

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday 24 July 2024 at 6.00 pm in Council Chamber, Third Floor Southwater One, Telford TF3 4JG

Present: Councillors G Luter (Vice-Chair), G H Cook, F Doran, N A Dugmore, A R H England, T L B Janke, A S Jhavar, P J Scott and J Thompson (as substitute for S J Reynolds)

In Attendance: V Hulme (Development Management Service Delivery Manager), R Jones (Principal Planning Officer), H Khatun (Solicitor - Planning & Highways) and J Clarke (Senior Democracy Officer (Democracy))

Apologies: Councillors S J Reynolds and J Jones

PC1 Declarations of Interest

Cllr G Cook declared an interest in planning application TWC/2024/0265 as the item had been discussed at Wellington Town Council and indicated that he would withdraw from the meeting during determination thereof.

PC2 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting of the Planning Committee held on 22 May 2024 be confirmed and signed by the Chair.

PC3 Deferred/Withdrawn Applications

None.

PC4 Site Visits

None.

PC5 Terms of Reference

The Legal Advisor presented the report of the Director: Policy & Governance which set out the Terms of Reference for the Planning Committee.

The Constitution required that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.

At the Annual Meeting of the Council on 23 May 2024, Full Council delegated authority to each Committee to review its own Terms of Reference and the Terms of Reference forms part of the Constitution and approved by Full Council in that context on 3 March 2022.

There was an error in 3.4 of the report that referred to a change shown in red in Appendix A. This change from was from a previous year and there were no changes to the Terms of Reference for the current municipal year and Members were asked to approve the Terms of Reference set out at Appendix A to the report.

RESOLVED – that the Terms of Reference be approved.

PC6 **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/2024/0334.

PC7 **TWC/2024/0265 - Kensington, 69 New Church Road, Wellington, Telford TF1 1JE**

This was an application for a change of use from a dwellinghouse (Use Class C3) to a three-bed residential care home (Use Class C2) at Kensington, 69 New Church Road, Wellington, Telford, Shropshire, TF1 1JE. This application was in a sustainable location and would provide a family home for three young persons aged 7-17 years in the care of the applicant in a family setting. Minor internal adaptations would be required to the property.

Councillor L Carter, Ward Member, had requested that the application be determined by the Planning Committee.

Councillor Carter, Ward Member, expressed that he took his role as corporate parent extremely seriously, but spoke against the application on behalf of residents and in the absence of Councillor A McClements who was unable to attend the meeting. He queried the validity of some of the support for the application as these had come from outside of the borough and some had connections with the care company and potentially financial beneficiaries. Although he was aware they were not effectively material considerations, he noted that the property was currently back on the market and questioned their applicant's ownership of the property. Concern was raised that the property could become a HMO in the future and the change of use would be significantly out of character for the area which was mainly residential and could lead to issues of antisocial behaviour. Highway safety was also questioned at the junction of New Church Road and Holyhead Road, particularly at school times.

Mr P Berry, member of the public, spoke against the application which was set in an attractive part of Wellington. The proposed demolition of the brick garage and the tarmac open front with marked bays would present the premises as a business. There was no evidence of site selection and the property had open site access to the frontage and it was queried if this would be compatible and secure with the mental health needs of the children. Residents asked for reassurance on whether the unit would be secure if

children could come and go as they pleased and raised concerns with regard to the meaning of “family home”, absconding and the availability of drugs to vulnerable young people. Concerns were also raised in relation to highways and parking and whether this was the correct location. The council’s mission statement was to care, protect and invest in the borough but they also had a duty to local residents, business and charities. These were compelling reasons for the application to be refused.

Mr A Dallison, Applicant’s Agent, spoke in favour of the application which would be a safe and nurturing home for vulnerable children who had been placed in care. It provided an opportunity for a family-style home for three children which the statutory regulator, Ofsted, were now favouring and moving away from institutional care. The Minister for Housing had said the planning system should not be a barrier to provide for the most vulnerable children in society and they should be brought up within stable loving homes. Details had been provided of how the home would be operated and clarification had been given on queries raised and that there was a perception that the home would have adverse effects on local residents. This was a modest home and a small operation in a typical property in a residential area. In relation to transport and parking, the use of public transport and car sharing was encouraged and six parking spaces would be provided. Shift changes would not be undertaken in unsocial hours. There had been a misunderstanding of the proposals in relation to the increase of crime and disruption to residents and any home could host a busy family with three older children. The house was not currently on the market and it was asked that the application be approved.

The Planning Officer informed Members that the site was located in easy walking distance for a vast array of facilities and transport links and there were no technical objections. It was a four bedroomed home which needed minor internal alterations and carers would be on site. There was an area for staff parking which met parking standards and sought to provide off-street parking for staff handovers. Officers considered that there was no greater impact than already existed and no overlooking. The application met an identified need and was a well-respected care company and the preferred company for the proposals and would mirror a traditional family home in a community setting and met national policy. It was a central location in an established community with good local schools and was intended to be a family home rather than an institutional setting. National guidance and SPD supported this provision. An Operational Management Plan had been submitted and early discussions had taken place with the housing team and police. On balance the application met local planning policy. In relation to the sale of the property, the applicants had been very clear they did not own the property but that it had been “sold subject to contract” and no longer available to another party. Should the current applicant not continue, any alternative provider would need to address any requirements and meet any conditions set. In relation to highways impact, this was considered to be negligible as the proposals would run no differently to the existing dwelling and there would be no reason to oppose on highway grounds.

During the debate, some Members felt there was a lot of fear around these applications and what might happen but they do work. It was asked if the comments made on applications were checked for relevance. In relation to security at the house, would the young people be free to come and go and would the number of up to three children ever change. Other Members raised concerns regarding the shift changes at 8am and 5pm as this was considered to be peak traffic and recent new developments at New College and High Street which would cause additional traffic flow and if the Roman well had been capped and made safe and if this could be conditioned. Further concerns were raised regarding the proximity to the schools, the impact on the street scene and a recent Ofsted report which referred to "requires improvement" and it was felt that this would be putting further pressure on an area that was already housing migrants. Some Members raised the stigma around children's homes and the assumption that they would be a detriment to the local area and that there were not enough of these setting for young people around the country and there was a huge demand on the care system. It had met material planning considerations and could not see why it would not be approved.

The Planning Officer replied that in relation to comments submitted only material planning considerations were considered. Her understanding of the application was that the children would be looked after by carers in a family home setting and the house was proposed to remain the same with no additional security and this was not a material planning consideration. A condition of the application was to restrict the home to only three children and the application would have to apply to have the condition varied. It was considered that the change over times were no different to people leaving and returning for work and school and no technical highway objections had been received and this could be the case if adults and older children with cars lived in the property. The Housing Team were aware of the history of the care home and this was not technically a planning consideration. In relation to the well, it was unknown that if this had been capped, but this was a normal family home and it was down to the applicants/carers to consider as in safety terms it was not a planning consideration.

The Development Management Service Delivery Manager spoke in relation to the well and that this would be taken care of within the running of the site. From a planning perspective, fencing could not be requested as it was not a material planning consideration and there was an appropriate use of the land and dwelling and it would not meet the reasonableness test.

On being put to the vote it was, on the Chair's casting vote:

RESOLVED – that the application be refused.

A lengthy debate took place to provide the grounds for reasons for refusal. Members discussed detrimental impact and change of character caused by a business taking place in a residential property, highway movements and impact in relation to the shift pattern and staff change over. Concerns were

raised that this would set a precedent for family homes to be converted to businesses.

The Chair proposed that the application be refused due to change of use to a business which would change the character of the area and the nature of the street scene.

The Development Management Service Delivery Manager explained to Members that the number of staff would be two at night and three during the so the maximum number of adults on site at any one time would be five. The house would be run as a traditional family ie 2 adults and 3 children. Despite any financial incentive, the impact of use was not a material planning consideration and there was no impact on the street scene as it would not look different to any other family home and would be no different to any family home with 5 people with 5 cars. She asked Members to have specific wording in order to prevent a cost order if it went to appeal.

The Legal Advisor informed Members that the reasons for refusal would be difficult to defend if it came to appeal. Members needed to give specific planning reasons as to why they had refused the application.

Upon reason being put to the vote, members were unable to reach a majority vote subsequently not agreeing with the reason for refusal proposed by Chair.

The Development Management Service Delivery Manager asked Members, as they were unable to conclude the application in its existing form, if there was anything specific that could be amended within the application (ie operational hours) and the item could be deferred and be looked at.

A further discussion took place where some Members suggested a site visit took place or Members were given the opportunity to vote again on the original application resolution as they had now had further discussions and could not find strong enough grounds to refuse the application. Other Members felt that at no time had the Committee discussed the needs of the children and they were in favour of the principle that children in care were properly integrated into society and that listening to the discussion there were no fundamental planning issues to prevent the children being supported in this environment.

The Chair put forward the original resolution set out in the report and the update report and asked for a vote.

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

RESOLVED – that delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the conditions and informatives set out in the report (with authority to finalise conditions

and reasons for approval to be delegated to Development Management Service Delivery Manager).

PC8 TWC/2024/0334 - Site of Coronation Bungalow, Station Fields, Oakengates, Telford, Shropshire

This application was an outline application for the erection of 2no. self build dwellings to include layout and scale with all other matters reserved following demolition of existing dwelling and structures on the site of Coronation Bungalow, Station Fields, Oakengates, Telford, Shropshire.

Councillor S J Reynolds, Ward Member, had requested that the application be determined by the Planning Committee.

Two additional reports had been tabled at the meeting.

Councillor S Reynolds, Ward Councillor, spoke against the application on behalf of local residents. He raised concerns regarding the unadopted single track lane which was in a poor state of repair with very few passing places and following a recent collision into the fencing safety issues were raised. Further concerns were raised in relation foul and surface water drainage and their connectivity and the impact of the joint water supply if this needed to be turned off during construction. The area suffered from a lack of lighting and safety of pedestrians was highlighted. An investigation of past mining works, together with any remedial work would be welcomed if the application was approved.

The Planning Officer informed Members that this application was for one bungalow on the site frontage and one dwelling to the rear on the existing large curtilage of the property with sufficient amenity space. Objections had been received in relation to the unadopted road which was narrow in places but there were no objections from highway officers. There was a public right of way on Station Fields and 2 conditions were proposed to ensure any damage caused was rectified and this was addressed in the two additional reports before Committee. The road was unregistered and as such the applicant needed to complete a Certificate D Form and it was requested that delegated authority be granted to the Development Management Service Delivery Management to ensure this was completed prior to any decision notice being issued. There would be two highway conditions in relation to a dilapidation survey of Station Fields and the requirement for a Construction Management Plan. A remediation work condition would be imposed to ensure that any damage from construction vehicles along Station Road be repaired. There were no objections in relation to drainage but conditions were requested from Severn Trent and site investigations would take place prior to commencement. It would be unreasonable to ask the developer to install lighting on Station Fields for the addition of one dwelling.

During the debate, some Members questioned if adoption of Station Fields had ever been considered and suggested that the Council or the Parish Council consider bringing the road up to standard and providing additional

lighting. Other Members asked how the council would be satisfied that all of the conditions were adhered to. Amendments and mitigation measures had been put in place but the council needed to ensure that the application remained one house and one bungalow but that there were no planning reasons that this application could not be approved.

The Planning Officer confirmed that in terms of bringing the road into an adoptable standard, the owners and residents of Station Fields need to agree. Some representations had been made but there was not buy in from all properties. Upon approval, the pre-commencement conditions would be activated and these required approval prior the commencement of the development. If there were any breaches of condition, planning enforcement would get involved and all conditions had to have sign off.

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

RESOLVED – that delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission (with the authority to finalise any matters relating to the certification, and due publication for 21 days and amended application form prior to the grant) and subject to the conditions and informatives set out in the report and update reports (with authority to finalise conditions, informatives and reasons for approval to be delegated to Development Management Service Delivery Manager).

The meeting ended at 7.21 pm

Chairman:

Date: Wednesday 4 September 2024