

**SOUTH PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS**

Date: 14.7.2015

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
5	14/03594/VAR	Officer

It should be noted that following publication of the agenda, the proposed conditions for Planning Application Ref: 14/03594/VAR have been amended. Condition no. 1 has been added, and condition no. 6 now replaces previously proposed condition no. 8. Both Condition nos.1 and 6 were applied to the original Planning Permission Ref: 09/03161/FUL.

Condition 1 reads:

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

Condition 6 reads:

The premises shall be used for the preparation and sale of hot food to take away and for no other purpose (including any other use within the same use class as defined in the Town and Country (Use Classes) Order 1987).

Reason: To define the permission in the interests safeguarding the amenity of the area.

Item No.	Application No.	Originator:
5	14/03594/VAR	Public Representation

Can it be explained why the developer of the chip shop was made to include a chimney instead of an external steel flue in the original plans? Why at a later stage a further application was made for an external flue and on conservation grounds was turned down and why when Efes on the High St during the same period were made to put their flue internally because of being in a conservation area? Surely the planning authority has to be consistent in their decisions otherwise where does that leave the public and the guidance for developments within a conservation area?

This development is already in receipt of a relaxation of the materials used, height of the building and proposed encroachment onto a public right of way. Is it any wonder that we are angry?

We could go to the planning meeting but generally in our experience the committee will take the recommendations of the officials not what the public have to say.

Item No.	Application No.	Originator:
5	14/03594/VAR	Letter from members of the public to Phillip Dunne MP

Dear Mr Dunne,

It is with some reluctance that we are writing to you, as we doubt anything can now be done about what we consider to be an imminent injustice and insult to immediate residents, traders, the Broseley community and, its Town Council who work hard to enhance their town.

Briefly, as you may be aware the chip shop blew up February 2009, arson by person or persons unknown. Still no one brought to task for it. Local residents/traders suffered damage to their properties which had to be covered by their own insurances. After much work by the then planning officers permission was granted to rebuild in 2010, with appropriate planning conditions set, taking into consideration the location within conservation area.

Building commenced 2013. Sadly the developer Mr Sandhu, blatantly ignored the majority of the planning conditions, details listed:-

1. The building is higher than it should be on the basis that the ground sloped. This was pointed out to the planning department at the time of the original application.
2. Used a cheaper brick and did not use lime mortar
3. Used a black monotone roof tiles
4. Inserted downstairs aluminium windows instead of wood
5. Did not edge with blue brick

Obviously, there are other minor issues. Even though representations were made to the planning department during the build, nothing was done. Following Broseley Town Council's letter concerning the issues the building stopped. A visit was carried out by Planning enforcement and following this Mr Sandhu applied for retrospective planning permission to cover the conditions he had not adhered to.

This is now going to South Planning Committee, 14 July 2015, recommending permission be granted. In addition, the developer has applied again to place the flue on the outside of the building. When planning approval was granted it was on the basis that the steel flue was replaced with a chimney. There is a chimney and nothing has changed since that planning approval was granted other than the developers desire to put it on the outside. Another business in the town, Efe's, in recent years had to install their flue within the building, which sets a precedence.

We are in the conservation area and over the years have adhered to the appropriate conditions set. If this planning is granted then it will open the flood gates and there will be little point in having a conservation area. It will be an injustice to all those who have conformed.

In order to compensate for the high level of the building a ramp and steps are required outside the building line, at front and to the side. It is the developers intention to build these out onto the shared private right of way and based on past experiences will lead to further conflict/intimidation for the immediate residents and traders. Planning see this as 'de minimus', but could they not state the steps should be within the building line.

The Town council and residents suggested the brick should be rendered and painted. Planning say this can be done but leaves that option to the developer.

Human rights - First Protocol Article 1- allows for peaceful enjoyment of possessions. Planning do not appear to have taken into consideration residents 'peaceful enjoyment of possessions'. We will have to look at this ugly building, with a steel flue running up the side wall to a great height, everyday for the rest of lives and wonder,' Why has this developer been treated differently to the rest of us?'

We would all like to see the end of this sorry saga and understand that compromises need to be sought in order to resolve it, however, in this case it appears to be one sided. The only compromise the developer is having to make is changing the windows at the front which are viewed from the High Street.

Item No.	Application No.	Originator:
8 & 9	15/01976/FUL and 15/01977/LBC	Shropshire Council Trees – Dougald Purce

The Tree is protected by the conservation area and so should not be wilfully cut or destroyed without notice being served to the Council first. Non the less I consider your interpretation of the situation to be reasonable, and would add the following considerations:

- I note that on plan L (90)000 Rev C is annotated to the effect that no trees will be altered, so the applicant has not served notice to work on the tree.
- The tree is not prominent in the street scene or particularly visible from a public place, and from first impressions it is unlikely that we would raise a TPO to retain it if an notice was received for its removal
- The change of use may cause future occupants to spend more time in the amenity space and so find the tree that overhangs the space a nuisance especially when ripe pears start to fall on the decking. It is not however clear who owns the tree but if it is on neighbouring land the occupants effected by the overhanging branches could well object to the overhang whether or not there was a change of use, and it is unlikely that we (SC Trees) would object to the branches being pruned back.
- As you state, the application involves little building work in the area of the tree, change of doors and the erection of decking etc., these operations should not destroy the tree if done carefully.

Advised to use the attached condition

Tree Protection (Prohibited activities)

Within areas' protected within the tree protection zone (TPZ = an area of ground with a radius of twelve times the trees stem diameter at 1.5m above ground level) the following activities must not be carried out without the prior written approval of the Local Planning Authority Tree Officer:

- (a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (b) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- (c) No building materials / supplies, equipment or vehicles are to enter or be stored within the tree protection zone.
- (d) No mixing of cement or use of other materials or substances shall take place within a TPZ, or close enough to a TPZ that seepage or displacement of those materials or substances could cause them to enter a root protection area.
- (e) The ground levels within the TPZ shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- (f) No part of the tree (crown or roots) will be cut or lopped without the prior submission and determination of a section 211 notice to the local planning authority.

Reasons: To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that contribute towards this, and that are important to the appearance of the development.

Item No.	Application No.	Originator:
8 & 9	15/01976/FUL and 15/01977/LBC	Case Officer
<p>In light of additional comments from Shropshire Council Trees (see above) a condition will be advised to be utilised on the planning permission:</p> <p>Tree Protection (Prohibited activities)</p> <p>Within areas' protected within the tree protection zone (TPZ = an area of ground with a radius of twelve times the trees stem diameter at 1.5m above ground level) the following activities must not be carried out without the prior written approval of the Local Planning Authority Tree Officer:</p> <ul style="list-style-type: none"> (a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. (b) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree. (c) No building materials / supplies, equipment or vehicles are to enter or be stored within the tree protection zone. (d) No mixing of cement or use of other materials or substances shall take place within a TPZ, or close enough to a TPZ that seepage or displacement of those materials or substances could cause them to enter a root protection area. (e) The ground levels within the TPZ shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. (f) No part of the tree (crown or roots) will be cut or lopped without the prior submission and determination of a section 211 notice to the local planning authority. <p>Reasons: To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that contribute towards this, and that are important to the appearance of the development.</p>		
Item No.	Application No.	Originator:
8 & 9	15/01976/FUL and 15/01977/LBC	Mrs C M Baldwin
<ol style="list-style-type: none"> 1. Anomalies have not been addressed in revised application. 2. Redline is incorrect, this area is defined as communal area for use by all residents of the relevant properties and clearly marked upon and described in each of the individual deeds. 3. The photographs and drawings submitted on 'revised' application do not clearly show that the new development will overlook the windows of the opposite property, which is occupied and that these dwellings are less than 4 metres apart. 4. Proposed external cladding measuring 125mm would be further encroachment on the communal area, the application still refers to a single property and single garden when in fact there are two gardens and three occupied properties with residents all requiring access. 5. The original use was a retail shop and the proposed change to a dwelling would mean 24 hour use which including the existing occupied properties would be tantamount to overcrowding. 		