

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday 21 September 2022 at 6.00 pm in 4th Floor Meeting Room, Addenbrooke House, Ironmasters Way, Telford TF3 4NT**

**Present:** Councillors N A Dugmore, I T W Fletcher, A S Jhavar, J Jones, J Loveridge, K S Sahota (as substitute for G H Cook), P J Scott and C F Smith (Chair)

**In Attendance:** R Attwell (Democracy Officer (Democracy)), J Banks (Planning Officer), J Clarke (Senior Democracy Officer (Democracy)), K Craddock (Principal Planning Officer), C Edgington (Planning Officer), A Gittins (Area Team Planning Manager - West), S Hardwick (Lead Lawyer: Litigation & Regulatory) H Rea (Legal Advisor) and V Hulme (Development Management Service Delivery Manager)

**Apologies:** Councillors G H Cook and G L Offland

#### **PC304 Declarations of Interest**

In respect of planning application TWC/2022/0515, Councillor N Dugmore advised that he was a member of Muxton Parish Council but had not been involved in any discussions on this application.

#### **PC305 Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 31 August 2022 be confirmed and signed by the Chairman.

#### **PC306 Deferred/Withdrawn Applications**

None.

#### **PC307 Site Visits**

None.

#### **PC308 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/2022/0390.

#### **PC309 TWC/2022/0390 - Site of former New College Telford, King Street, Wellington, Telford, Shropshire**

This was an application for the erection of 22no. dwellings, a retirement living complex containing 66no. units and 10no. bungalows, indoor sports facility and community hall with associated car parking, additional parking for local community organisations, alterations to 2no. existing accesses and provision of 2no. new vehicular accesses, associated landscaping, attenuation pond, public open space and infrastructure on the site of former New College Telford, King Street, Wellington, Telford, Shropshire.

This application was presented to committee as it required financial contributions via section 106.

An update report was tabled at the meeting.

Mr S Thompson, Applicant, spoke in favour of the application which was part of a £27m investment in the Wellington area over the next three years. Viability of the application had been challenging due to construction costs and it was asked that there be no affordable housing secured via a 106 on this application. A Homes England Grant to bring the project forward was being applied for and this could not be granted if affordable housing was sought via the S106. The development would fulfil 78% affordable housing via the Homes England Grant.

The Principal Planning Officer gave a brief overview of the application which met NDSS required space standards. Although there was slightly less outdoor space attached to the bungalows, space was provided for each of the bungalows in the form of a private outdoor space or a balcony as well as a communal garden. Access was from Regent Street and King Street and there was an additional 21 bay car park to serve an existing community group in order to address local congestion and parking issues. There was also an addition of a parking space for staff attending at the apartments. An amended site plan has been agreed showing the additional staff parking space. Concerns had been raised regarding the impact of the development on setting of the former listed girls' school from the proximity of the retirement apartments and although it had not been possible to fully address these concerns it was considered that the benefits outweighed the harm and on balance could be accepted subject to conditions. Following a viability appraisal the scheme was not viable for 25% affordable housing secured via the S106 and therefore Members were being asked to approve the scheme with 0% affordable housing to allow the applicant to access Homes England Grant Funding to deliver 78% affordable housing on site. Contributions via the S106 would be sought towards healthy spaces and education and it was agreed by the applicant that these would be paid in full.

During the debate some Members asked for clarification on the use of the indoor sport facility and whether it would be used for community use and would this be manned by a paid member of staff. Other Members asked for clarification in relation to the additional car park for community use. Further clarification was sought on the Homes England Grant Funding and how this would be monitored. Other Members asked if the tree to be planted at the rear of Durban could be a semi-mature specimen and raised concerns on the

length of the opening hours and the condition that the winders and doors be closed at all time and where the bin storage would be housed and would refuse vehicles have sufficient access. Other Members felt that this application was good for Wellington and the local community and that this was the right type of application in the right place, supported by the Town Council with very few negatives.

The Principal Planning Officer confirmed that the running of the sports facility did not sit with Planning but with the Council's Estates Team. Tennis and netball had previously been provided on site for the community and the Section 106 contributions would replace these facilities as part of a wider strategy drawn up with Sport England. In respect of the community use car park, a new 21 bay car park would be created to assist with the community group opposite the development on King Street. With regard to Home England Grant Funding, should Members agree to 0% affordable housing there would be no means for the Local Planning Authority to monitor or revise this, however by way of reassurance to Members Wrekin Housing Group had designed the site to provide adaptable apartments and bungalows that would meet affordable housing design standards. A recent application that had been approved with 0% affordable housing has received grant funding as intended and it was hoped that would give some reassurance. The opening hours were standard and a noise mitigation plan and management place would be required and Environmental Health had suggested the closing of windows and doors due to not knowing who would be utilizing the space.

On being put to the vote it was, unanimously:

**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 Condition(s), legal agreement terms, or any later variations) subject to the following:**

- a) **The Applicant/Landowners entering into a Section 106 Agreement with the Local Planning Authority (items i) to ii) subject to indexation from the date of Committee), relating to:**
  - i) **Financial Contribution towards Healthy Spaces of £105,000 (£10,000 towards study into netball provision, £10,000 towards study into tennis provision, £10,000 towards delivering netball strategy, £10,000 towards delivering tennis strategy and £65,000 towards the nearest free to use publicly accessible Multi Use Games Area at Millfields Park to incorporate street cricket, basketball and 5-a-side football in a replacement purpose built facility);**
  - ii) **Financial Contribution towards Education of £136,306 (£96,178 towards Primary Education and £40,127 towards Secondary Education);**

- iii) **Car Park off King Street to remain in use for associated community group in perpetuity to accommodate user parking for events;**
  - iv) **s.106 Monitoring Fee of £4,852.10 (1% of the total value of contributions, or capped at £15,000).**
- b) Submission of Proposed Site Plan showing addition of 1no. staff parking space in association with the retirement apartments**
- c) The conditions contained in the Report and Update Report.**

**PC310 TWC/2022/0515 - Site of 23 Wellington Road, Muxton, Telford, Shropshire**

This application was for the felling of 1no. Monkey Puzzle tree and 3no. Pine trees on the site of 23 Wellington Road, Muxton, Telford, Shropshire.

The application was before Members at the request of Donnington & Muxton Parish Council.

Councillor L Dugmore spoke against the application on behalf of the Parish Council who raised concerns regarding the conditions from the previous three applications being ignored and damage had been caused to the trees which had caused them to be in a desperate state and dangerous. She felt approving the application was a reward for the applicant's behaviour. Further concerns were also raised that enforcement had not taken place and how could they be confident that action would be taken against the Developer for their flagrant disregard of planning consent.

The Planning Officer informed Members that a Tree Preservation Order (TPO) had been placed on four trees in 2018 in relation to the proposed development and following a compliance visit it was apparent from the condition of the trees that the conditions of the TPO had not been adhered to protective fencing had not been implemented and there had been soil interruption to the tree roots. The damage to the Pine trees had meant they had become unstable with dead wood present and the surrounding ground compacted. Long term stability of the trees was of concern. The Arboricultural Specialist had confirmed that the Monkey Puzzle tree had declined and the roots of the Pine trees had been damaged irrecoverably. The Council's Tree Officer had confirmed that in the interest of safety and future amenity that the trees needed to be felled.

It was requested that consent was approved, subject to the conditions that trees were replaced in line with the Tree Officer recommendations of a 20-25cm girth and the submission of an aftercare management plan for five years in order for successful tree survival.

The Tree Officer commented that conditions were not adhered to and ground works, the storage of concrete blocks and changes to soil levels had all

impacted the trees. In August this year there was some stem bleeding and honey fungus and it was a question of when the trees would come down. A power company had recently taken a chunk out of the Pine tree and it was suggested that these trees be removed and replaced with similar large trees.

During the debate some Members raised concerns regarding the state of the Monkey Puzzle tree as well as the Pine trees and felt that the Tree Officer had a better knowledge of the state of the trees and that they should be replaced with like for like trees with an aftercare plan in place in order to ensure that it was adhered to. Other Members felt concerned that the trees had been destroyed and asked what actions could be taken, whether the replacement trees would be semi mature and what conditions could be put in place. It was also asked if there was a timescale for action to be taken.

The Tree Officer confirmed that there were a number of factors involved with the TPO legislation and that if the TPO was not adhered to other agencies would follow this up and that TPOs were very important. The investigation was currently with the Legal Team. The damage to the trees was being monitored.

The Legal Advisor commented that there were investigations currently ongoing into the offences committed and it was difficult to estimate a time as this depended on the case being brought, but that this was not for consideration by Members

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 Tree Preservation Order consent subject to the following:**

- a) The Condition(s) and Informative(s) (with authority to finalise Condition(s) to be delegated to Development Management Service Delivery Manager) contained within the report.**

**PC311 TWC/2022/0552 - 16 Avondale Road, Wellington, Telford, Shropshire, TF1 2HD**

This application was for a change of use from residential dwelling (Use Class C3) to children's residential accommodation (Use Class C2) at 16 Avondale Road, Wellington, Telford, Shropshire TF1 2HD

This application was before Planning Committee at the request of Wellington Town Council.

Councillor M Hosken (Ward Councillor) spoke against the application and on behalf of local residents who had raised concerns regarding the change of use from use class C3 to use class C2. This was a residential property and should not be used for a commercial enterprise and a family would be removed from their home and moved elsewhere in order to accommodate a

pseudo family. He raised concerns regarding the ages of the residents, the sex of the residents, social and educational welfare area outside of the property, staff qualifications and who would monitor their performance and that this money making venture would affect the lives of local residents and devalue surrounding properties.

Mrs H Barker, a member of the public, raised concerns regarding the consultation process and she had made further representations prior to the committee meeting. She was not against the idea of the scheme but felt that issues had not been fully addressed in relation to the bedrooms and sleeping arrangements for up to four people on a 24 hour basis. Some of the downstairs space was being converted into work space and this would limit the living space which would be unfair on the children. The back garden was of a decent size but adjoined five other gardens spaces and this, together with the weather, would limit the use in that sense. She felt that this application would be more suitable for a detached house in order to meet the needs of the children.

The Planning Officer confirmed that this was a three bedroom, two storey house with parking at the front and around the side of the property. The change of use to a C2 residential institution would be for a maximum of two children from the ages of 8-18 years with two carers on a rota basis. There would be up to two children sleeping overnight with six carers on for 48 hours and the off for 60 hours with no more than three carers at any one time. There would be a changeover at 8am with a manager visiting between the hours of 8am to 5pm Monday to Friday. Changes to the living room into an office/study was proposed and there was sufficient parking space at the property. Policy HO7 regarding specialist housing needs proposed that it met the needs of local residents and required local community shops, services and transport. Policy BE1 confirmed there was no significant adverse impact. The proposed use would simulate a typical family and was close to amenities and services in Wellington. A balanced view had been taken as planning could not differentiate between children, there was a strict match making process for vulnerable children and a short of supply of housing with children often being move to another authority losing their local family connection. The application could not be considered on suitability but on its own individual merits. In relation to parking and highway impact, there were no objections in relation to trip generation. There was no detrimental impact in relation to overlooking and noise on neighbouring properties and due to adequate garden space and on-site parking the application was compliant with the Local Plan.

During the debate some Members raised that this was an opportunity for two children to be looked after and brought up in a proper manner and that the property could be sold and difficult children could move in and it was felt that it was a family replacing a family and there was no reasons to object. Other Members felt that the property was not physically suitable in relation to small domestic living conditions and the conversion of a living room into an office space and it was asked where the second carer would sleep. It was asked if the close family contact would take place at the residence and that the application did have unanswered questions in relation to parking and the

domestic situation. Other Members re-iterated concerns regarding visitors to the property ie psychologists, social services, police and at all times of day and night and that this could have a detrimental impact to neighbouring properties, the size of the property as it was a only a semi-detached house.

The Planning Officer confirmed that there were three bedrooms, one for each of the children and one for the carer. Due to the nature of the shift patterns, only one carer would be asleep during the night with the other carer on hand to support the children with any issues on a rota basis and the office space would be used for this purpose.

The Development Management Service Delivery Manager confirmed that Planning related to the land use and there was no detrimental impact to amenities. The property had previously been extended to house a family unit and had been smaller. Ofsted would oversee any potential provider for the children in care and that they would have to provide a safe and satisfactory environment.

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

**RESOLVED – that delegated authority be granted to the Delivery Management Service Delivery Manager to grant full planning permission subject to the conditions contained within the report (with authority to finalise Condition(s) to be delegated to Development Management Service Delivery Manager).**

The meeting ended at 7.13 pm

**Chairman:** .....

**Date:** Wednesday 19 October 2022