

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday, 10 February 2021 at 2.00 pm in Remote Meeting**

**Present:** Councillors I T W Fletcher, J Jones, R T Kiernan (as substitute for N A Dugmore), K Middleton, K S Sahota (as substitute for R Mehta), P J Scott, C F Smith (Chair) and C R Turley (Vice-Chair)

**In Attendance:**

**Apologies:** Councillors N A Dugmore and R Mehta

**PC135     Declarations of Interest**

In respect of planning application TWC/2020/0631, Councillor P Scott advised that he was a member of Newport Town Council but had not been involved in any discussions on this application.

**PC136     Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 16 December be confirmed and signed by the Chairman subject to the following change:

“Councillor C Turley advised that in respect of planning applications TWC/2020/0347 and TWC/2020/0696 he was a member of the Great Dawley Town Council but had not been involved in any discussions on these applications”.

**PC137     Deferred/Withdrawn Applications**

None.

**PC138     Site Visits**

None requested.

**PC139     Planning Applications for Determination**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning application TWC/2019/0790.

**PC140     TWC/2019/0790 Land adjacent 1 Brook Cottage, Brick Kiln Bank, Lightmoor, Telford, Shropshire**

This was an outline application for up to 5no. dwellings with all matters reserved on land adjacent to 1 Brook Cottage, Brick Kiln Bank, Lightmoor, Telford, Shropshire. Councillors C Healy and J Greenaway had requested that the application be determined by the Planning Committee. An update report and additional information had been circulated to the Committee prior to the meeting taking place.

Councillor C Healy, Ward Councillor, spoke against the application and raised concerns regarding flooding, car parking, visibility, highway safety, street scene and topography, the ground level and the steep slope, density, drainage and surface water. She felt that it contravened Policies ER12, BE1 and C3 and asked that members refuse the application. If Members were minded to approve the application she requested that outline consent be limited to 1 or 2 units in order to meet policy BE1 and provide adequate garden parking spaces, reduce the hard surfacing which would allow drainage to mitigate flooding.

Councillor J Greenaway, adjoining Ward Councillor, spoke against the application and raised concerns regarding flooding, the soakaway system, site stability, the slope of the land and the risk of landslip along a major walking route, within the green network and a wooded area, access along the A4169 which served 75 properties and a care home, obstruction from parked cars and highway safety lack of public transport and play facilities and concerns regarding Policies ER12, BE9, C1, C3 and NE6 and NET trees, hedgerows and woodland.

Mr N Clarke, a member of the public, spoke against the application on behalf of the local residents who all raised concerns regarding the stability of the land, piling and drilling and the ground survey on densely overgrown area, surface water drainage, flooding not sympathetic to its surroundings, the blind entrance along the A4169, high way safety and regular visits by emergency vehicles to the care home.

Ms L Cannon, Applicant, spoke in favour of the application which had a reduction in dwellings from 9 to 5 on a previous application. Parking had increased to 20 spaces to future proof parking. Wildlife enhancements were being offered with a new habitat, woodland management plan and reptile area together with improvements to the boggy footpath. With regard to flood management water could be slowed on entering the brook to 1 litre per second with the outlet point downstream to reduce impact and would be a betterment. A precedent had been set with a similar successful development nearby and there was a presumption in favour of sustainable development.

The Planning Officer addressed Members with regarding ecology, slope stability, drainage, the construction and environmental management plan and parking. The scheme proposed mitigation for the loss of the green network including was a 20 year management of the local wildlife site woodland area; provision and management of the reptile area on the site and provision of a walkway to the path to the west of the site together with the planting of 200 linear metres of hedgerow and on balance the loss of the green network was

considered acceptable. With regard to slope stability, the coal mining risk assessment recommended prior to commencement of any development intrusive site investigations took place to determine the ground conditions which may lead to a scheme of remediation works, but consent was required for the principle of development before this could take place due to the indicative nature of the application and the application before members was for the principle of development only. A permit would be required from the coal mining authority prior to any investigations or development were to take place. It was intended that a retaining structure would be positioned to the rear of the development site to create the level platform for the houses, gardens and parking areas in line with the top of the existing slope and further details would be submitted at the reserved matters stage. Investigations into the drainage including had been undertaken with the highways drain being discounted and an alternative scheme to connect into the stepped weir was re-examined which was acceptable to the Council's drainage engineers subject to risk avoidance measures. The construction and environmental management plan, highway safety and parking would come forward at the reserved matters stage and the highway authority have no objection to the parking subject to the provision of visibility splays.

The Drainage Engineer explained the position with regard to flooding in the area and that this had been considered when looking at the three proposals that had been put forward; option 1 to drain into the step weir and the highway system, option 2 to drain down the highway and connect in front of Brook Cottages and option 3 to connect into the attenuated system which drained upstream of Brook Cottages with options 2 and 3 being discounted as they would send water upstream to the know flood risk area. Following the investigations it was deemed acceptable to use option 1 and link into the highway drainage due to the point of connection into the step weir would be lower down than the highway drain and was open channel from that point and would not need to be made a public sewer. The proposed rate of discharge was one litre per second which was the minimal risk of discharge from a site and the risk was considered to be minimal.

During the debate some Members raised concerns regarding stability, highway safety, flooding, parking, drainage and shallow mine workings. Other Members raised concerns regarding the loss of the green. Some Members felt that there would be a reduction in water coming from the site and that there had been no highway safety issues when previous sites had been developed and that concerns had been alleviated via conditions and that the application was for outline permission only and more details would come forward at the reserved matters stage.

The Planning Officer confirmed that the houses would be on the Green Network but the improvements through the management of the woodland area of the Local Wildlife Site, the provision of 200 linear metres of hedge and proposed reptile mitigation area outweighed the loss of the Green Network, the reserved matters application could be brought back before Committee and members could call in the application, the mitigation measures would restrict the water flow to 1 litre per second and developers could only allow for

reasonable storm events. The indicative plan was showing 20 parking spaces for 5 properties which was an overprovision of parking and some visitor spaces were provided.

The Legal Advisor advised Members that it would be difficult for the Committee to sustain reasons for refusal which were contrary to any technical advice they had been given because the expert technical advice had been clearly put. In addition officers had confirmed that stability concerns could be addressed by robust conditions.

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

**RESOLVED – that in respect of planning application TWC/2019/0790 that delegated authority be granted to the Development Management Service Delivery Manager to grant outline planning permission subject to the conditions and informatives set out in the report and the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

**PC141     TWC/2020/0631     Site of, 60 Forton Road, Newport, Shropshire**

This application was for the erection of 2no. detached bungalows and the creation of a new access on the site of 60 Forton Road, Newport, Shropshire. Councillor T Nelson had referred the application to the Planning Committee. Additional information was circulated to the Committee prior to the meeting taking place. The Planning Officer informed the Committee that they had been made aware of a land ownership dispute but that this was not a material consideration and was a separate issue outside of the planning process.

Councillor T Nelson, Ward Member, spoke against the application which he felt went against policy H2 of the Neighbourhood Plan with regard to design. He raised concerns regarding the protection of the hedgerows and the impact on the mature tree, scale and massing, boundaries and due to discrepancies on the plans asked that a site visit took place before the application was determined.

Mr J Stowger, Member of the public, spoke against the application and raised concerns regarding the established hedges and fences and their protection during construction, the protection of the gas pipe to the his property, layout and dimensions of the proposed bungalows and the impact on the neighbouring amenity. It was asked that a site visit take place.

During the debate some Members asked if a site visit could take place in order to better understand the development and it was felt that the land ownership needed to be settled prior to its determination. If the Committee approved the application that this may disadvantage parties if a legal challenge to ownership subsequently came forward. A further question came forward that if the ownership was not proven could the Committee approve the development. Concerns were also raised with regards to protecting the

hedgerow and the mature tree which could impact the position of the parking space. Other Members felt that the land ownership was something that the Committee should not concern themselves with and if the application was deferred for this reason it could impact the Council further down the line and that as this was not a material planning consideration this could not be cited as a reason for refusal and that land ownership issues could take a long time to be resolved which attached an unpredictable timescale to planning applications.

The Legal Advisor reiterated that the land ownership was not a material planning consideration and that if land disputes were subsequently referred to the Land Registry, there would be record of the Planning Committee minutes confirming the Committee's position for the Land Registry to consider should they so wish. Therefore, no party to a Land Registry dispute should be at a disadvantage by the Committee's determination of this application.

The Planning Officer confirmed to Members that the correct requisite certification had been provided to the Council and that this was the information to be considered when determining the application.

The Development Management Service Delivery Manager explained that the Applicant had a right of appeal and the application could go to the Planning Inspectorate for non-determination.

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

**RESOLVED - that in respect of planning application TWC/2019/0631 that delegated authority be granted to the Development Management Service Delivery Manager to grant full planning permission subject to the conditions contained in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

**PC142     TWC/2020/0987 Land between, Colliers Way & Park Lane, Old Park, Telford, Shropshire**

This was a full application for the erection of 88no. dwellings with access, parking, amenity drainage and landscaping on land between Colliers Way & Park Lane, Old Park, Telford, Shropshire. Councillor M Boylan had requested that the application be referred to Planning Committee and the application was subject to a Section 106 Agreement to secure financial contributions and on-site affordable housing.

Councillor M Boylan, Ward Councillor, spoke against the application on behalf of local residents and raised concerns regarding the consultation process, the change of plans, number of dwellings, not in keeping with the local area, the visual impact, highway safety and that this was not the right development for the right area.

Mr M Adams, the Applicant's Agent, spoke in favour of the application for 88 affordable houses on land which had been allocated for housing in the adopted Local Plan together with amenity space, parking and suitable separation distance between the buildings. The housing would be of good quality and contemporary appearance and design. There would be no increased traffic along Park Lane and retention of trees and landscaping would enhance the ecology to protect the privacy of the neighbouring properties. Financial contributions through a S106 Agreement were sought for a highways traffic management scheme and for secondary education and play and recreation and Members were asked to approve these much needed affordable family homes.

The Planning Officer advised that the site benefitted from an extant planning permission for 82 dwellings and sought to deliver 88 affordable units and was supported by a suite of technical documents including Coal Mining Risk Assessment, Ground Investigations, drainage, ecology and tree reports which addressed all issues. The application has been submitted with drainage, highways, ecology and landscaping details and a construction environmental management plan avoiding the need for any pre-commencement conditions. The scheme was fully NDSS and parking standard compliant and provided a scheme of good design and quality.

During the debate some Members raised concerns regarding consultation and asked what objections had been received, if the scheme had been checked by Secure by Design criteria to prevent anti-social behaviour and asked if the road would connect to Park Lane to form a through route leading to increased traffic. Other Members felt that the principle for development had already been established.

The Planning Officer confirmed that site notices had gone up on site and notices had gone in the press and that Wrekin Housing Group had also undertaken their own community engagement prior to submission of the application together with the plans being put before the residents association. Some of the reasons for objection were design, density, lack of garages, size, separation, single tenure for affordable housing, retention of the tree belt, impact on wildlife, childrens play equipment and highway safety.

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

**RESOLVED - that in respect of planning application TWC/2020/0987 that delegated authority be granted to the Development Management Service Delivery Manager to grant full planning permission subject to the following:**

- a) the applicant/landowners entering into a Section 106 legal agreement with the Local Planning Authority (subject to indexation from the date of committee with terms to be agreed by the Development Management Service Delivery Manager) relating to:
  - i) Education contribution of:

- Primary £240,232 (towards education facilities within two Miles of the development), and
- Secondary £109,540 (expansion of Telford Langley School);
- ii) Highways contributions of:
  - £74,565.97 towards the Telford Transport Growth Strategy, and
  - £10,000.00 towards a traffic management scheme along the section of Colliers Way that fronts the proposed development;
- iii) Children's Play/Recreation contribution of £52,800.00 towards existing facilities within 1km of development;
- iv) Affordable Housing (Affordable Rent) to be provided at 25%; and

**b) the conditions contained within the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

The meeting ended at 3.53 pm

**Chairman:** .....

**Date:** Wednesday, 10 March 2021