site parking and manoeuvring space was provided to enable vehicles to enter and leave the site in a forward gear, which was superior to the situation with the existing houses in Maslan Crescent, some of which had no off-street parking and few of which had on-site manoeuvring space. The Council's Highway Engineer considered that a single dwelling house would generate fewer vehicular movements than the previous use of the site as a garage court. However, a condition would require details of where vehicles would be parked during construction and the loading and unloading and storage of materials to ensure that the free passage of traffic and any disruption was kept to a minimum.

The footprint of the proposed dwelling was slightly larger than the indicative layout shown for the approved outline application and was now a 4bedroomed rather than a 3 bedroomed dwelling. However, the room sizes were modest with 2 bedrooms being double and 2 being singles and therefore, the size of the dwelling was considered appropriate for the site and locality.

As set out in the report, the separation distance between the proposed window of bedroom 3 and the common boundary with No.13 Maslan Crescent was considered to be adequate given that the proposed dwelling would not directly face the windows of No.13. There would be no significant adverse impact upon the residential amenity of No.13 by way of over-looking or loss of privacy and, therefore, the proposal was compliant with policy UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

Whilst the comments raised by neighbours were noted, the principle of residential development on the site had already been approved.

Determination of the application had been deferred until this meeting to enable Members to make a Site Visit. Although Members were mindful of the Inspector's decision which was circulated in an update report prior to the meeting, they considered that the application in its current form represented overdevelopment of the site and considered that the applicant should be requested to revisit the plans.

RESOLVED – that with respect to planning application TWC/0210/0688 the Head of Housing & Planning be authorised to refuse planning permission subject to no changes regarding size, scale or design being made during further consultation with the applicant but that any amendments be referred back to Plans Board for consideration.

(c) TWC/2010/0715 349 Holyhead Road, Wellington, Telford, Shropshire, TF1 2EZ

This application sought planning permission for the erection of a detached dwelling within the amenity area of 349 Holyhead Road. The proposal comprised a 2 storey detached property with asymmetrical shallow-pitched roof with a ridge height of 7.6m. and an attached single storey element of store, plant room and double garage creating an 'L'-shaped form. The dwelling was 20.5m. x 11.95m. with the garage and plant element measuring 6.1m x 9.55m. The proposed dwelling had been designed as an 'eco-home', and was intended to have very low carbon usage whilst meeting the applicant's accommodation requirements. The dwelling's principle elevation was south-facing and would be predominantly glazed to maximise solar gain and had been designed to maintain appropriate levels of heating and ventilation. The building would be constructed in terracotta coloured render with grey window frames and an artificial slate roof. Councillor M.B. Hosken, Ward Councillor, had requested that the application be considered by the Plans Board and its determination had been deferred until this meeting to enable Members to make a Site Visit.

349 Holyhead Road was a large detached 2 storey property built in 1930s and orientated to the south with no road frontage and served by a private access drive between No.s 343 and 345 Holyhead Road and adjacent to the rear of properties in Barnfield Crescent. No. 349 was backland development and was located some 150m. from Holyhead Road. The application site was part of the large open front garden area to the south of the dwelling. It tapered slightly to the south and currently comprised lawn, a vegetable patch with greenhouse, summerhouse, chicken pen and parking for a caravan, with mature trees and shrubs on the boundary. The surrounding residential development comprised a combination of 1930s and mid-late 20th century semi-detached and detached properties. All the adjoining properties were 2 storey except No.46 Barnfield Crescent, which was also set back in the plot. No other property in the vicinity of 349 Holyhead Road was of the same substantial size and footprint.

Wellington Town Council had raised no objections to the proposal. 5 neighbour letters, the comments of which were summarised in the report, together with a petition containing 18 names. Following re-consultation on the amended plans, 5

further neighbour letters had been submitted, with the additional comments being set out in the report.

The application site had no formal land allocation within the Wrekin Local Plan and could, therefore, be considered for development. In June 2010, PPS3 was updated and private residential gardens reclassified as no longer constituting previously developed/brownfield land to enable councils to protect gardens from inappropriate development by rejecting planning applications for development that were objected to by the local community and spoilt the character of neighbourhoods. However, given the scale and siting of No.349 Holyhead Road, which was backland development with no street frontage, it was considered that this plot was not out of character in principle.

The new dwelling would utilise the existing shared access drive on to Holyhead Road and would comprise 4 bedrooms at first floor and 1 at ground floor level together with large reception rooms at ground floor. The entrance to the building would front No.349 around the central access and the garden area would be located to the principal, southern, elevation of the property, with additional landscaping proposed.

Following discussions between the agent and the Local Planning Authority, the plans had been amended and the length of the proposal reduced from 27.4m to 23.5m and relocated to be a minimum of 22m. from all surrounding dwellings. It was now located further from the eastern boundary with properties in Barnfield Crescent and the mature oak tree in an adjacent rear garden at Avondale Road. It was, therefore, considered that there would be a sufficient separation distance between the existing and proposed dwellings. The site could be adequately accessed having adequate amenity space and parking, and with sufficient amenity space being retained for NO. 349 Holyhead Road. Therefore, the principle of a dwelling on the site was considered acceptable.

Officers acknowledged that No. 349 Holyhead Road was a substantial property with a large garden area and that the footprint of the proposed development was of a comparable size. Whilst, it would be significantly larger than the other dwellings in the vicinity, it would be located at the end of the shared access drive, could be accommodated within the substantial site area, and would not be visible or prominent in the streetscene. Therefore, whilst the dwelling was larger than the majority of properties in the area, it was considered to be acceptable in this location.

The design of the proposed building ,with its largely glazed south elevation, did not reflect the prevailing character of the area but the design had been dictated by the applicant's requirement to build a low-carbon family home. The creation of a low-carbon property met sustainable criteria but this needed to be assessed against design principles. In this regard, given the property's siting at the end of the shared drive, not being prominent in the streetscene, and the orientation of the building with the glazed southern elevation facing away from the site entrance and not overlooking other properties, it was considered that the design of the development would not adversely affect the character and appearance of the area.

There was a significant difference in ground levels between the application site and the adjoining properties in Barnfield Crescent, and there had been a number of local objections regarding the impact of the building on adjoining residential amenities. However, there would be a separation distance of 22m. between the rear of the dwellings in Barnfield Crescent and the side gable of the proposed property. In addition, there were no principal windows on the side gables of the building to minimise overlooking and loss of privacy. Given the position and orientation of the dwellings, the development was, therefore, unlikely to reduce levels of light to the properties in Barnfield Crescent. In addition, permitted development rights could be removed to control additional windows, extensions and outbuildings to protect adjoining amenities. It was recommended that a condition be imposed to control the height of proposed landscaping on the boundary to Barnfield Crescent properties to protect light and outlook.

With regard to other issues that have been raised by local residents, the agent had resolved the issue regarding ownership issues of part of the land adjacent to the access and had omitted this on amended plans. The position of the dwelling at the rear of other properties and its elevated position was not ideal; however given the position and orientation of 349 Holyhead Road, and the revised and more appropriate scale and mass, officers considered the development was acceptable. With regard to access and vehicle movements, the Highways Engineer had no objections and the Council's Arboricultural Officer had assessed that the oak tree in the adjacent garden would not be adversely impacted by the development subject to appropriate conditions during construction

Councillor Hosken spoke against the application, drawing attention to the consultation comments of local residents which were detailed in the report. In particular, he considered that the development would result in considerable overlook into properties at Barnfield Crescent, that the application represented overdevelopment of the site and that the size, height and materials were not in keeping with the local area which had a historic reputation for majestic homes with spacious gardens. He feared that granting the application would set a precedent in the area for developing garden land.

Mr B Heeley, agent for the applicant, reminded Members that this application was for an eco-friendly family property which the applicant intended to reside in themselves. He considered that with regard to overlook, the due south orientation of the property would be heavily glazed and would be 21m away from properties at Barnfield Crescent and 44m from the nearest property at Avondale Road. He argued that the development represented 18% of the plot rather than the 25% found at Avondale Road and that the applicants were making good use of under-utilised land. He pointed out that vehicular access was intended from the existing private drive and that the Emergency Services had raised no objection to this. He conceded that some small trees would be lost during development but that they would be replaced and that the Oak tree would be protected during works. He drew attention to the fact that nearby properties at Barnfield Crescent were similarly rendered or slated as proposed in the application which, therefore, could not be considered out of character, particularly as it would be set behind houses fronting Holyhead Road.

Following the site visit that afternoon, Members welcomed the eco-friendly approach to this development, considered that there would be minimal overlook from the site which would be better utilised by the development. Whilst some concerns were expressed about the slow growth rate of the proposed beech hedge, it was pointed out by Officers that an existing hedgerow was present and that there was capacity for this to be allowed to flourish and grow further.

RESOLVED – that with respect to planning application TWC/2010/0715 planning permission be granted subject to the conditions as set out in the report.

(d) TWC/2010/0764 Rosebay, Lincoln Road Wrockwardine Wood, Telford, Shropshire. TF2 6LF

This was an outline planning application relating to the erection of three terraced houses, following the demolition of an existing bungalow, at Rosebay, Lincoln Road, Wrockwardine Wood. Approval was sought for the access into the site but all other matters – layout, scale, appearance and landscaping – were reserved for subsequent approval at the reserved matters stage.

The applicant had stated that the existing bungalow, which had been vacant for some considerable time, was structurally unsound and it was proving to be uneconomic to renovate the property. A notional layout had, therefore, been submitted with the application to demonstrate how 3 two or three bedroom terraced houses could be accommodated within the site. This involved one central shared access into the site from Lincoln Road, and the lowering of existing front boundary walls to 900mm high to improve visibility for drivers when exiting the site. The layout showed two allocated parking spaces per dwelling, with the end properties having a single integrated garage and one space on the front shared courtyard, and the middle dwelling having two courtyard parking spaces. The existing high rear boundary wall along New Road would be retained, with a pedestrian gate formed to serve the middle property.

Wrockwardine Wood and Trench Parish Council had raised objections to the proposal and 4 neighbour letters had been received the comments of which were summarised in the report.

The site was shown as ‘white land’ on the Wrekin local Plan where residential development was acceptable in principle. The site lay within a predominantly residential area in the built-up area of Wrockwardine Wood.

There were a number of short terraces of Victorian houses in the surrounding area, including opposite the site, and it was proposed to adopt a comparable pattern of development on this particular site.

A notional layout had been submitted with the application which demonstrated how a terrace of three dwellings would reinforce the existing street pattern by reflecting and responding to the scale and form of the Victorian terraced houses on the opposite side of Lincoln Road. The suggested frontage widths of the proposed dwellings would be comparable with the aforementioned properties and would respect the

established character and appearance of the existing street frontage. It was considered that the development of three dwellings on this site would also reflect the prevailing density of the existing development in this part of Wrockwardine Wood. The applicant felt that it would be possible for all the habitable rooms of the proposed dwellings to face either Lincoln Road or New Road and therefore avoid any overlooking of adjoining houses or garden areas. Each dwelling would have two parking spaces, which should be sufficient for two or three bedroom houses of this type. There was adequate room to allow all vehicles to turn around and exit the site in a forward gear.

Lincoln Road was effectively a minor 'no-through road' where the amount of traffic was relatively small. It was considered that the net increase of two dwellings would not increase the volume of traffic in the road to any significant extent, or have a detrimental impact on highway safety.

In short, the report suggested that the removal of the bungalow and its replacement with a terrace of three dwellings offered an opportunity to enhance the character and appearance of this part of Wrockwardine Wood. The proposed development would reflect the existing density, street pattern, and form of development in the vicinity of the site without adversely affecting the residential amenities of adjacent dwellings.

RESOLVED – that with respect to planning application TWC/2010/0764 planning permission be granted subject to the conditions as set out in the report.

(e) TWC/2010/0820 Land off Queens Drive, Newport, Shropshire, TF10 7EU

This was an application for the erection of a pair of 4 bedroomed semi-detached dwellings with integral garages on a vacant 0.16 acre site situated between the rear gardens of nos. 4 and 6 Station Road and 1 Queens Drive. Determination of this application had been deferred until this meeting to enable Members to make a Site Visit.

Since the previous Plans Board two further representations had been received. The representations advise that clearance work had already begun on site and concerns were raised as to the effect this had had on the evidence of the appearance of crested newts on the site, damage to the roots of the ash tree fronting the site and damage to an old wall within the curtilage of a listed property and which would, therefore, have been protected.

The Report detailed the Officer's response to these responses, noting that the works were undertaken to address overgrown hedge growth and the removal of the soil/rubbish spoil mound from the front of the said site. The works were undertaken with the full knowledge and support of the neighbours and the developer was able to facilitate moving several shrubs etc into the adjoining gardens at the request of the occupiers. The developers were aware of legislation offering protection to wildlife and had taken steps to ensure that no nesting birds were disturbed or harmed. The Council's Ecologist had confirmed that it was unlikely that any Great Crested Newts would be harmed as a result of the hedge trimming.

The report detailed the results of a survey which had not revealed the presence of Great Crested Newts, however, Informatives were recommended to the effect that should Great Crested Newts be observed during development, works should cease and advice be taken.

Whilst clearing the site could have been considered premature given that the application had not yet been determined, planning permission was not required and the LPA could not have stopped the work under the Wildlife and Countryside Act 1981 (as amended). In fact, the works had revealed that an established but unprotected tree at the frontage of the site was unsafe and the developer had undertaken felling works and offered to plant a replacement tree at his own cost.

The report indicated that Council's Conservation Officer had no objections to the proposal.

A copy of the Inspector's Appeal Decision had been circulated to Members of the Board prior to the meeting.

Councillor A A Meredith, Ward Member, spoke against the application on behalf of local residents and stressed their concerns that the application was largely the same as an application for the site which had been granted by the Planning Inspector and urged Members to take account of a report by Mr Hatchet of Humphrey & Co which claimed that the Planning Inspector's decision was flawed.

Mrs R Borsley spoke against the application, noting that although the earlier application had been granted planning permission on appeal, the reasons for refusal remained the same, in that it constituted over-development, did not reflect the character of the area and subjected neighbouring properties to overlook. She further argued that the application was in contravention of the Wrekin Local Plan policies UD1, UD2 H6 and H12, raised issues surrounding visibility and parking and expressed concerns as to how any conditions could be monitored and what recourse was available in the event of breach.

Mr R Jones also spoke against the application on the basis that the legal advice he had commissioned and which had been referred to by Councillor Meredith, argued that the appeal had been granted by the Planning Inspector without knowledge of the listed status of neighbouring properties. He was of the view that the decision was not binding and that, since 2007, only a small percentage of refusals contrary to the Inspector's advice had resulted in charges being levied. He believed that the application lacked respect for the Wrekin Local Plan, the local environment and the status of listed buildings which had been built in 1840.

In response to Members' questions regarding the basis for refusing the previous application and why the current recommendation was for approval, the Head of Housing & Planning advised that the Planning Inspector's decision represented a material planning consideration which changed the position; he suggested that Members should decide whether their site visit had convinced them whether the location was unacceptable or that there were failings in the Inspector's case which justified continued refusal. Furthermore, he advised that despite any figures to the

contrary, this Council had previously been subjected to costs in cases where the Planning Inspector's decision had been set aside. The Legal Advisor advised that the Planning Inspector had taken his decision on very similar facts and his judgement should be respected. In the event of an appeal, as very little had changed, the decision could reasonably be expected to be the same.

RESOLVED – that with respect to planning application TWC/2010/0820 planning permission be granted subject to the conditions as set out in the report and additional condition requiring side elevation windows to be obscure glazed.

(f) TWC/2011/0125 The Mount, 1 Haygate Road, Wellington, Telford, Shropshire, TF1 1QX

This application was considered in conjunction with Planning Application TWC/2011/0126. The application sought planning permission and associated listed building consent for the partial demolition of the existing building and Change of Use to form 11no. residential units, with associated internal and external alterations and construction of 12no. new residential units, with associated access parking and landscaping.

The Council as Applicant was seeking to release this site for residential development to enable wider improvements to the Civic Centre within Wellington District Centre, providing better community facilities (planning permission granted, ref: W2009/0505 and W2009/0515). The Council was seeking to release the necessary funds through the rationalisation and disposal of some of its land assets, such as the site, subject of this application.

The application site comprised the Grade II Listed Mount which was located in a prominent position on the corner of Haygate Road and Wrekin Road in a highly sustainable location within Wellington District Centre. It was an early 19th Century 3 storey property constructed in red brick with hipped slate roof. It had been extended and altered with a substantial 3 storey extension and more recent 2 storey flat roofed extensions to the side and rear and single storey elements. The Mount was currently used by Telford & Wrekin Council for its Children and Families Services.

The building was set back in a central position within the site with a large area of open space and tree planting to the front and substantial car parking area in an elevated position to the rear. The site was bounded by a substantial feature red brick wall including recessed brick bus shelter, and mixed trees/ shrubs to the north (front) of the site. The boundary treatment to the east comprised a dwarf wall and metal railings, with a grass verge area between the site and Wrekin Road, as well as hedge planting. The site was relatively open to the north and northeast and the Listed Building along with its modern 2-storey side extension was a prominent feature in the streetscene. To the south and west of the site, adjacent to residential properties/gardens was approximately 2 metre high chain link fencing and planting, with timber garden fencing beyond. Given the site's location within the District Centre, the area comprised a mix of uses, with residential and commercial development adjacent to the application site.

Wellington Town Council had raised no objections to the proposal. 5 neighbour letters, the comments of which were summarised in the report, had been received together with comments from Parks and Open Spaces, the Arboricultural Officer and Sustainability, all of which were also detailed in the report.

In response to these comments the report advised that Parks & Open Spaces referred to 24 units with 2 beds or more; however the scheme actually comprised 21 units and, therefore, the contribution towards upgraded recreation facilities would equate to £7875. In regard to Sustainability comments, the Code for Sustainable Homes requirements could be added as an informative and would also be addressed at Building Regulations stage. The neighbour concerns were also noted. The report indicated that other sites in Wellington may not have been within Telford & Wrekin Council's ownership or at its disposal. The development was principally to convert the building, however, this would not be financially viable or utilise the site area sufficiently. There should be a positive impact on wildlife and nesting birds as the proposal included the retention of existing trees and shrubs and additional planting on site. A loss of view and adverse impact on property values were not material planning considerations. Officers did not know the context and could not comment on another Council Department's decision to reject an application to purchase land adjacent to the site. The application did not propose new street lighting to St James Court.

Built Heritage Conservation had stated that the premises were listed but had suffered somewhat from inappropriate alteration and extension in the past. The application proposed to largely remove these inappropriate extensions and replace with moderately better extensions with more appropriate detailing. The overall appearance to the main listed property would, on balance, be an improvement and would result in a significant reduction of the footprint, reducing it much more to the core of the original building. To ensure that the detailing was appropriate, conditions were required re: door and window details, heads and cills, rain water goods, external services and bricks. The proposed new build types were typically bland, though some effort had been made to keep the buildings closest to The Mount itself, more in keeping. However, further details on windows were requested. The layout afforded a reasonable space to the listed building even given the two properties located nearby. The applicant had reduced the number of units from pre-application discussions, which made for a much better site layout.

The update report tabled at the meeting stated that the Council's Highways Engineer had requested that the applicant entered into an agreement to secure £1500 to enable the implementation of double yellow lines across a length of Wrekin Road between the mini roundabout with Victoria Road and the junction with Haygate Road. This was required to deter any on street parking on this length of road which may be associated with the development.

The update report also advised that the applicant had provided further information to Strategic Housing outlining that the release of the site with the maximum capital receipt was required in order to fund the new Wellington Civic Centre. In this regard Strategic Housing had confirmed that given the funding position, the scheme cannot provide any affordable housing, and that it be waived in this instance.

RESOLVED – that with respect to planning application TWC/2011/0125 the Head of Planning & Housing be authorised to grant planning permission subject to the conditions as set out in the update report and subject to written confirmation being received from the Head of Property & ICT to provide a financial contribution of £7875 towards upgrading of community use recreation facilities and £1,500 to enable implementation of double yellow lines on Wrekin Road

(g) TWC/2011/0126 The Mount, 1 Haygate Road, Wellington, Telford, Shropshire, TF1 1QX

This application was considered in conjunction with Planning Application TWC/2011/0125. The application sought partial demolition of existing building, and Change of Use to form 11no. Residential units with associated internal and external alterations and construction of 12no. new residential units, with associated access parking and landscaping.

RESOLVED – that with respect to planning application TWC/2011/0126 the Head of Planning & Housing be authorised to grant planning permission subject to the conditions as set out in the update report and subject to written confirmation being received from the Head of Property & ICT to provide a financial contribution of £7875 towards upgrading of community use recreation facilities and £1,500 to enable implementation of double yellow lines on Wrekin Road

(h) TWC/2011/0152 Netto Food Stores Ltd, Turreff Avenue, Donnington, Telford, Shropshire, TF2 8EA

This was an application for variation of condition 7 of planning permission W2009/0272 to allow the premises to open to the public between the hours 08:00 to 22:00 Monday to Saturdays and 10:00 to 16:00 on Sundays.

Lilleshall, Donnington and Muxton Parish Council had objected to the application and a local resident had also made objections all of which were detailed in the report. The update report tabled at the meeting indicated that the Applicants had submitted information in support of their application and in response to the Parish Council's objection which addressed potential disturbance to residents by way of noise on the basis that any potential noise disturbance that may arise through the extension of time which the store was open would not take place during the most sensitive period, and would end one hour before the 'night time' period began. In relation to the potential to cause disturbance by way of light pollution from signage, the Applicant had stated that the site was located on the edge of Donnington District Centre and did not occupy a 'dark skies' location with street lighting along Wrekin Drive and Turreff Avenue helping to diffuse the perception of light spillage from the site. Notwithstanding this, mitigation measures to prevent any potential increase in light pollution, for example turning off fascia signage and car park lighting when customers had left the store could be the subject of agreement. The Applicant also considered that the application proposed amendments to permitted trading hours only and would not impact upon the permitted delivery hours to the store. With regard to the fear of crime, the Applicant considered that extending the store opening

hours was likely to reduce any incidence of crime and anti-social behaviour, given that the Applicant was a responsible retailer and would ensure that the car park was properly managed during store opening times.

Councillor N A Dugmore considered that the application site was within a residential area with the nearest property in close proximity to the premises and he considered that significant disturbance could be caused to neighbouring properties. Although it was noted that the nearby Co-Operative Supermarket opened until 10pm and there were Takeaway premises in the locality which opened later, Councillor S A W Reynolds also argued that noise from trolleys could cause significant disturbance to nearby residents and, with advice from the Head of Housing & Planning, Members considered that the applicant should be approached to consider revised opening times.

RESOLVED – that with regard to planning application TWC/2011/0152 the Head of Housing & Planning be authorised to grant planning permission following agreement being reached with the applicant to amend the application to reduce the variation to the hours 08:00 to 21:00 Monday to Saturdays instead of 08:00 to 22:00 Monday to Saturday, or refuse planning permission if no such amendments are made.

(In accordance with his declaration of interest Councillor N A Dugmore left the room during determination of the following application.)

(i) TWC/2011/0164 The Fields, Donnington Wood, Shropshire

This was an application made by Lilleshall, Donnington and Muxton Parish Council relating to the change of use of a large area of flat grass to form 26 allotments on land at The Fields, Donnington. The allotments would range in size from 50 to 160 square metres. The site, which extended to 1.45 hectares, was designated as Green Network on the Wrekin Local Plan.

The application also included the erection of associated sheds, a storage container, and security fencing and gates. Each allotment would contain a shed which would be approximately 1.8 metres long, 1.3 metres wide and 1.98 metres high. The container, which would act as a communal tool storage facility, would be 6 metres long, 2.4 metres wide, and 2.6 metres high. The proposed boundary fencing would be 2.4 metres high, apart from along the eastern boundary, where it would be 1.8 metres high. Car parking for the allotments would be available in the existing car park adjacent to the Recreation Ground ball courts and would be shared with the users of the bowling greens and ball courts. Allotment holders would then access the site on foot along an existing public footpath. These arrangements were designed to prevent any potential increase in vehicular traffic along the narrow unadopted road to the south of the site.

The Parish Council had a long waiting list of people wanting an allotment in Donnington, and it had been searching for a suitable site for several years. This particular piece of land at The Fields had been identified as the only feasible site within this part of the Parish that could be used as allotments. Although it was located within the boundary of the Donnington Recreation Playing Fields, and was

freely available for anyone to use, it was not actually utilised for any formal recreation purposes. As the site was currently under-used, the Council's Outdoor Recreation Officer had no objection to it being used for allotments. The report stated that he felt there was ample room on the remainder of the recreation ground to adequately cater for all the recreational needs of this part of Telford.

The site was well screened along most of its boundaries and it was considered that the proposed use would not have any significant impact on the visual amenities of the area. With this in mind it was felt necessary to impose a condition to retain all existing boundary hedges. It was considered that the existing car park adjacent to the Recreation Ground ball courts was large enough to accommodate all the needs of the allotments, bowling greens, and ball courts. Although the site lay close to one of Telford's frequent bus routes it was believed that many allotment holders would take the opportunity to car-share with each other. Additionally, there was also good accessibility for people arriving on foot or by cycle.

The application site lay within the Council's Green Network where new development would not normally be acceptable. However, Policy OL4 of the Wrekin Local Plan permits development in the Green Network provided that the proposed development demonstrated that there were exceptional circumstances; it contributed to or was complementary to the aims of the Green Network; or environmental and community benefits were an integral part of the proposal. Although the proposal would result in the loss of recreational open space it was considered that the proposed use complied with Policy OL4 on the basis that it provided community benefits of a different kind for the residents of Donnington and the wider area. The proposed allotments would still offer a community provision according with the aims of the Green Network and other open space policies. Whilst the nature of the community facility would change, a community facility would remain.

RESOLVED – that with respect to planning application TWC/2011/0164 planning permission be granted subject to the conditions as set out in the report.

(j) TWC/2011/0182 Land off, Cedar Close, Overdale, Telford, Shropshire, TF3 5BN

This was a part-retrospective application relating to the erection of a one metre high timber fence along the site frontage, and on the top of a retaining wall along part of the site boundary at Cedar Close, Overdale.

The fencing would comprise one metre high support posts and vertical pickets, spaced at equal intervals, and attached to two horizontal rails. The picket-style fence would be erected in two locations:

(a) to the right hand side of the entrance to a cul-de-sac of eight recently constructed dwellings, and adjoining No.7 Cedar Close – approximately 15 metres in length; and
(b) on top of a low wall, opposite six of the dwellings, alongside the private drive towards the top of the cul-de-sac – approximately 48 metres in length. The total height of the wall and fence would be approximately 1.5 metres.

Lawley and Overdale Parish Council had objected to the application as detailed in the report.

The report advised the Board that in normal circumstances the erection of a one metre high fence would be classed as permitted development which would not require planning permission. However in this particular case permitted development rights had been withdrawn from this development, and therefore all fences in and around the site required planning permission.

It was considered that the proposed fence along both the site frontage and above part of the side boundary was acceptable as it would relate positively to its context, and would respect and respond to the urban location. Furthermore, the fencing would not have a detrimental impact on the character and appearance of the site or the surrounding area, or adversely affect the residential amenities presently enjoyed by the occupants of the dwellings in the vicinity of the site.

RESOLVED – that with respect to planning application TWC/2011/0182 planning permission be granted subject to the conditions as set out in the report.

(In accordance with his declaration of interest Councillor R T Kiernan left the room during determination of the following application.)

(k) TWC/2011/0183 Land Adjacent To, 17 Charlton, Telford. TF6 5EU

This application, which sought outline planning permission for the demolition of existing redundant greenhouse and erection of two detached dwellings, was a departure from the Local Development Framework Core Strategy. All matters were reserved for a further planning application, however, indicative plans of the layout, access arrangements and appearance and form of the dwellings had been included with the application.

The application site was formerly a plant nursery and still comprised large greenhouses which were located parallel to the highway and extend to the back of the modern bungalow at No.17 Charlton, with c.1.5m high hedge and grass verge between the greenhouses and the narrow highway. The existing drive access was located between the existing bungalow and the greenhouses. Charlton was a small linear settlement located within the rural area and comprised predominantly residential development surrounded by agricultural land. Residential development in Charlton comprised a mix of ages and types of properties. Adjacent to the greenhouses, there were 2 pairs of modern semidetached houses, which were set back from the highway with driveways and front garden areas. Opposite the site were also modern detached dwellings with substantial gardens to the front of the properties.

The report considered the application against Core Strategy Policy CS1, CS7, H9 of the Wrekin Local Plan (which had been superseded by Policy CS7 in the Core Strategy in 2007) and H10 of the Wrekin Local Plan.

The Design & Access Statement asserted the commercial greenhouse has been disused for more than 10 years and was an eyesore within the local community. The disused nature of the existing buildings was a material consideration.

The report concluded that in this particular case, the replacement of the greenhouses at the former nursery with residential development comprising 2 detached properties was acceptable as it would constitute an infill site and remove the existing structures which were disused and were becoming an eyesore. There was strong local support for the site to be redeveloped to residential dwellings to the benefit of the character and appearance of Charlton. Furthermore, there would not be a detrimental impact on adjoining residential amenities or highway safety. Accordingly, the proposal was considered an exception to local planning policy in the Core Strategy.

One neighbour letter of objection, the comments of which were summarised in the report, had been received and seven signatures in support had been appended to the application.

The Applicant's agent spoke in favour of the application which he considered would remove derelict eyesores from the land, contribute to the Council's housing policies and schemes and add to the vitality of the settlement. The proposed development had strong local support and he did not believe there would be any detrimental impact. As the application was for outline permission only, there was opportunity to address any potential issues during consideration of reserved matters, and it was intended that development would be built to high environmental standards.

RESOLVED – that with regard to planning application TWC/2011/0183 the Head of Housing & Planning be authorised to grant planning permission following the expiry of the advertisement of the departure from planning policy and subject to the conditions as set out in the report.

(l) TWC/2011/0192 Land adjoining, 1 Farm Grove, Newport, Shropshire, TF10 7PX

This was an application for the erection of two single garages in a single building with the remainder of the site surfaced with hardstanding, the provision of a new dropped kerb and double gates. Councillor A J Stanton, Ward Member, had requested that the application be determined by the Plans Board.

The application site was formerly garden land to No.16 Longford Road; however the property was sold off into separate ownership, (as the size of the rear garden appeared to be deterring potential purchasers of the property when it was originally for sale). The site was now entirely enclosed by timber boundary fencing, substantial Conifer hedge to highway (Farm Grove). There was an existing flat-roofed garage and driveway fronting Farm Grove. The existing garage was attached to the neighbour's garage at No.1 Farm Grove. The plot narrowed towards the rear and a culvert ran diagonally under the site with the adjoining properties experiencing flooding problems. Telford & Wrekin Council had previously carried out work to resolve the issues and rerouted the culvert through the Farm Grove development.

The application site had a long planning history with a number of proposals having been previously refused including renewal of the first outline application. Potential purchasers had been advised by the Local Planning Authority that it was unlikely the site could be developed for residential purposes although advice had been given that a mobile home (providing it looked like the neighbouring bungalows and not like a mobile home) or garages on the site would be most appropriate in principle.

Newport Town Council had objected to the proposal due to concerns regarding the impact of traffic over the culvert which was considered to be in a poor state of repair and eight letters of objection from local residents had been received raising issues detailed and addressed in the report.

The Ward Member, Councillor Stanton spoke against the application, drawing attention to the planning history of this modestly sized site with four other applications being considered in the previous 18 months. The current application appeared to represent a fresh way to extract revenue from the site by an owner living over 150 miles away who had not approached any local residents to gauge interest or demand for the proposed garages. He expressed concern that the design could encourage the groups to congregate at the site and queried the form of gating access and whether the structure, fixed to the garage at 1 Farm Grove, would be structurally sound. However, his primary concern was to secure the integrity of the culvert which was the main water course under West Newport and he feared that just as building above it could cause damage, the flow of heavy vehicles to and from the garages could have a detrimental effect. He pointed out that flooding had previously affected several properties at Farm Grove and, whilst he appealed to the Board to refuse the application, should planning permission be granted, he requested a condition that the land could not be transferred to residential property as it was not a suitable location for inhabited property.

Members noted the previous planning history, that the culvert was prone to flooding and the concerns raised by Councillor Stanton that there may be the opportunity for groups to congregate if the site was not secure and that the possibility of conversion to residential use in future should be ruled out. Furthermore, Members were anxious to ensure that the importance of the culvert to the area was highlighted.

RESOLVED – that with respect to planning application TWC/2011/0192 planning permission be granted subject to the conditions as set out in the report and the addition of conditions requiring details of gates and that garages not be used for residential use and addition of Informatives regarding the status and location of the culvert to advise against damage.

(m) TWC/2011/0196 Land Off, St Matthews Road, Donnington, Telford.
TF2 7RB

This was an outline application, with all matters reserved for later consideration. A zoning plan had been submitted which identified the maximum areas for built development, no build areas incorporating green spaces and parking. The indicative layout demonstrated that 28 properties with a mix of scale size and style could be accommodated, which could be flexible to address the local need which had been identified for the area. The scale of development was from single to three storeys.

The plan showed a mix of parking arrangements for the dwellings with on plot parking, garaging and small parking courts, with at least 200% provision. The plan also demonstrated the provision of replacement parking for the lifelong learning centre and primary school.

Details of consultation responses were set out in the report, including details of a letter from a Head Teacher generally supporting the application with some reservation regarding use and location of secure car parking. The update report tabled at the meeting advised that a letter of concern had been received from the vicar of St Matthews Church opposite, regarding the design of the buildings not detracting from the Church and parking provision for the church congregation at regular services and events.

The report detailed planning considerations focussed on the principle of development; highways issues; design principles; drainage and ground conditions; open space, trees and ecology; and planning obligations, culminating in the conclusion that the scale and layout of the development was in keeping with the character and appearance of the surrounding area. The indicative master plan demonstrated that the site could accommodate an acceptable mix of dwellings, with adequate parking provisions for the proposed dwellings. The site could be adequately drained; issues of land contamination and stability could be addressed and mitigated through conditions. There was adequate level of open space retained within the development, with management to be controlled by the developer. Accordingly, the proposal was acceptable in principle and complies with local and national policies.

RESOLVED – that with respect to planning application TWC/2011/0196 subject to the Council as landowner agreeing that the land would be bound by the obligations in respect of £33,000 for highways enhancement and £2,000 for Traffic Regulation Order for St Matthews Road that the Head of Housing & Planning be authorised to grant planning permission subject further to the conditions as set out in the report.

(n) TWC/2011/0201 Former Shropshire Lad, Malinslee Local Centre, Brunel Road, Dawley, Telford, Shropshire, TF3 2HZ

This was a Council application which sought planning consent for the erection of three retail units in the form of a local supermarket (241.1sqm), a hairdressers (52.3sqm), and a hot food takeaway (39.3sqm). The proposal also included a dedicated service yard and the creation of 37 parking spaces including 4 dedicated disabled spaces. The application formed part of a wider master plan for the redevelopment of the local centre which was approved in June 2007. The masterplan included the erection of a new doctor's surgery, a child development centre, 4 retail units, residential development and a local equipped area of play following the demolition of the existing shops, community centre, surgery and public house.

The application site was predominately an area of hardstanding where the Shropshire Lad Public House and associated parking was previously located. The site had been cleared, and temporary fencing erected around the perimeter of the

site. The newly constructed Primary Care Trust building, a modern two storey flat roof building, abutted the western boundary of the site, sited on higher ground to the proposal. Further west of the site, the redeveloped Langley and St Leonards School, now Old Park School and Childrens Centre was located. This was a modern two storey and single storey flat roof building. Brunel Road abutted the eastern boundary of the site, acting as a link road through Malinslee, separating this area of community facilities with the wider residential estate. The site was well served by existing public transport links.

Great Dawley Parish Council raised no objections to the proposal subject to adequate lighting provision to the car park and one letter of objection had been received from a local resident, the content of which was detailed in the report.

The Planning Officer drew attention to the Highways Officer's concerns, detailed in the update report, relating to the contrived access for delivery vehicles to the access yard at the rear of the site, which crossed the pedestrian rights of way to the school, the nursery and the PCT. However after lengthy discussions with the applicant and the potential adjacent land user, it was considered there was no suitable alternative. The Highways Officer's suggestion to maintain a right of access to the land at the proposed Doctors Surgery had been strongly objected to by the doctors and, in addition, it still crossed over the pedestrian route to the school access and the Highway Officer had conceded this point.

Further information had been gained from the potential supermarket regarding deliveries which were confirmed as only 3 per week and the peak usage considered by the Highways Officer had been further investigated. The nursery confirmed approximately 20% of the 92 nursery places were part time, having only some movements into and from the site during lunch time. The PCT had a constant staggered flow of customers through appointments and it was subsequently agreed that the peak hours of use for this access were considered to be school drop off and pick up times. Taking this into account, in addition to the lack of objection from the adjacent school, nursery or PCT, and the few deliveries, the Highways Officer had considered that whilst the solution was far from ideal, the access to the service yard was acceptable subject to a restriction on hours of delivery. This was considered to be an enforceable condition, as the land was retained in Council ownership and could be reinforced through tenancy agreements. The Highways Officer requested that the hour restriction was increased to one and a half hours at both the start and end of the day, limiting delivery to the hours of 8am to 9.30am and 2.30pm to 4pm. This was considered acceptable by all parties.

The applicant had also requested that due to an issue with the costs of the proposed materials, the materials of the scheme were amended to a render finish, respecting that of the adjacent school and PCT. This was also considered acceptable by the Planning Authority, subject to a suitable finish and colour.

Councillor S Davies, local Ward Member, spoke in favour of the application, welcoming the development, identifying the shopping facilities as being a pressing need for local residents and looking forward to the additional community facilities offered by the masterplan. He urged the Members of the Board to grant planning consent for much needed facilities.

RESOLVED – that with respect to planning application TWC/2011/0201 planning permission be granted subject to the conditions as set out in the update report

(o) TWC/2011/0212 27 Broomhurst Way, Muxton, Telford, Shropshire, TF2 8RG

This was an application for the erection of a two storey rear extension including a single storey conservatory, a first floor front extension and alteration of ground floor front window to a bow window. The property was a detached, 4 bedroom house situated within an established residential area. The property sat on a good sized plot with a reasonable sized rear garden. There was an existing rosewood upvc conservatory to the rear. Sufficient parking space was available to the front of the property. The rear garden was bounded by 2m high timber fencing and looked out to the side elevation of No.7 Sweet Briar Close. Neighbouring properties were of similar design and proportion and both neighbouring properties (No.25 and 29) had existing rear conservatories, both projecting similar to the one of the applicant's – approximately 3m.

On balance, the proposed development was considered to be acceptable. Despite a loss of rear garden space, adequate amenity space would remain. There would not be a significant impact on the neighbouring properties by virtue of any undue overlooking or loss of light. The proposed development would not have a significant detrimental impact on residential amenity or on the existing streetscene.

The applicant spoke in favour of the development noting that the local area showed a mix of two and three storey developments which led to his feeling that the development was not uncharacteristic and did not represent an overdevelopment at the site. He further pointed out that over look would only occur on one side of the property which would be from a small glazed window to an ensuite bathroom. Furthermore, there had been no objection from immediate neighbours who he understood were happy for the development to continue.

RESOLVED – that with respect to planning application TWC/2011/0212 planning permission be granted subject to the conditions as set out in the report.

(p) TWC/2011/0230 Dawley Regeneration, Dawley, Telford, Shropshire

This was an application for the installation of a 15m high telecommunications mast with ancillary development, including 6 cabinets (4 cabinets measuring 770x750x1940mm, 1 cabinet measuring 770x750x2000mm and 1 cabinet 770x645x2069mm) with a 1.8m high security fence with a 1.5m wide access gate and three protective bollards, given the location in a service yard.

The application site was currently a vacant site undergoing extensive earthworks to treat for contamination and create development platforms for the wider regeneration project. The site is to the north east of the former Lord Hill Public House and approx 40m south of dwellings in Lancaster Court. The approved masterplan for the outline consent indicated that this site was part of the supermarket site in the delivery area,

with the new supermarket to the south, and buffer planting on the embankment to the north and west, with parking and planting to the east.

Great Dawley Parish Council had objected to the application due to the location proximity to a proposed new school and residential home and to residential properties in Lancaster Avenue. One third party letter of objection on the grounds of health and safety of people living and working in the vicinity of masts had also been received.

The proposed monopole and ancillary equipment was considered an acceptable installation in this district centre location, where the appearance of a slimline monopole would not detract from the character of the area. The siting and design of the proposed development would ensure that there was no adverse impact on the character and appearance of the locality and the general street scene. Furthermore, proximity to dwellings was not a planning issue provided that the application included an ICNIRP Declaration regarding emissions, which this application did, and that the installation satisfied normal planning considerations regarding the siting and appearance of development.

RESOLVED – that with respect to planning application TWC/2011/0230 planning permission be granted subject to the conditions as set out in the report.

(q) TWC/2011/0243 The Wellington Arms, 3 Whitchurch Road, Wellington, Telford, Shropshire, TF1 3AG

This was an application which sought to erect a 900mm high rendered block wall to create an area to the front of the premises for outside dining and drinking. This area was to include a shelter comprising a black 3mx4m Jumbrella with integrated heaters. The removal of an existing low wall to the side of the premises and the erection of a 1.1m chain link fence to provide access to the designated smoking area from the rear drinking area.

The application site was a vacant public house sited on the junction of Whitchurch Road and The Lawns. An early 19th Century detached building, it was registered as a building of local interest, but outside the Wellington Conservation Area. There were currently 5no. parking spaces and bollards on the front, additional spaces were also located to the side and rear. In total the site had provision for 26 car parking spaces around the perimeter. The north side had car parking spaces bounded by high fencing with residential flats (Eagle Court) beyond. There was also a sizeable amount of land to the rear with existing tarmac area but unfortunately this land appeared unkempt due to the premises being closed.

Wellington Town Council had objected to the application on the grounds of road safety and highways issues with health hazards for potential users. Six letters of objection had been received from local residents, whose concerns were detailed in the report, together with details of 3 letters in support of the application from 4 neighbouring properties which welcoming the development and investments due to take place at the site.

Although Highways had raised an issue with regard to car parking spaces, the level of car parking remains unchanged and spaces would remain at 26. The site was considered accessible as it abutted Whitchurch Road which was on a bus route and within walking distance of the Town Centre, and the residential community which surrounded it. Consideration had also been made to there being external seating areas, and therefore use being naturally limited to fair weather, in addition to the application site being a public house where customers may not be driving to the facility. There was no change to the vehicle access to the site. As there was no change in internal accommodation, and the level of parking remained the same, it was considered the proposal will not have an adverse impact on highway safety.

The applicant stated that there was increased demand for outside dining. They had carefully designed the alfresco dining area to minimise noise break out and impact on amenity and no music would be played outside. This would be adequately controlled through condition; furthermore hours of use could be restricted.

With regard to other comments raised by objectors, customers would not have to walk through the smoking area, as this would be sectioned off at the side of the building. The use was already existing and subsequently it was not considered that the proposal would negatively impact anti social behaviour. With regard to doors being propped open during summer months, this was not a planning consideration, however the issue could be controlled through fire regulations.

Since the preparation of the report to members, additional comments had been received from a local resident and Councillor M G Ion, Ward Member. Councillor Ion objected on the grounds of the effect on nearby residential properties, particularly for the residents of Eagle Court, potential noise nuisance caused by customers using the 'Jumberella' late at night. road safety issues that may ensue from an overspill of drinkers onto pavement and main road and the detrimental impact on the aesthetics of this locally listed building caused by the proposed wall and chain link fence. He further commented upon the applicant's assertion that there was increased demand for outside dining, arguing that no data had been offered in support of this assertion, and further stating that a significant number of local residents had expressed their opposition to this application in the past weeks.

The update report noted that there was no data to support the statement that there was increased demand for outside dining, but that Punch Taverns had seen increased demands for eating outside and, therefore, Public Houses were trying to facilitate this trend.

The local resident had commented that they would be pleased to see the premises occupied once more but without the addition at the front of the premises, issues which had been addressed in the report.

Mr R Vickers, Chair of Wellington Civic Society and College Ward PACT and a member of other local organisations spoke against the application, expressing surprise that the Licensing Authority and Environmental Health were not consultees to the application and were also not aware of previous problems at the site. He considered that the application would affect the aesthetics and character of the historic and locally listed building, that the site would be prone to littering and the

provision of tables for al fresco dining would encourage customers of local takeaway premises to congregate and cause noise after opening hours. He expressed further concern about road safety and traffic management.

Given the concerns raised with to road safety, alfresco dining and the impact on the character of the site, in order to ensure that a secure and reasonable decision was made on the application, it was considered that a site would give some context to these issues.

RESOLVED – that determination of planning application TWC/2011/0243 be deferred to allow the Board Members to make a Site Visit.

(r) TWC/2011/0249 News Express, Land adjacent, 90 Trench Road, Trench, Telford, Shropshire

This application was for the renewal of an extant planning permission for the erection of a two storey house on land at the junction of Trench Road and Wombridge Road, in Trench, on what was currently part of the car park of the Stars Convenience Store. The land was located in the centre of Trench, at the junction of Trench Road and Wombridge Road, and is at present a large flat tarmac area which was used for car parking for the Stars Convenience Store at 90 Trench Road. There were approximately 20 parking spaces within the car park.

The proposed house would comprise a lounge, kitchen, dining room, hall and cloakroom on the ground floor, and three bedrooms and a bathroom on the first floor. The external materials of the house would comprise traditional bricks and tiles. There would be an attached garage to the south of the house, with one parking space in front of it. The driveway for the house would be approximately in the same position as the existing access into the car park from Wombridge Road. A new vehicular access for the shop car park would be provided from Wombridge Road into a smaller car park which would adjoin the existing retail shop. The car park would accommodate six public parking spaces, and one space for the residents of the flat above the shop.

Wrockwardine Wood and Trench Parish Council had objected to the application and one letter of objection had been received from a local resident, both objections related primarily to highways and road safety issues and were detailed in the report.

The report considered that the proposed house would not adversely affect the character and appearance of the surrounding area, and would not have a detrimental impact on the residential amenities presently enjoyed by the occupants of adjacent dwellings by virtue of any undue overlooking, loss of light, or any overbearing effect.

It was acknowledged that the existing car park was under-used for most of the time, and the Council's Highways Engineer considered that the future capacity of six spaces was sufficient to accommodate the parking needs of the Stars shop. In addition, the report addressed the concerns of the Parish Council and advised that the Council's Highways Engineer did not consider that there had been any material changes over the past three years and the comments he had made at the time of the previous application still applied. He reiterated the fact that he had no objections to

the application and that he did not consider that the new dwelling and vehicular access would jeopardise highway safety.

RESOLVED – that with respect to planning application TWC/2011/0249 planning permission be granted subject to the conditions as set out in the report.

(s) TWC/2011/0254 23 Queen Street, Wellington, Telford, TF1 1EH

This was an application for planning permission for the erection of a two storey building attached to No.23 Queen Street, an existing House in Multiple Occupancy (HMO) to create a 5-bed HMO, with communal amenity space to the rear.

Former Councillor Mrs R G Chaplin, the previous Ward Member, had requested, prior to the local elections in May 2011, that the application be determined by the Plans Board as she considered the proposal represented an overdevelopment of the site and appeared to be a 3-storey development rather than 2-storey. Although these comments were noted, the report advised that the site area was substantial and could accommodate the development. The building was of a similar form and scale and represented a subservient addition to the adjoining terrace. Furthermore, the proposal related to the adjoining property which also comprised HMO accommodation over 3 storeys although it appeared as a 2-storey dwelling when viewed from Queen Street. There were other box dormers on properties in the vicinity creating 2nd floor accommodation in the roofspace. Accordingly, officers considered the proposal was not overdevelopment and the 3 storey element was acceptable.

Following initial adverse highways comments regarding proposed access and parking arrangements on to Ten Tree Croft (narrow geometry and poor visibility), the proposed parking provision (3 spaces) to the rear of the site had been omitted, and the proposal did not include any onsite parking. Accordingly there were no highway objections to the proposed HMO as the site was located in a sustainable location within the District Centre and close proximity to the railway station and bus station. Thus it was considered that parking provision for the 5 bedsits was not required and its omission would ensure there was no adverse impact on highway safety in terms of additional vehicle movements on to Ten Tree Croft and exiting on to Bridge Street.

The report concluded that the principle of an attached building comprising an HMO with 5 bedsits was acceptable in this highly sustainable location and adjacent to the existing HMO. The scale, design and form of the development were in keeping with the character and appearance of the existing property and the area. The proposal comprised sufficient amenity space which was acceptable in this instance there was no parking provision given the sustainable location and proximity to services and public transport. The proposal would not have a detrimental impact on adjoining residential amenities. Accordingly, officers considered the proposal complied with both national and local planning policies.

RESOLVED – that with respect to planning application TWC/2011/0254 planning permission be granted subject to the conditions as set out in the report.

(t) TWC/2011/0302 Telford & Wrekin Register Office, The Beeches, 29 Vineyard Road, Wellington, Telford, Shropshire, TF1 1HB

This was a Council application which sought consent for the conversion of the existing registry office (B1) to conversion to two dwelling houses (C3). The registrar's office would be relocated to the new Wellington Civic Centre upon completion in autumn 2011. There were minor external alterations which included the creation of two doors and one window and a number of blocked windows would be reopened.

The subject of the development, a late 19th Century gable property was not listed, nor recognized on the local list. Furthermore the unit was not within the conservation area. The building was originally erected as one dwelling, being converted in the early 1980s and it was considered the proposed use could easily be accommodated within the existing structure, without adversely effect the character of the traditional property. In fact, the property would benefit from the reopening of some windows, restoring the building to its former glory and as the property had only been subject to some limited alterations and possessed architectural merit, consideration was being made to place the property on the Councils Local List, as a building of local interest.

In addition, the update report tabled at the meeting advised that the Arboricultural Officer had confirmed the importance of six trees within the site, and had subsequently placed a Tree Preservation Order on those trees. Although he had raised no objections to the development, he did require further detail for the proposed fence and its installation which were within 1metre of the trunks of two TPO'd trees, an issue which could be dealt with through condition.

It was considered that the restoration of the existing building to residential use was acceptable; the proposed subdivision to form semidetached units could be adequately accommodated within the existing building and the curtilage of the site, providing adequate amenity area, and parking facilities. The proposal would not be overlooked or adversely affected by adjacent uses. Subsequently the proposed alterations complied with both local and national planning policy.

RESOLVED – that with respect to planning application TWC/2011/0302 planning permission be granted subject to the conditions as set out in the update report.

The meeting ended at 8.14pm

Chairman:

Date: