
TELFORD & WREKIN COUNCIL

PLANS BOARD – 06TH JANUARY 2010

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Agenda Type : A

W2009/0168 Demolition of existing block of flats and erection of new block of 11no. flats and 9no. houses,
Former Windor Flats site, Arleston Lane, Wellington, Telford, Shropshire.
Recommendation Code: FG
Ward: Arleston

APPLICANT:
Wrekin Housing Trust

RECEIVED ON:
18/02/09

PARISH
Wellington

WARD
Arleston

CASE OFFICER:
Elizabeth Attwood

THIS APPLICATION WAS CONSIDERED BY PLANS BOARD ON 8TH APRIL; MEMBERS RESOLVED TO GRANT THE APPLICATION SUBJECT TO A S106 FOR OFF SITE CONTRIBUTIONS OF £12,000 TOWARDS OUTDOOR PLAY FACILTITIES

THE APPLICATION WAS CONSIDERED AGAIN BY MEMBERS ON THE 29TH APRIL 2009 WITH REGARD TO THE PROVISION OF 100% AFFORDABLE HOUSING AND NO FINANCIAL CONTRIBUTIONS. MEMBERS RESOLVED TO GRANT APPROVAL SUBJECT TO THE PROVISION OF A CONTRIBUTION TOWARDS OUTDOOR PLAY FACILTITIES.

Members resolved to grant consent for this application, giving delegated authority to the Head of Planning to negotiate a financial contribution towards off site leisure facilities. Since this date officers have attempted to negotiate a financial contribution, however the Wrekin Housing Trust have been unable to meet this agreement with the provision of 100% affordable housing, as a housing grant has not been achieved on the site.

Subsequently, the applicants have reverted back to the previous resolution on the 8th April 2009 and the alternative application resolved to grant in November 2008, where the only contribution sought was for £12,000, and no affordable housing. However, due to the lack of grant available which the applicant was relying on the applicant can only provide £5,000.

Officers recommend that this contribution is accepted, to enable the applicant to progress with the site clearance and redevelopment immediately, providing replacement dwellings where there is demand for such type of housing.

On this basis, it is considered that the officer recommendation is revised to:
RECOMMENDATION: Subject to the applicant entering into a Section 106 agreement to provide a financial contribution of £5,000 towards off site play facilities, then delegated authority is granted to the Head of Planning to GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 - Full with no reserved matters
2. C118 - Development in accordance with submitted plans
3. B15 - Sample of materials
4. B17 - Sample brick panel
5. B18 -

Details of windows and doors 6. B19 - Details of enclosure 7. B25 - Landscape management plan 8. B26 - Landscape maintenance 9. B33 - On-site construction 10. B34 - Mud on road 12. C104 - Drainage including water attenuation measures 13. C80 - Landscape implementation 14. C87 - Parking loading, unloading and turning 15. Non-standard - foundations designed to take into account the actual site ground conditions. The detailed foundation design must be submitted to and approved in writing by the LPA prior to the development commencing. Development shall be in accordance with the agreed details. 16. B56 - protection of new dwellings from noise. 17. C100 - contaminated land 18. Non-Standard - Prior to the commencement of development details shall be submitted to, and approved in writing by, the PLA in respect of the design of the foundations and retaining walls to be used on site. 19. Non-standard - no buildings or trees planted within 2.5m of 225FWS on site.

INFORMATIVES 1. SIE22 - Conditions 2. SIE26 - Reasons 3. SIA6 - S106 Agreement Required

REASONS FOR APPROVAL: The proposed housing development is acceptable as it constitutes the redevelopment of a previously developed site within the urban area. The traffic movements generated by the development can be accommodated without any detriment to highway safety. The scale, mass and design of the proposal are acceptable and in keeping with the character of the local area. There will be no adverse impact on residential amenities. A section 106 agreement will secure affordable housing on the site.

THIS APPLICATION WAS CONSIDERED BY PLANS BOARD ON 8TH APRIL 2009; MEMEBERS RESOLVED TO GRANT THE APPLICATION SUBJECT TO A S106 FOR OFF SITE CONTRIBUTIONS OF £12,000 TOWARDS OUTDOOR PLAY FACILTITIES.

The proposed S106 contributions towards outdoor play facilities were agreed in the previous application W2008/1006, reported to Plans Board in November 2008. This application remains undetermined as the S106 agreement has not yet been signed.

As your officers have pursued the S106 agreement relevant to this application, the agent and applicant have contested agreeing to the £12,000 reported to committee. In addition no written conformation has ever been received confirming this amount.

The applicants contest that the proposal to demolish and rebuild the dwellings not only complying with current building regulations, but meeting lifetime homes level 4 of the Code for Sustainable Homes results in a financial loss.

However in recognition o the growing shortage of affordable homes and the increase in homelessness, the Wrekin Housing Trust proposes to offer 100% social housing on the site in lieu of the contributions towards outdoor play facilities. This is considered acceptable.

On this basis, it is considered that the officer recommendation is revised to:
RECOMMENDATION: Subject to the applicant entering into a Section 106

agreement to 100% Social Housing then delegated authority is granted to the Head of Planning to GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 - Full with no reserved matters 2. C118 - Development in accordance with submitted plans 3. B15 - Sample of materials 4. B17 - Sample brick panel 5. B18 - Details of windows and doors 6. B19 - Details of enclosure 7. B25 - Landscape management plan 8. B26 - Landscape maintenance 9. B33 - On-site construction 10. B34 - Mud on road 12. C104 - Drainage including water attenuation measures 13. C80 - Landscape implementation 14. C87 - Parking loading, unloading and turning 15. Non-standard - foundations designed to take into account the actual site ground conditions. The detailed foundation design must be submitted to and approved in writing by the LPA prior to the development commencing. Development shall be in accordance with the agreed details. 16. B56 - protection of new dwellings from noise. 17. C100 - contaminated land 18. Non-Standard - Prior to the commencement of development details shall be submitted to, and approved in writing by, the PLA in respect of the design of the foundations and retaining walls to be used on site. 19. Non-standard - no buildings or trees planted within 2.5m of 225FWS on site.

INFORMATIVES 4. SIE22 - Conditions 5. SIE26 - Reasons 6. SIA6 - S106 Agreement Required

REASONS FOR APPROVAL: The proposed housing development is acceptable as it constitutes the redevelopment of a previously developed site within the urban area. The traffic movements generated by the development can be accommodated without any detriment to highway safety. The scale, mass and design of the proposal are acceptable and in keeping with the character of the local area. There will be no adverse impact on residential amenities. A section 106 agreement will secure affordable housing on the site.

The previous officer report is attached below.

OBJECTIONS: No.

MAIN ISSUES: Principal of development, character and appearance of the buildings and loss of trees.

PROPOSAL: This application is for the demolition of the existing Windsor flats which comprised of 21 properties of either one or two bedrooms and the redevelopment of the site for a combination of 11 two bed roomed flats, 8 three bed roomed houses and 1 four bed roomed house to provide a total of 20 units. In addition, revised access arrangements and parking facilities on site are to be provided.

SITE AND SURROUNDINGS: The site is located close to the Bucks Head junction on the main Bennetts Bank road into Wellington. The site is currently occupied by a single existing block of flats which covers the majority of the site with the remainder of the land put over to parking use on the western boundary and an informal area of recreation space on the eastern boundary. Access to the site is reached off Arleston

Lane to the south.

The land to the east rises steadily away from the existing building with a number of trees forming a substantial belt of planting on top of the bank. The difference in ground levels between the development site and the top of the bank is approximately 5.0 to 6.0 m.

The surrounding area to the east and south is predominantly residential with a small estate of bungalows off Hornbeam Close abutting the site. On the opposite side are six dwellings which front onto Arleston Lane and on the opposite side of the road is a builder's merchants. To the north lies the TCAT college campus and the Bucks Head public house.

To the north east of the development area directly abutting the site is an old British Telecom exchange site. This is occupied by a small service building to the south of the plot of land and a large area of open land to the front which is approximately 20m in length. The site has been sold off and has recently secured planning permission for an extension to create a one bedroomed dwelling with access across the site which is the subject of this application and the provision of a parking space.

HISTORY: A similar application is for the demolition of the Windsor flats and the redevelopment of the site for a combination of eleven 2 bedroomed flats, three 3 bedroomed houses and a 4 bedroomed with a revised access and parking facilities was approved subject to the completion of a S106 agreement relating to outdoor recreation provision was approved by Plans Board on 19th November 2008.

PLANNING POLICY: National Planning Policy PPS1: Delivering Sustainable Development PPS3: Housing PPG14: Development on Unstable Land, PPS 23: Planning and Pollution Control.

Core Strategy: CS1 Homes, CS5 District and Local centres in Telford, CS10 Community Facilities, CS15 Urban Design.

Wrekin Local Plan UD2: Design Criteria H6: Windfall Sites in Telford & Newport H22: Community Facilities H23: Affordable Housing LR6: Developers Contributions to Outdoor Recreational Open Space Provision Within New Residential Developments

CONSULTATION RESPONSES: A Site notice, 24 direct neighbour letters and a press advertisement publicised the application; no comments or objections have been received.

Wellington Town Council: No objections.

Severn Trent Water: No objection to the scheme, subject to a condition in respect of drainage details being provided including sustainable drainage principles.

The Fire Service has no objection in principle as matters relating to access for emergency vehicles and water supply for fire fighting are dealt with under Building Regulations. Nevertheless, they have supplied an advice sheet for information.

The Council's Ecological Officer: Sufficient ecological information has been provided to demonstrate that the development will not have an adverse effect on legally protected species and no further ecological information is required.

The Council's Highways Engineer: has confirmed that he has no objection in principle subject to conditions. However, advises that the Local Highways Authority would not adopt the proposed access, parking or turning areas.

The Council's Engineering Services: No objection in principal although details of foundations to be approved prior to determination of the application.

The Council's Contaminated Land Officer: No objection in principle subject to a condition relating to contaminated land given the historical use of the site.

The Council's Pollution Control Officer: No objection in principle subject to a scheme for acoustic glazing in the noise sensitive rooms.

The Council's Outdoor Recreation Officer: has no objection in principle subject to the provision of a section 106 agreement to provide contributions to the improvement of the nearby play area.

The Council's Arboricultural Officer: Although the scheme involves the loss of some trees to facilitate parking, these are not considered to be particularly good or worthy of attention. As there appears to be space within the development site for a replacement trees to be planted as compensation it is recommended a suitable landscaping scheme be submitted to provide compensatory planting is part of the development.

The Council's Housing Officer and Private Sector Housing Officer had not responded at the time of writing this report; any comments received will be reported to Members at Plans Board.

PLANNING CONSIDERATIONS: Planning permission for the demolition of the Windsor flats and the redevelopment of the site for a combination of eleven 2 bedroomed flats, three 3 bedroomed houses and a 4 bedroomed has already be granted subject to a S106 agreement. Therefore, the principle has already been agreed.

Policy H6 states that housing development will be permitted on land under 0.4 hectare that is within the Telford built up area when the site can be adequately accessed and parking provided, when the site can be adequately drained, when the Council is satisfied that, where there are land stability and contamination issues, the developer has taken adequate remedial action, where the proposal does not have an adverse impact on the local environment, especially in its relationship with adjacent land uses and where the proposal shows a high quality of design.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density,

orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

Policy LR4 and LR6 requires developers to contribute to the provision of recreational open space and policy H22 requires contributions towards community facilities. Therefore, the developer of the site will be required to provide £600 per property for recreational facilities. This contribution of £12,000 will be secured by way of a S106 Agreement.

Policy CS1 states that housing development will seek to provide every household in the Borough with an affordable, decent and appropriate home. With policy CS5 requiring all new residential development to be situated in highly accessible locations, creating vibrant, safe and attractive places, with designs which respect and respond to the locality.

Moreover, policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

National guidance contained in PPS1, asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness. High quality design should add to the overall character and quality of an area, not just for a short time but over the lifetime of the development. Where proposals are inappropriate in their context or they fail to improve the character and quality of an area, the proposal should not be accepted.

Furthermore, PPS3 gives Government advice on new housing developments, amongst other issues it states that development should:

- * maintain and improve local character, *
- * be easily accessible and safe, *
- * be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access, *
- * create, or enhance, a distinctive character that relates well to the surroundings.

PPS1 and PPG3 also guide LPA's to avoid the inefficient use of land through promoting higher density development whilst being mindful of the wider context. The re-development of the site with 20 units is considered acceptable and appropriate to the wider context and character of the area.

The next issue of consideration is the character and appearance of the development especially given that the site is identified as being on one of the major development corridors through the Borough as identified in Policy UD6 of the Local Plan. This policy seeks to ensure that any development is of an appropriate scale and form and utilises materials that respect the area. It also seeks to ensure landmark and focal point sites are developed to enhance the character and appearance of an area. In addition boundary treatments and landscaping are also seen as matters of significance to ensure that the form of any development undertaken on the site enhances the wider area.

The current built form on the site consists of the block of flats that runs from

Bennetts Bank to the north to Hornbeam Close to the south. The elevation facing Bennetts Bank is a particularly unattractive facade comprising of a three-storey building with a flat roof and little or no architectural features other than the window themselves and a brick course in-between first and second floors. The impact of the building was lessened somewhat in the past by a line of trees that sat at the front of the site however these have now been removed and the building immediately fronts the road with no screening.

The proposed elevation to Bennetts Bank presents an asymmetrical designed property rising to four storeys on the eastern end and down to a three-storey structure closer to the traffic lights on the western side. In addition, there will be infill panels between the windows and the central service well is to be in-set slightly helping to break up the massive brickwork at the front. The walls are to be a combination of light buff brick, off-white render and cedar panels and there is to be a sedum roof. This combination is felt to provide visual character to the property which will complement the character of the area.

The layout optimises the number of apartments that can be facilitated on the site whilst at the same time minimising the impact to the neighbours on the western boundary. This design approach, provide some notable mass and significant development facing Bennetts Bank. In this respect therefore, it is considered that the proposal complements policy UD6 and the corridor designation fronting the site.

In respect of the other elevations fronting the public domain, there are three dwellings that face Hornbeam Close and Arleston Lane towards the south which have a main entrance into the estate for parking. The revised plans for the site now show entrances with gateways fronting Hornbeam Close so that the properties respect the street scene and this arrangement is felt to be acceptable. Given the boundary treatments to the east and west, the site is relatively independent from its neighbours on either side and will not have a detrimental impact on the character of the area.

The position of units referred to as 4 to 9 (inclusive) on the drawings are the same 2 1/2 storey design as the previous approval. However, the block has been relocated into the centre of the site to ensure that the right of access across the site enjoyed by the aforementioned BT building is not obstructed. This now positioning also improves the relationship with the existing BT building and the proposed dwellings and is therefore deemed acceptable. The alteration to the layout necessitated an amendment to the internal road layout, parking bays and bins stores, which is also deemed appropriate. Furthermore, the Council's Highway Engineer has confirmed that the layout is adequate subject the imposition of a condition requiring the parking, loading, unloading and turning areas being properly laid out, hard surfaced and drained, and the space being maintained.

The development requires the removal of some of the trees on the site. The Council's Arboricultural Officer has considered the proposals and has commented on the state of the trees. They are not seen as being of any particular value and a landscaping scheme to plant replacements would be appropriate. This is considered acceptable and will address the loss of the trees on the site

Guidance contained PPG14 asserts that, the handling of individual applications for development on land which is known or suspected to be unstable or potentially unstable will need to take account of the potential hazard that such instability could create both to the development itself and to the neighbouring area. Whilst there is scope for flexibility and each application must be treated on its merits, it is important that a local planning authority should be satisfied by the developer that any instability has been taken into account.

The Council's Geotechnical Officer has inspected the plans and whilst they have no objections to the proposal in principle have suggested that the details of the foundations be submitted before determination. Given that there is a history of subsidence on the site, it is considered necessary to impose predevelopment condition to ensure the stability of the development.

Inter alia, PPS23 states that LPA's should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as housing likely to be used by families with children. In such cases, it should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the intending developer to assess the risks and identify and appraise the options for remediation should be required.

Furthermore, the remediation of land affected by contamination through the granting of planning permission (with the attachment of the necessary conditions) should secure the removal of unacceptable risk and make the site suitable for its new use.

Therefore, given the previous uses of the site as a sand pit, it is considered necessary to impose conditions relating to contaminated land. This will ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and neighbours.

Planning Policy Guidance 24 guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. With this in mind and the close proximity of the proposed dwellings to Bennetts Bank and Arleston Lane, it is considered necessary to impose conditions relating to acoustic glazing in the noise sensitive rooms.

In conclusion, having regard to consultation responses and planning guidance, officers consider that on balance, the principle of redeveloping this site for residential use is acceptable subject to conditions, mitigation works and planning obligations.

The site is within this highly sustainable location just outside Wellington District Centre, and the traffic movements generated by the development could be accommodated without detriment to highway safety. The proposed development would not be harmful to the residential amenities of nearby dwellings, and the redevelopment of the site will have a positive impact upon the visual quality of the locality and the streetscene.

RECOMMENDATION: Subject to the applicant entering into a Section 106 agreement to provide financial contributions towards outdoor recreation provision then delegated authority is granted to the Head of Planning to GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 - Full with no reserved matters 2. C118 - Development in accordance with submitted plans 3. B15 - Sample of materials 4. B17 - Sample brick panel 5. B18 - Details of windows and doors 6. B19 - Details of enclosure 7. B25 - Landscape management plan 8. B26 - Landscape maintenance 9. B33 - On-site construction 10. B34 - Mud on road 12. C104 - Drainage including water attenuation measures 13. C80 - Landscape implementation 14. C87 - Parking loading, unloading and turning 15. Non-standard - foundations designed to take into account the actual site ground conditions. The detailed foundation design must be submitted to and approved in writing by the LPA prior to the development commencing. Development shall be in accordance with the agreed details. 16. B56 - protection of new dwellings from noise. 17. C100 - contaminated land 18. Non-Standard - Prior to the commencement of development details shall be submitted to, and approved in writing by, the PLA in respect of the design of the foundations and retaining walls to be used on site. 19. Non-standard - no buildings or trees planted within 2.5m of 225FWS on site.

INFORMATIVES 7. SIE22 - Conditions 8. SIE26 - Reasons 9. SIA6 - S106 Agreement Required

REASONS FOR APPROVAL: The proposed housing development is acceptable as it constitutes the redevelopment of a previously developed site within the urban area. The traffic movements generated by the development can be accommodated without any detriment to highway safety. The scale, mass and design of the proposal are acceptable and in keeping with the character of the local area. There will be no adverse impact on residential amenities. A section 106 agreement will secure financial contributions for outdoor recreation space.

Notes

Agenda Type : A

W2009/0915 Erection of superstore, petrol filling station, car parking, servicing and associated landscaping and access including realignment of part of Southwater Way Land at, Malinslee House, Malinsgate, Town Centre, Telford, Shropshire.
Recommendation Code: FG

Ward: Malinslee

APPLICANT:
ASDA Stores Ltd

RECEIVED ON:
23/10/09

PARISH
Great Dawley

WARD
Malinslee

CASE OFFICER:
Gareth Thomas

THIS APPLICATION WAS DEFERED FROM PLANS BOARD ON 16TH DECEMBER 2009

MAIN ISSUES: Retail Impact on town centre, Sequential assessment, Access and parking, Land Stability, Pollution Control, Biodiversity

SITE DESCRIPTION:

The planning application covers a site of 2.7 ha in area and is located between Malinsgate/Coach Central, which runs east-west along the site's northern boundary, and Southwater Way, which runs east-west along the site's southern boundary. Both Malinsgate and Southwater Way form separate spurs off the Malinslee roundabout.

The site can be described as forming two main parts. Firstly the Malinslee House and Walker House civic buildings, comprising the principal offices of Telford & Wrekin Council and secondly, the terraced surface level car parking and landscaped areas surrounding the complex. The existing buildings date from the 1970s and consist of largely uninspiring exposed concrete clad panels with ribbon glazing that gives the impression of a grey and dour civic headquarters. Nevertheless the site is well landscaped, particularly to the north east and south east boundaries, consisting of semi-mature trees and ornamental shrub planting.

The site is currently separated from the Shopping Centre to the north by Malinsgate and Coach Central and the 'Box Road', which forms an acknowledged difficult pedestrian environment. Access across Coach Central (and on to the Town Centre) for pedestrians is via an existing light controlled crossing

To the north-west of the site, between the Civic buildings and the Malinslee Roundabout lies the Job Centre and beyond, the Severn Gorge Public House together with their associated car parks. Across the road from the public house are the offices of the National Farmers Union. The Malinslee roundabout is one of the principal gateways into the town centre.

Directly across Southwater Way to the west of the application site is the Malinslee Link site, which is the subject of a separate outline planning application for

residential development to be considered at the same meeting as this application – W2009/0945. This site is currently an area of semi natural green space but is being promoted by this Council for residential purposes as part of the Local Development Framework (LDF) process.

Immediately to the south of the application site (and south-east of the “residential site” above), on the opposite side of Southwater Way is the imposing mass of the ‘Spout Mound’, a former colliery tip that has become a woodland feature on the local view point. There is some evidence of slippage of this mound, particularly in the direction of the Town Park to the south.

Importantly, there is a fall across the site running north-west to south-east of some 9 metres, which has resulted in the terracing of both the built form of the Civic buildings and the car parks. This natural feature has formed a constraint and an opportunity for the proposal from a design perspective.

RELEVANT PLANNING HISTORY

There are no planning decisions within the application site that have relevance to the consideration of this proposal.

THE APPLICATION

The application for full planning permission is described in the particulars as a “superstore”, but for the purposes of this report may be better described as a foodstore. The foodstore will replace the Civic headquarters, which in turn is likely to be relocated to a site elsewhere in Southwater. The principal elements of the development proposal comprise:

- New foodstore to provide 7,897 sq m of gross floorspace with a total net area of 4,076 sq m. (2,500 sq.m net convenience goods and 1,576 sq. m net comparison goods) The store is to be located at first floor (on stilts) along the north-west boundary of the site with customer and service access via a realigned Southwater Way and, in the form of a ‘left in’, ‘left out’ access from Malinsgate.
- 500 space car park inclusive of 22 disabled spaces and 19 parent-child spaces and 10 trolley bays. Cycle racks enabling secure storage will be provided outside the store.
- Six bay ‘automatic’ Petrol Filling Station (PFS) with access/egress via Southwater Way.
- Provision of full traffic signal control at the junction of Malinsgate/Woodhouse Central/Coach Central incorporating a reduction of the size of the central island, realignment of kerblines to reduce the engineering of the ‘Box Road’.
- Pedestrian routes through the site linking the proposed store to adjoining land to the south-east and the Malinslee housing area to the north-west.

The application is subject to an Environmental Impact Assessment (EIA) and is accompanied by supporting information, as follows:

- Environmental Statement (ES)
- Design & Access Statement

- Report on Consultation (public engagement/consultation)
- Tree Survey and Arboricultural Implications and Assessment
- Construction and Demolition Waste Report
- Retail Impact Assessment (contained within the ES)
- Traffic Assessment and Outline Travel Plan (contained within the ES)
- Slope Stability Assessment (contained within the ES)
- Flood Consequences and Foul Sewage and Utilities Assessment (contained within the ES)

PUBLICITY AND CONSULTATION

The application has been advertised in the local press and on site as an Application the subject of EIA, as a Departure Application and of major significance. In addition, 12 immediate neighbours have been notified of the planning application.

A Statement of Community Involvement in the form of a Report on Consultation has been submitted with the application, summarising the measures taken to consult and involve the community prior to the submission of the application. However officers note that it has not been counter-signed by community representatives to confirm that it is a true record of this process and the outcomes from it.

The applicants explained the process followed as follows (in summary):

- Wrote to all identified stakeholders informing them of the applicant's intentions to bring forward a planning application;
- Issues a press release
- Organised a 2-day public exhibition preceded by a VIP preview in the main foyer of the existing Asda at Telford Town Centre in August 2009
- Creation of a dedicated web site (www.asda-telford.co.uk) which contains stakeholder feedback etc
- Full-colour quarter-page advert in the local press running the week before the exhibition
- Handing out of circa 1600 leaflets
- Consideration and follow-up of 200 forms received by the "Asda planning team"
- One-to-one meetings with identified stakeholders e.g. political leaders

CONSULTATION RESPONSES:

Great Dawley Parish Council: No objection but concerns expressed regarding PFS – already one PFS in town centre; another PFS would generate additional traffic; in close proximity to the proposed residential area.

Engineering Services: No objections subject to the imposition of conditions relating to retaining wall, foundation design, soil gases, slope stability and earthworks.

Pollution Control: Recommend Conditions.

Drainage Engineer: Reduction in current Surface Water discharge to the public sewer of 50% will be necessary together with provision of Attenuation up to 1 in 100 year storm (+30%). The Flood Routing and levels on the site are achievable with

details to be further approved in accordance with a recommended condition. No development shall take place until a scheme for surface water limitation and flood routing has been submitted and approved by the Planning Authority. The approved scheme shall be completed before the development is occupied.

Highways Section: Recommends Conditions and a section 106 Obligation including the payment of a financial contribution for major highway projects (in line with a planned approach advocated in the Central Telford Area Action Plan) of £720,000 to include provision of a pedestrian crossing/junction improvements at Malinsgate/Coach Central/Woodhouse Central plus an additional sum of £5,000 for monitoring of the store travel plan.

The Transport Assessment has been produced using a different methodology to that currently being employed by the Local Highway Authority (LHA). The LHA is adopting a plan led approach (through the Central Telford Area Action Plan) to determine the impact of the development on the local highway network and to this end it is using both a VISUM and a VISSIM model to ascertain the impact of this and any future development proposals on the adjacent highway network and any corresponding mitigating highway and transportation measures. Therefore, it can be confirmed that the contribution, towards the Major Schemes Infrastructure identified in Table 5 Section 5 of the Central Telford Area Action Plan, June 2009, has been calculated using the LHA's own methodology broadly outlined above.

Similarly, whilst the Highway Authority is supportive of the new pedestrian crossing hub at the junction of Coach/Malinsgate/Woodhouse, the submitted layout is not satisfactory at this time. The LHA is in discussions with the applicant to revise the design to meet the standards contained in the Design Manual for Roads and Bridges and supported with a safety audit and AutoTrak runs.

In terms of the internal layout LHA recommends minor changes to the car parking arrangements. The site has a pedestrian entrance off Southwater Way. This is shown to tie into the realigned footway link to Malinslee (see W2009/0945). The submitted plans show a raised pedestrian table at this location but LHA would recommend a signalised crossing point is used instead

Highways Agency: Awaited – to be updated in the addendum report

Planning Ecologist: No objection

Environment Agency: Site within Zone 1 Flooding Zone. SUDS drainage recommended; Contamination Risk Assessment condition recommended.

Tree Officer: Concerned about loss of trees, three of which are worthy of TPO together with the loss of a commemorative tree. Should support be given, advise relocation of trees that are capable of translocation, as agreed with applicants and to be covered by condition.

Land Contamination Officer:

The report has identified the following site issues:

1. Elevated Polyaromatic Hydrocarbons and aromatic hydrocarbons in the C12-C16 and C16-21 range, with the potential to impact upon groundwater
2. Ground gas- Elevated concentrations of CO₂ have been observed to 16.4%, and methane at 3.8%, albeit with negligible flows at 0.3L/hr. As such, ground gases have been characterised as "Characteristic situation 2" based upon CIRIA 665. I am in agreement with the proposed gas mitigation measures as per section 7.2 of the report.

Given point 1 above, the report proposes that a Detailed Quantitative Risk Assessment (DQRA) be undertaken. I am in agreement with these proposals. You may wish to include the requirements of a DQRA as a pre-commencement condition.

As an aside, the petrol station will require a petroleum license and a Permit to operate via the Environmental Permitting Regulations 2007 prior to opening.

Planning Policy Team: Wrekin Local Plan: The site is identified, in part, for employment use as part of the section 7(1) approval T90/0022 for office development granted permission 16 August 1991. However, this application will not be implemented. The site is not covered by any other specific designations therefore no site-specific issues are raised by this proposal. However, a number of policies should be considered as relevant to this proposal, namely Policy TC2 New Shopping Development in Telford Town Centre and Policy E9 Non-Employment Uses within Employment Areas.

The proposal is in conflict with Policy TC2, which directs new retail development to locations shown on the Wrekin Local Plan proposals map. In relation to Policy E9, the proposal will result in the loss of office floor space. However, this will be replaced on another site within the town centre. The development is also in close proximity to the town centre and existing public transport connections therefore accords with PPG13 transport policies. Further justification for transport proposals is set out in the Transport Statement.

Policy CS4 of the adopted Core Strategy in broad terms identifies Central Telford as the for major retail development serving the needs of the borough and the sub-region, and seeks to consolidate Central Telford and enhance it as the hub of the service centre hierarchy by recognising its role as a settlement of significant development (set out under RSS Policy SS1) and strategic town centre (identified under RSS Policy PA11). Therefore, due to the scale and nature of development proposed being most appropriately located within Central Telford, the proposal does not undermine the policy objectives of the Core Strategy.

Objection received from Telford Trustee No. 1 Limited and Telford Trustee No. 2 Limited ("the Trustees" of the Telford Shopping Centre):

"The Trustees strongly object to the proposed development which would conflict with important national policy on planning for town centres, is recognised by Asda as being in conflict with the saved policies of the adopted Wrekin Local Plan (1995-2006) and would result in significant and unacceptable impacts on the existing town centre.

The proposed development would result in the unnecessary loss of the key food retail anchor store from the town centre to a site within the ownership of TWC. It is difficult to envisage a more stark example of a proposal that would damage confidence and future investment in the centre and cause an unacceptable retail impact. As such it flies in the face of the Government's town centre first policy particularly in current economically uncertain times.

Below we set out the Trustees' objections based on their initial review of the planning application. In summary the Trustee's initial objections are on the following grounds:

- (i) Conflict with the sequential approach – there are available, suitable and viable sites for the development proposed within and at the edge of the existing town centre which are sequentially preferable to the Civic Offices site. Asda has failed to provide evidence to demonstrate why sequentially preferable sites are not available, suitable and viable in accordance with Planning Policy Statement 6: Planning for Town Centres ("PPS6");
- (ii) Unacceptable impact on the town centre – the Retail Impact Assessment submitted in support of Asda's application is fundamentally flawed for a number of reasons as set out in section 3 below. The proposed development would cause a significant and unacceptable impact on the town centre;
- (iii) Conflict with the adopted development plan – paragraph 4.5 of the Planning Statement acknowledges that the proposed development is "in conflict with Policy TC2" of the adopted Wrekin Local Plan. In addition, the proposal does not accord with Policy TC1 and is also in conflict with the vision set out in Policy CS4 and elsewhere within TWC's adopted Core Strategy Document 2007 to consolidate and enhance the Town Centre in the period to 2016. No weight should be attached to the emerging Central Telford Area Action Plan ("CTAAP");
- (iv) Prematurity - the acceptability of retail on West Southwater and the Civic Offices site in terms of scale, location and phasing are key issues for CTAAP which has reached submission draft stage. The grant of planning permission for Asda in advance of the consideration of CTAAP at an Examination in Public would clearly have a substantial effect which would be so significant that granting planning permission would clearly prejudice CTAAP's consideration;
- (v) Uncertainty regarding the replacement for the Civic Offices - no evidence has been submitted with the planning application explaining where it is proposed to relocate the Civic Offices to or to demonstrate that the assumption that Asda will obtain vacant possession of the application site by early 2013 is correct. Asda is clearly concerned about the potential for such a delay as, unusually, it has requested that the usual three year duration of any planning permission be extended to five years. Without clarity on this aspect the grant of permission could blight investment in the town centre for years to come;
- (vi) Highway impacts have not been adequately addressed – the Transport Assessment prepared by Savell Bird & Axon in support the application contains a number of serious omissions, deficiencies and inaccuracies; and

(vii) The scheme's design fails to address key urban planning requirements – the proposed development has been designed as a stand alone superstore divorced from the town centre's primary shopping area ("PSA") with no proper regard to its urban environment.

Emails of support have been received from two individuals on the basis that a standalone Asda store would meet the needs of residents living close-by and offer free car parking.

PLANNING POLICY CONTEXT

Saved Wrekin Local Plan Policies :

TC1 Town Centre

TC2 New Shopping Development in TC

TC14 Town Centre Design

E9 Non-employment uses within Employment Areas

EH3 Flooding

EH7 Contaminated Land

UD2 Urban Design

UD4 Landscape Design

UD5 Public Art requirements

S1 Service Centre Hierarchy

S2 Site Selection

T14 Parking, Servicing and Commuted Parking Payments

Core Strategy 2007:

CS3 Telford – focus for Borough's spatial development

CS4 Telford Town Centre

CS5 District and Local Centres

Regional Planning Policies

Policy PA11: Strategic Town Centres

National Planning Policies:

PPS6 Retailing

PLANNING POLICY BACKGROUND

Joint Shropshire and Telford and Wrekin Structure Plan 1996-2011 represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains "saved" policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

- Conserve resources and the environment by reducing reliance on car travel and length of journey, fostering bio-diversity and the conservation of natural resources
- Improve the quality of life by: protecting the natural and cultural assets of the area; improve employment prospects; and tackle levels of deprivation
- Achieve a sustainable environment by careful location of development; improve access and maximise use of previously developed land and existing infrastructure; and

- Foster a prosperous economy, support for the rural economy and encourage inward investment

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

Wrekin Local Plan (1995-2006) – This Plan together with the above Structure Plan form part of the ‘Development Plan’ (along with the Core Strategy) The Structure and Local Plans however are becoming increasingly dated and they are currently being superseded by LDF documents. However the “saved” policies of the Local Plan (some 88 in total) will continue to have weight in the determination of planning applications for the moment.

The West Southwater site lies within the Telford Town Centre boundary as identified on the Proposals Map and is partially allocated for employment uses. Although it abuts retailing to the east, the proposals represent a Departure to the Development Plan. The “saved” policies of relevance, include:

- Policy TC1 (Town Centre) which permits development which contribute to its function as a multi-purpose sub-regional centre subject to provisos contained within TC2, 3, 4, 6 and 7;
- Policy TC2 (New Shopping Development in Town Centre) – which restricts the location of further shopping to areas defined on the Inset Proposals Map and in accordance with TC3, 4, 6 and 14.
- TC14 – Town Centre Design

Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

Telford is identified as a Strategic Town Centre under the adopted Revised RSS 2008 and a Town Centre in the Core Strategy. Policy PA11 of RSS states that the Strategic Town Centres will be the focus for major retail developments and PA13 states that it is not envisaged that “any further large-scale (10,000 sq m plus) out of centre retail developments or extensions to existing developments will be required” during the period to 2021. The policy goes on to say that “Smaller-scale out of centre retail proposals should be considered in the light of policies and proposals in development plans and take full account of Government guidance including the requirement to demonstrate ‘need’ and the sequential test. No out-of-centre developments should be redefined as town centres”. The RSS Panel report to the Phase II Changes gave endorsement to the level of growth of retail development and to the focus on Telford Town Centre.

Policy CS4 in the adopted Core Strategy states that “Central Telford Area will be the focus for major....retail....development serving the needs of the Borough and the sub-region...”

The Council is currently pursuing a more up-to-date spatial development approach through the LDF process and has submitted the Central Telford Area Action Plan

(CTAAP) document to the Secretary of State following a period of consultation. It has limited weight as a tool for development control at this particular time. Nevertheless it is an indication of the Council's spatial planning ambitions and is worthy of mention as we enter the period of uncertainty that many Councils face as the new Development Plan system is introduced. Possibly of greatest significance at this time and where we can reasonably consider (on the basis of the most up-to-date evidence) are the references within the Plan to the retail studies that have informed the Council's thinking.

In relation to new additional retail provision, the Council has commissioned a strategic retail study to assess the quantitative need for retail floorspace within the Borough – the White Young Green (WYG) Retail and Leisure Study 2006, updated 2009. WYG identifies that there is a net convenience capacity of between 2,560 sq m and 5,120 sq m (net) by 2016, increasing to between 3,490 sq m to 6,980 (net) by 2021. The Council's approach within CTAAP is to propose that this can be met in the primary shopping area (PSA) and the proposed PSA represents an extension to those collective areas previously allocated within the Local Plan for retail purposes; the application site sits within the proposed PSA.

Draft Policy CT2 in the CTAAP states that new retail development will be permitted to meet the need in the Town Centre and facilitate its regeneration and should come forward in the form of mixed proposals. Supporting text emphasises that when determining applications for out of centre retail applications, the principles of PPS6, in particular its sequential approach to site selection, will be applied.

As will be seen later the application will need to be assessed against both Local and National planning policies. Considerable reliance will be placed by both the applicants and objectors on Planning Policy Statement 6: Planning for Town Centres (PPS6). PPS6 requires out-of-centre retail developments to be assessed in accordance with an assessment of the need for the development; an assessment that the development is appropriate in scale; that there are no more central sites; that there are no unacceptable impacts on existing centres; and, that the location is accessible. The guidance goes on to state that development as a general rule should satisfy all of these criteria, whilst also taking account other relevant local issues and material considerations.

At this time, PPS6 is under review. However, it is worth pointing out in passing that the review draft PPS6 (July 2008) which has fed into PPS4 Draft (May 2009) proposes to refine the policy approach to planning for town centres rather than to make significant changes, and in so doing, proposes to strengthen the Government's policy on positive planning for town centres. There is no proposed change to the requirement for LPAs to assess the need for new town centre development or to take account of scale, impact and accessibility considerations, or the sequential approach to site selection when producing retail strategies or proposals for inclusion in their development plans.

A key change relates to how certain planning applications should be considered and tested. The draft proposes the removal of the requirement for the applicant to demonstrate a 'need' for a proposal which is in an edge-of-centre or out-of-centre

location and which is not in accordance with an up to date development plan strategy.

The draft PPS6 proposes to replace the existing impact assessment with a new impact assessment framework which applicants outside of town centres will need to undertake in certain circumstances. Key features of the new test are a broader focus with emphasis on economic, social and environmental as well as strategic planning impacts; identification of key impacts including impact on planned investment, whether the proposals is of an appropriate scale, impact on centre trade turnover; identification of wider impacts such as accessibility, traffic, employment and regeneration and how the proposal would make efficient and effective use of land.

KEY ISSUES AND PLANNING CONSIDERATIONS

The Development Plan

Before considering retail planning issues in detail, some consideration should be given to the status of planning policy documents that have been described above and what weight should be given to the various documents in the determination of this application.

The Development Plan comprises the following documents:

- The Regional Spatial Strategy (RSS) for the West Midlands. Part of the statutory development plan for Telford and Wrekin, it contains policies to apply to development and to be taken into account in preparing the Council's LDF. LDF documents are required to be in general conformity with RSS.
- Shropshire and Telford & Wrekin Joint Structure Plan 1996-2011. Policies within the Joint Structure Plan have formed part of the local Development Plan since November 2002. By Direction of the Secretary of State in September 2007, a number of Structure Plan policies ceased to form part of the Plan, whilst others were 'saved', until expressly replaced by new Local Development Framework policies.
- Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.
- The Wrekin Local Plan was prepared in the mid / late 1990s, adopted in February 2000, and had an end date of 2006. In September 2007 certain policies were formally "saved", recognising that they were consistent with national policy and up-to-date. Whilst not part of the LDF these policies remain in force and form part of the development plan (all other Local Plan policies were discontinued at this date).

The relevant policies have been explained in the preceding section.

The application has been advertised as a "Departure" to the Development Plan thereby recognising that the proposed development is in conflict with saved Local Plan policy TC2 (that seeks to limit retail development to sites allocated for this purpose on the Inset Map to the Local Plan).

But although this Policy is 'saved', this must also be tempered by the fact that the original policy was formulated to respond to growth pressures within the particular Plan period up to 2006, extended to September 2007. As with most Development Plans, there is a period of uncertainty as LPAs move from one Plan to another. Clearly the RSS proposes a growth in households of 26,500 between 2006 and 2026 within Telford and the Council has responded to this growth scenario as part of the Core Strategy in its WYG retail study by assessing the level of retail floorspace required to meet this level of growth.

There is an argument therefore to suggest that strict adherence to Policy TC2 would not constitute a proportionate response to the significant growth proposed for Telford in the RSS and may be damaging to the Council's aspirations going forward. Accordingly, while saved policies of the Local Plan and the approved RSS have the weight of s38(6) of the Act, the WYG report should be given appropriate weight and along with Planning Policy Statement 6 (PPS6) constitute material considerations that might outweigh the Local Plan policy, and this is explored in detail below.

A further policy consideration for Members here is Policy CS4 of the Council's own Core Strategy that in recognition of the RSS population figures albeit with a time horizon to 2016, acknowledges that "the role of the Central Telford Area will be consolidated and enhanced as the hub of the service centres hierarchy by [inter alia] creating more shops..." If Members accept the arguments using PPS6 contained within the remainder of this section of the report, then the proposal would clearly comply with the Core Strategy ambitions.

Central Telford Area Action Plan (CTAAP)

Again, before Members consider retail planning issues in detail, it would be appropriate to comment on whether CTAAP should play any part in consideration of the planning merits of the proposal. In agreement between the Council and the Planning Inspectorate, the examination of CTAAP has been suspended to allow additional work and consultation to be undertaken to support its policies. The suspension has the effect of placing the plan at "pre-submission" stage for the purposes of status in planning terms.

The principal objectors (Telford Trustees etc.) suggest (correctly in your officers' opinion) that CTAAP should not be afforded any weight given its current uncertain status but then goes on to argue that that the Council should refuse the application on the grounds that the development would be premature in the context of the emerging Action Plan. This argument appears inconsistent and conflicting and there is a need to consider the 'prematurity' point further at this point of the report.

Members' attention is drawn to paragraph 17 of the ODPM's document "The Planning System: General Principles" (2005) which sets out that "in some circumstances" ... "it may be appropriate" to refuse permission on prematurity grounds. This is a matter of discretion for the decision maker. It may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. The Government advises that a

proposal for development which has an impact on only a small area would rarely come into this category.

It is the view of your officers that 'prematurity' arguments would be stronger if the proposal was being assessed against the provisions of CTAAP; clearly this is not the case and as will be noted later in this report the proposals stand to be determined outside the CTAAP. Furthermore, the development proposal is not so significant that by dealing with the application now it would seriously prejudice a particular policy provision or development proposal that would be covered in the CTAAP. Indeed, the application can be appropriately assessed against PPS6 tests on the basis of an edge-of-centre development, something that would occur with or in the absence of CTAAP.

The background research on highway considerations, which has contributed to the preparation of the LDF and CTAAP, has been used to advise consideration of this planning application. It is considered that the traffic modelling undertaken as part of this work represents the most up-to-date methodology available to the Council – see later in the report under Highway Considerations.

Retail Planning Considerations

The application raises issues relating to retail planning policy and the need to protect the town centre as the primary focus for retail development. This is highlighted by the principal objector to the scheme. The stance adopted by these particular objectors is an important consideration for the Council as they represent an important stakeholder in the economy of this town centre. It is therefore appropriate to consider two issues of principle raised by the Trustees. Firstly, they fear that the proposal if permitted would result in the loss of an important 'anchor' to the town centre shopping centre and secondly that this loss would damage the confidence and investment in the town centre, possibly beyond just their stakehold, thereby being in conflict with the Government's town centre first policy.

What the applicants and the objectors appear to agree upon is that the existing Asda store in 'qualitative' terms is inadequate for today's shopping experience and requirements. The owners of the Shopping Centre have announced that they are now proposing a new foodstore within the town centre, on the Red Oak Car Park. Although no application has been lodged as yet, the Council might be facing proposals that may appear on the face of it to be competing directly for a slice of the retail capacity available in Telford. Given that there may also be the prospect of Asda's existing store at shopping centre being re-occupied by another convenience operator, the question of quantitative need will inevitably arise.

PPS6 is presently under review but the extant guidance requires out-of-centre retail developments to be assessed in accordance with the following criteria:

- The need for the development;
- That the development is appropriate in scale;
- That there are no more central sites that can accommodate the development;
- That there are no unacceptable impacts on existing centres; and,
- That the location is accessible.

The guidance goes on to state that development as a general rule should satisfy all of these criteria, whilst also taking account of other relevant local issues and material considerations. The tests for assessment are an appropriate methodology against which support or otherwise can be given to this proposal and how these may be undertaken are described in the following paragraphs below.

With regard to the demonstration of 'need' the guidance recognises that both quantitative and qualitative factors are of relevance albeit that local planning authorities tend to place greater weight on quantitative matters. Assessments should be on a 'goods' basis and should generally look to no more than five years ahead. The catchment area that is to be used to assess future need should be realistic and well related to the size and function of the proposed development and take account of existing centres. In addition qualitative considerations might provide additional justification for any development. A key consideration in qualitative terms is to provide for customer choice and ensuring that an appropriate distribution of locations is achieved; and provision is made for a range of sites for shopping which allow genuine choice to meet the needs of the whole community.

With regards to the issue of scale, the Guidance seeks to ensure that the scale of new development is directly related to the role and function of a centre and its catchment. The aim should be to locate the appropriate type and scale of development in the right type of centre.

In dealing with the sequential approach, the relevant centres in which to search for sites will depend on the overall strategy set out in the development plan, the nature and scale of the development and the catchment the development seeks to serve. When considering alternative sites, developers should be able to demonstrate that in seeking to find a site in or on the edge of existing centres, they have been flexible about their proposed business model in terms of the following considerations:

- The scale of the development
- The format of their development
- Car parking provisions, and
- The scope for disaggregation

In considering flexibility, the Guidance states that a single retail operator should not expect to split their proposed development into separate sites where flexibility in terms of scale, format, car parking provision and the scope for disaggregating has been demonstrated. It is not the intention of PPS6 to seek arbitrary sub-division of proposals.

Where a site is proposed in an edge of centre or out of centre location and is not in accordance with an up-to-date development plan strategy, LPAs should assess the impact of the potential development.

Quantitative Need

In terms of need, PPS6 currently requires a quantitative need assessment of the additional floorspace generated to be undertaken. The evidence prepared in support of the Council's Core Strategy (the White Young Green Borough-wide Retail Study – WYG) has been used by the applicant to determine whether the additional

floorspace would prejudice the Council's objective of securing the future health of the town centre as the primary shopping destination for Telford.

WYG suggests that Telford will generate a growth in convenience expenditure within the primary catchment area (PCA) that may be influenced by this development rising from £180.4m in 2009 to £192.3m in 2014 and £199.3m in 2016. With retention levels equating to 69% (% of expenditure retained within the catchment area rather than leaking to other areas beyond the catchment area) and allowing for inward expenditure from areas outside the primary catchment area, the available expenditure amounts to £173.1m in 2009, £184.1m in 2014 and £190.5m in 2016. Allowing for increased benchmark turnover from existing stores arising through efficiency improvements etc, and deducting committed retail developments (at Donnington, Madeley and recently Snedshill), this would equate to 'headroom' (available) capacity for new developments of £54.8m in 2009 growing to £62.8m in 2014 and £68m in 2016. This is more than sufficient to accommodate the proposed new store and the re-occupied Asda store at The Shopping Centre and leaving yet further headroom for additional convenience provision should future proposals come forward.

The objectors do not appear to dispute the Council's quantitative need assessment but do question the basis for the PCA and suggest that PCAs should be assessed against 10-15 minute drive times. The applicants however feel confident that they possess adequate and demonstrable knowledge of their customer base from data held about their current store. However a short further sensitivity analysis has been undertaken comparing the outputs from the 10-15 minute drive time with the submitted PCA evidence and this shows there is reasonable correlation with the differences not affecting the study between them which do not materially affect the Study or assessment undertaken.

Turning to the relatively modest comparison goods element that will be available at the proposed Asda superstore, this equates to some £13.6m of annual turnover. The WYG Study suggests that there is available capacity for £72m in 2014 and £156.6m by 2016. That equates to 12,783 sq m of floorspace requirement in 2014 and 26,985 sq m at 2016. The proposal would take up 19% of expenditure capacity in 2014 or 12% of equivalent floorspace capacity and by 2016 this would reduce to 9% of spending capacity or 6% in floorspace capacity terms. The comparison goods requirement identified in the RSS is 70,000 sq m of floorspace between 2006-26 and this was accepted EIP Panel into the Phase II Modifications in the report to the Secretary of State.

Your officers are satisfied that a quantitative need exists that could easily support this development in addition to the existing convenience foodstore in the Shopping Centre.

Qualitative Need

PPS6 states that when assessing the qualitative need, a key consideration will be to provide for consumer choice by ensuring:

- An appropriate distribution of locations is achieved subject to ensuring the vitality and viability of existing centres and the application of a sequential approach to site selection and to improve accessibility; and
- Provision is made for a range of shopping, leisure and local services, which allow for genuine choice to meet the needs of the whole community.

The applicant claims that the existing store is under-trading as a result of poor layout and aisle arrangement, poor car parking and requirement to pay at kiosks – all of which result in a poor shopping and customer experience. This is at odds with the applicant's own RIA and tables in the appendix to that report, which suggests that the existing store is over-trading. The difference is explained on the basis that the over-trading figures are derived from an analysis of the household shopper survey, whereas the under-trading figures are obtained directly from Asda. This has little effect on retail capacity, which is derived in part from the catchment survey results as it is the overall level of spending that is the crucial factor which defines retail capacity and it is apparent that evidence exists that other large convenience stores in Telford are over-trading, citing their own Donnington Wood store and the Tesco Extra at the Wrekin Retail Park.

The objectors claim that the proposed store will be unable to compete with the much larger Tesco Extra and seriously question the applicant's claim that Tesco Extra is over-trading by 70% and Donnington Wood Asda by 100%. Irrespective, they suggest that the surplus expenditure arising from over-trading should be directed to a sequentially preferable, more centrally located new foodstore, which in addition would avoid customers having to traverse the difficult Box Road configuration. Whether the figures are entirely accurate is open to conjecture but your officers acknowledge that there is evidence of over-trading at both the out of centre stores and it would be desirable for this expenditure to be 'clawed back' to the Town Centre.

Members will need to ask whether the new proposed store will lead to qualitative improvements. Clearly any new modern store will offer an enhanced shopping experience and the applicant argues that a dedicated car park under the direct control of the store operator will certainly provide greater convenience to shoppers who presently shop at the existing Asda store at the Shopping Centre. The existing Asda store is presently compromised and appears to be unable to provide the qualitative opportunities necessary, at least as far as Asda is concerned. The applicants argue that a new store will provide an enhanced shopping experience and lead to qualitative improvements. These qualitative improvements in policy terms can include elements contained within the proposal such as wider range of goods, brighter store, wider aisles, the availability of convenient car parking etc.

Your officers consider that on balance, in terms of qualitative need there appears to be a draw of trade away from the town centre convenience store (Asda) to out-of-centre stores like Sainsbury's at the Forge Retail Park, Asda Donnington and Tesco Extra at the Wrekin Retail Park who can offer the qualitative experience and accessibility including (free) car parking facilities. The proposal would help off-set some of the deficiencies of existing provision.

Sequential Test Considerations

PPS6 requires a sequential approach to site selection for sites neither located within an existing centre nor allocated in the development plan. All options are required to be assessed within the town centre before moving on to edge-of-centre locations, followed by out-of-centre sites. This is a simple but nevertheless reasonable approach to adopt in order to protect vitality and viability of our town centres thereby encouraging linked shopping trips and use of a variety of transport modes.

Unlike CTAAP, the adopted Local Plan does not identify a Primary Shopping Area (PSA) for Telford although it does define the town centre. But it is recognised that the natural albeit imaginary boundary for the PSA in terms of Telford Town Centre can reasonably equate to land within the 'Box Road' and it is, after all, where the Local Plan sought to allocate retail uses to satisfy the needs of Telford at the time to 2006. It is clear that the Local Plan is increasingly dated and the Council has through the LDF process updated its retail capacity figures in the light of RSS population and household growth figures.

It is argued that PPS6 should be afforded greater weight than the Local Plan because it is a more up-to-date policy approach to retail developments. Given that the Council cannot rely on the provisions of the draft CTAAP as explained earlier, for the purposes of PPS6 it can be reasonably concluded that the application site for this proposal falls in an edge-of-centre location (although still within the Town Centre), thereby necessitating a sequential analysis to be undertaken against which the application can be assessed.

The sequential approach requires developers to be flexible in their requirements to the extent that they should look to reducing the footprint of their stores in order to secure more sustainable locations. In looking at other sites under the sequential approach, PPS6 acknowledges that such alternative sites should be reasonably 'available' in terms of time span, 'suitable' in terms of site characteristics and 'viable' in terms of servicing, costs of acquisition, design and operational considerations.

On this issue the applicants have pointed out that they require 2.2 Ha as a minimum and that this is somewhat less than ideal for a large quality foodstore like Asda. In choosing the Civic site, the applicants point out that they have already made compromises by incorporating undercroft car parking and travelators into the design. They claim that it would be unreasonable to expect the applicant to reduce further their minimum area requirement in the context of sequential analysis. This is reasonable in the opinion of your officers.

Realistically, there are few opportunities within the Box Road, which as described above is the natural 'PSA' for Telford. The Red Oak car park and the Ash Grey car park formed part of the applicant's sequential assessment, both of which are sequentially preferable to the application site. In relation to the Red Oak CP, the applicant considers that this would not be a viable proposition as the development of a new store at this location would have practical and economic impact on the current Asda which would need continuity of operation whilst the new store is built, effectively on a large part of 'their' car park.

Not surprisingly, the objectors who are keen to bring forward their own scheme for the Red Oak car park maintain that this site is readily available and that the applicants have failed to clearly demonstrate its lack of availability and suitability in

compliance with PPS6 tests. This is an important point as the objectors have commented that active discussions did take place between themselves and Asda and that it was the Council's intervention in bringing forward the Civic site that has threatened future investment in the PSA. Moreover the objectors consider that continuity of operation is not an unfamiliar phenomenon in other town centres and is, in any event, not a planning issue.

The Council has to consider whether the two sequentially preferable sites in terms of PPS6 are genuinely available, suitable and viable. Taking the larger Red Oak car park site first, there appears to be a major constraint to the development of this site in that Asda would be able to block the early development at Red Oak. The existing lease between Asda and the owners of the Shopping Centre obliges the Trustees to maintain 600 parking spaces on the Red Oak car park during the period of the lease. Whilst the Red Oak CP site is closer to the heart of the centre ('PSA') and sequentially preferable and suitable, this site would not be available until 2014 at the earliest given Asda's current leasehold arrangements.

Turning to the question of viability, it is acknowledged that the particular set of circumstances arising within the Telford Town Centre is unusual in that it is Asda who is proposing the development and who are already within the town centre and have control over the Red Oak car park until 2014. In order for the Red Oak site to be viable in PPS6 terms, its redevelopment must be practicable to the end user, the applicant. The viability or 'practicability' of this site at the Red Oak car park coming forward is dependent upon agreement by Asda at least until 2014. Paragraph 3.16 of PPS6 highlights that LPAs should take into account genuine difficulties that the applicant can demonstrate are likely to encounter in operating the applicant's business model from sequentially preferable sites. Asda is unlikely to enter into any agreement with the owners of the Shopping Centre that brings forward the Red Oak site before 2014 as to do so would cause significant disruption to Asda, which could jeopardise their business at Telford, possibly irretrievably. Your officers conclude therefore that the Red Oak car park site is not viable as Asda has provided evidence to demonstrate that the business model could not operate viably from this site.

In relation to the Ash Grey car park, the applicant maintains that this would be too small to provide a reasonably sized store. Given that Asda's requirement is for a smaller store than their current location and that this requires a minimum site area of 2.2 Ha, your officers would agree that this site is unsuitable and unviable.

Moving out from the 'PSA', PPS6 sequential analysis requires an assessment of sites elsewhere within the town centre. The applicant has considered options at other edge-of-centre locations, including most importantly the area that has been designated as Eastern Southwater and Central Southwater in the consultation draft CTAAP, both of which enjoy a similar standing as the site of this planning application in terms of being edge-of-centre sites, but sufficiently close to the PSA so as to operate as part of the town centre shopping area. The site consists of two large retail 'boxes', including the presently occupied 'The Range' and the area adjoining the Town Park and consisting of Meeting Point House, the Library, the Ice Rink and Bingo Hall. These have been dismissed as unsuitable – the site of the large retail 'boxes' because The Range is still occupied and the car park used extensively as a shopper's car park and therefore, both are 'unavailable', whilst the Council has

ambitions for the remainder of Southwater to become the cultural and leisure heart of Telford town centre.

Elsewhere, edge-of-centre sites have been explored although strongly discounted including the Cherry Pink Car Park, Mattherson House, Blue Willow Car Park and Lime Green Car Park. The applicants claim and your officers agree that none of these sites are suitable, available or viable for a foodstore.

The search for another sequentially preferable edge-of-centre site is largely academic as there is little doubt that within Central Southwater, it is the Civic site that undoubtedly offers the most realistic and ideal opportunity for a foodstore on several counts. Of importance is that this site is the closest site to a large somewhat deprived residential area; it is also close to the bus station, and; there are proposals within the application scheme enhance and improve the recognised pedestrian difficulty associated with the box road and link to the wider residential area in Malinslee.

Finally on the subject of sequential analysis, other centres have been considered including Hadley, Dawley, Oakengates, Donnington and Madeley. Such analysis in the view of your officers may be superfluous because in planning policy terms, Telford Town Centre is the highest order retail centre within the Borough's retail hierarchy and no other District Centre is able to compete in retail planning terms; however PPS6 requires this to be done.

Your officers have concluded that the applicants have demonstrated that there are no sequentially preferable sites within the 'PSA' or elsewhere within the town centre that could be described as available, suitable and viable. Your officers also agree with the applicant's findings in respect of other centres.

In policy terms, there appears to be no other sites within any edge-of-centre locations better placed than the application site. Whilst the Red Oak Car Park may be sequentially preferable, this site is not available in terms that would meet PPS6 tests until at least 2014. There is a strong argument to suggest that the proposed site would for all intents and purposes perform as part of the town centre retail offer and help kick-start the re-development and regeneration of the remainder of Southwater.

Retail Impacts on the Town Centre

The applicants have provided a useful 'health check' on Telford and conclude that the town centre performs reasonably well, despite present economic difficulties nationally, against the vitality and viability indicators set out in PPS6. Further analysis of trade draw has been undertaken to ascertain the likely impacts arising, particularly on the town centre should planning permission be granted for this development. This assessment has to assume that the existing Asda store within the Shopping Centre is re-occupied for it to be realistic in terms of impact on the town centre. The conclusions suggest that the proposed new foodstore would draw trade from Sainsbury's (31%) followed by other convenience shops in the Town Centre (Iceland and M&S Foodhall) (24%) and then Donnington Wood Asda and Tesco Extra at the Wrekin retail Park (9% each). This would be off-set by increasing comparison trade in the town centre. Impacts to out-of-centre convenience stores

are not normally considered to be a planning issue, but rather a matter for commercial competitiveness.

In terms of the Town Centre itself the principal objectors stress that the new Asda store's trade diversion would mean £5m less being spent in the PSA. This is correct but only if the proposed store failed to function as part of Telford Town Centre i.e. as an out of centre/town stand alone store. The applicant has strongly countered this by arguing that the evidence from retail analysis and shoppers' surveys would suggest that the proposal would function as part of the town centre, because of proximity and good accessibility and serve the needs of a deprived residential area of Telford in addition. Evidence put forward by the applicant of its experience in other towns suggests that the presence of Asda stores in those towns results in significant levels of linked shopping trips.

The objectors believe that retail impact considerations put forward in the application are flawed. They claim that the loss of Asda from its current location would be unlikely to result in that store's re-occupation by a national food retailer thus causing detriment to the vitality and viability of the town centre. They also provide conflicting evidence on vacancy rates and health indices citing that the Telford Shopping Centre has seen a reduction in the number of national retailers leaving the Centre and being replaced by temporary low-end retailers, which reduces in turn the retail offer that is available and its appeal to shoppers.

There is a degree of conflict between the evidence put forward by the applicant and that submitted by the objectors, who presumably can refer to up-to-date evidence of what's actually happening on the ground. But your officers believe that there is a quantitative need for additional capacity to be provided in the convenience sector going forward and that arguments about the current economic climate do not alter the fact that we are planning for a period well beyond the present recession.

On this latter point, the applicant has pointed out that the re-development of the Red Oak Car Park, even if that would be made available to Asda would result in the loss of parking and this, together with the resultant disruption to Asda would have an impact on their trade of up to 80%. The applicant claims that this figure is so high that it would result in the present store (already under trading and impacted upon by parking charges, outdated design and poor layout) having to close whilst the construction of the replacement store proceeded. If this was to happen it would in turn have a seriously detrimental impact on the viability and vitality of the town centre.

In relation to impacts on the Town Centre, there is a compelling argument to suggest that in order to secure the best outcome for the town centre the local planning authority should support the relocation of Asda to a new purpose built store without disruption and then pave the way for the redevelopment of the Red Oak car park site and existing Asda store for further retailing which the quantitative analysis shows is needed. The alternative – the “do nothing approach” - would slow down retail growth in the town centre and the regeneration opportunities would be diminished, at least up to 2014 and possibly beyond.

Your officers are satisfied that the evidence provided by the applicant and supported by the Council's WYG Study would suggest that the proposal will not harm the vitality and viability of the town centre in terms of retail impact. It is accepted that the

proposal would function as part of the town centre retail offer, provide for linked trips and serve the needs of the local community thus encouraging social inclusion. In this context, the site is close to the bus station, pedestrian and cycle routes and within very close proximity to residential areas and would offer qualitative improvements to those living close by and others using different transport modes of travel. Moreover, it would help deliver one of the Council key objectives to regenerate the Southwater area of the town centre by providing a western anchor to the Southwater regeneration area.

Having regard to the above assessment, your officers conclude that the proposal accords with national and local planning policy in relation to retail planning considerations.

Design Considerations

The site falls away some 9 metres from the north-west and this has influenced both the siting and the car parking opportunities. The building will be located to the north-west and will incorporate undercroft parking. Essentially the sales floor level of the store is at about grade along its north western edge, but in the region of 5m above car park level along the elevation facing south east. All customers accessing the store, whether they have arrived by car, cycle or on foot, will access the store via a spacious vertical circulation pod on this elevation which will house stairs, lifts and travellers (inclined moving ramps which can be used by trolleys)

The Design & Access Statement explains that the goal for the proposed ASDA development has always been to provide a bright modern building, with crisp clean lines utilizing good quality, sustainable, low maintenance materials which sit comfortably within its surrounding environment. With that in mind the restaurant and 'colleagues' areas' have been sited along Malinsgate in order to provide some active frontages along the main road and key elevation. The main aspect however faces down to Southwater, in preparation for the redevelopment and regeneration of this area later. The intention always has been to provide a 'book-end' feature to this end of Southwater, with the future new 'High Street' leading from the Telford International Centre right up to the front entrance to this site.

The design of the development is described in the Design & Access Statement, which subdivides and explains the design concept in the following terms:

The Front Entrance: Double height predominantly glazed feature with the sales floor sitting above the undercroft parking, for the most part screened from view by the circulation pod. The pallet of materials consists of glass, white flat panel cladding and sustainable timber cladding, with the canopy and supporting columns providing articulation and modelling to the frontage.

The Gable Elevation facing Malinsgate: the various offices and restaurant areas have been positioned along this elevation to provide interest and variety, rather than the traditional blank sales area. Glazing is used to offer views in and out with a mixture of timber and white cladding elsewhere. A vertical access tower connects the undercroft with the upper areas and sales floor with a colonnaded canopy and

'brise soleil' (as the House of Fraser building opposite) providing depth and modelling.

The Gable Elevation facing Southwater Way: is set a little into the development and screened by existing and proposed trees. There is little scope for glazing to this elevation but a combination of timber and flat panelling will help break up this elevation. At a higher level, translucent glazing panels are used to provide light into the store and allow light out at night. The front entrance glazed area will form the end to this elevation

The Rear Elevation facing towards Malinslee Roundabout (although screened by the intervening Job Centre): The design of this elevation is somewhat utilitarian but having to accommodate the rear service yard. The proposal here comprises a mix of timber, white flat panelling and grey louvers accommodating the plant area. A pedestrian and cycleway runs alongside, which is proposed to be planted. A planning condition will require full details of walling to be agreed as timber fencing will not be sufficient at this location.

The Petrol Filling Station: By necessity – in order to afford site protection from potential slippage of Spout Mound, a retained landscaped bund will be provided which will soften the PFS area and provide a greener, softer edge from Southwater Way and Malinslee.

Pedestrian linkages were highlighted as fairly crucial in the pre-application discussions, particularly to create strong pedestrian linkages between Malinslee residential areas and the town centre, and south-eastwards towards Southwater. A 5 metres wide desire line is provided east-west and north-south that opens up into a public realm area 10 metres in width as pedestrians head towards Woodhouse Central/Coach Central. This can accommodate public art and form a useful outdoor space. In turn this connects to a wide at grade link onto Malinsgate and then towards a more pedestrian friendly crossing and pedestrian way towards House of Fraser or the Bus Station. There is also a strong 5 m wide tree lined pedestrian route leading from the store entrance towards the existing cycleway-footpath to the south-eastern boundary. This connection point will form a 'gateway' to the site and provide a strong legible access from the Southwater direction to the south-east and the future redeveloped area.

Your officers believe that there have been some physical constraints arising from the sloping nature of the site and the inclusion of steps and ramps at key points (the Malinslee entrance and the Southwater entrance) is unfortunate, however the vast majority of the development is well designed and is likely to achieve BREEAM Very Good standard of sustainability. With suitable conditions requiring the submission of further details, the development can be supported from a design point of view.

Highway and Transportation Issues

The proposals show two access points into the site; the main access via a proposed priority junction off Southwater Way providing access/egress for customers and servicing plus access/egress to the PFS. A secondary additional access is proposed from Malinsgate providing left-in/left-out arrangement for shoppers. Pedestrian linkages are given precedence in the design of the store, with the aim to

achieve improved and enhanced pedestrian linkages from the site to the remainder of Southwater in an east-west direction and across the site roughly north-south to open up linkages and footfall to the town centre from Malinslee housing area to the south-west.

Configuration changes are proposed in order to facilitate these proposals to Malinsgate/Woodhouse Central/Coach Central. Whilst the basic form of these junctions will remain as existing, it is proposed to enhance conditions for traffic and pedestrians by introducing a full traffic signal control that will be integrated with the existing House of Fraser car park traffic signals. In addition to the signalisation changes, the central island will be reduced in size and kerbs realigned to tighten the corner radii. The applicants suggest that these engineering works will start the process of reducing the dominance of the 'Box Road', slowing traffic and enhance pedestrian facilities and improve the environment for pedestrians. The entire junction, including the bus priority lanes, car park entrance and flow systems along Malinsgate/Coach Central//Woodhouse Central will be improved and be less 'highway dominated'. Multiple phases (movements) will be achieved resulting in greater efficiency of this part of the Box Road, particularly for pedestrians.

Indeed pedestrian accessibility and permeability are key to the successful integration of this proposal. It is accepted that the new 10m wide signal controlled pedestrian crossing will improve pedestrian flows to the town's shopping centre. However, it must be pointed out that although the configuration changes in this area appear to be possible, the LHA has suggested revisions to meet the standards contained in the Design Manual for Roads and Bridges and supported with a safety audit and AutoTrak runs. Your highway officers advise that conditional consent is possible.

The site has a pedestrian entrance off Southwater Way. This is shown to tie into the realigned footway link to Malinslee (see W2009/0945). The submitted plans show a raised pedestrian table at this location. However your highway officers consider that a signalised crossing point is used instead

The proposal shows a 500 space car park partly at grade, partly undercroft; PPG 13 would require 1 space per 14 sq m equating to a maximum of 580 spaces. A slightly lower allocation as proposed would reflect the site's central location and opportunities for more sustainable forms of transport. 500 spaces is deemed acceptable. In addition sheltered bike parking/storage is proposed. Servicing arrangements appears sufficient and largely separated from customer traffic and pedestrian movements. The LHA has again advised minor changes to the car parking arrangements and undercroft parking

The LHA's modelling work was completed as this report was being prepared and it is against this modelling work that your Highway Officers has assessed this application rather than the simple traffic modelling undertaken by the applicants. The Council is pursuing a plan-led approach in relation to strategic Borough-wide highway improvements and transport measures that will be deemed necessary to permit the scale of development envisaged in the Core Strategy and RSS. This modelling has identified the mitigating highways and transportation measures that will be necessary and your officers have carried out an initial assessment of the corresponding financial contribution that will be required.

Flood Consequences

PPS 25 'Development and Flood Risk' 2006 emphasises the importance of taking into account the consequences and not just the probability of future flooding events and adopts a risk based approach to steer developments to areas of least probability of flooding, taking account of climate change. The Council has produced a Strategic Flood Risk Assessment and the application site falls within Flood Zone 1 with no local issues. The EA's indicative floodplain suggests that there are no known flood risks within the application site and is assessed as having a less than 1 in 1000 annual probability in any year. The Council's work has revealed some flash flooding hotspots on site that occurs when surface water sewers in the vicinity reach capacity.

The ES assessed the impact of the proposal in relation surface and ground water quality, groundwater, drainage and flood risk. No watercourses are located within the site but investigation did take place on the effects arising from the proposal on surface water features in the area, namely Southwater Lake, Spout Pool and Withy Pool. It was concluded that in relation to each water feature, the development would be unlikely to have any notable impact on these systems.

In terms of both foul and surface water drainage, the site already benefits from Civic's drainage systems. The proposal will meet the Council's policy contained within LDF Surface Water Drainage SPD, which seeks a 50% reduction in existing surface water flow rates.

Ecology and Nature Conservation

An ecological impact assessment has been undertaken following an earlier scoping exercise and included the following surveys:

- Habitats and vegetation communities
- Invertebrate survey
- Reptile survey
- Badger survey
- Bat survey

The Civic site (unlike the corresponding application at Malinslee Link) supports no semi-natural habitat comprising buildings, car parks and associated landscape plantings. The site does not form part of any statutory or non-statutory site of nature conservation value. The only ecological impact is the loss of semi-mature trees, but even this has very little (site specific) impact. The Council's Ecologist confirms that the surveys reasonably conclude the low ecological value of this site.

Landscape Strategy and Arboricultural Considerations

An understandable and legible landscape strategy accompanies the D&A Statement and will form the landscaping framework for detailed planting. It has been designed in conjunction with the proposed Malinslee housing site to the south.

Specific landscape planting has been included within the design proposal to lessen the landscape and visual impact of the new supermarket. This includes additional trees and shrubs next to Southwater Way to replace some which will be removed, new trees and evergreen shrubs next to the proposed petrol filling station which is part of the supermarket car park, more tree and evergreen shrub planting to the eastern boundary to screen views of parked cars and partially screen the view of the supermarket, new trees and shrubs to a new landscaped area next to the western boundary to partially screen views of the supermarket and its service yard, more trees and evergreen shrubs to the northern boundary to partially screen views of the supermarket and entrance road.

There are proposals for tree felling and these works will have an impact on the local scene. A total of 85 trees are scheduled for removal from an existing 123. The Tree Officer has identified two Red Horse Chestnuts and a Horse Chestnut of some 40 years of age that are worthy of TPO status and in terms of arboricultural standards are of B1 status, which according to British Standards means of moderate quality with a life contribution of a further 20-40 years. In addition a commemorative American Sweetgum is also proposed to be felled. This tree together with a Wellingtonia which has A1 status can be replanted

A condition will be imposed requiring further details of translocation of some of the trees. However it must be emphasised that the removal of a considerable amount of trees and shrubs will take place if planning permission is granted. Although regrettable, it is felt on balance that the design of the store and the use of natural levels to facilitate a respectful design should be supported albeit at the expense of the majority of trees at this location. It is important to recognise that there are no fully mature trees at this site and most semi-mature trees date only from the time of the new town. This is not to denigrate this resource as most certainly the trees really do contribute to the overall townscape at this location. But in this instance provided a comprehensive new planting scheme takes place, your planning officers, at least, consider it is a price worth paying.

Noise and Pollution Control Issues

The report accompanying the ES aimed to identify background noise levels and potential noise arising from supermarkets activities, and how those would affect existing and future sensitive receptors. The following issues were considered and assessed:

- Servicing activity,
- Mechanical plant
- Car parking
- Activities on the car park such as trolley movement and collection.

The assessment method chosen is based on Planning Policy Guidance PPG 24 Planning and Noise: 1997 (PPG24).

The types of noises that are normal to Supermarket operations are of a different nature than those compared to a normal background. They can consist of sudden, short-term 'impulse' noises arising from the use of shopping trolleys, delivery activities and customer activities, as well as the 'drone' of fan noise. Whilst the report submitted gives a measure of comfort in terms of overall noise levels, there is limited detail. This will need to be clarified in respect of appropriate standards, and control measures, with conditions imposed if a grant of planning permission is forthcoming.

Control Measures:

Mechanical Plant: Given the level of experience Adsa has with supermarket plant and the acoustic louvers in place the control measures appear acceptable.

Car Parking: The ES has considered car door/boot slams and appears to consider there to be no other sufficient noise impacts. However the report makes no mention of noise generated by customer trolley movement or supermarket employee collection and storage (see Car Park Activities below). In respect of Car Parking, the ES suggests that distance and character of the noise from the car park, as well as the barrier effect of the building, sufficiently protects the proposed residential properties from adverse impact.

Car Park Activities: These sources of noise occur at the same time as noise impacts from deliveries and car doors slamming etc. This can give rise to problems and additional control measures such as acoustically protected trolley collection points may be required.

HGV and other vehicle delivery: Additional control measures may be required to reduce impact. It may be necessary to extend the noise barrier shown on the plans in order to offer appropriate protection. The service area itself is basically an open yard surrounded by a high barrier. There is also some concern that the queuing of HGV traffic might occur on Southwater Road and have the potential to cause noise nuisance to the proposed residential properties without any noise protection measures in place. Controls may be necessary that restrict the hours of use of the service area.

Light Pollution: A scheme of light pollution control should be the subject of a planning condition requiring approval of details.

Air Quality: There are currently no air quality management areas with Telford and Wrekin administrative area. The information contained in the ES has been assessed and shows a slight increase in air pollutants predicted. A review of the area's air quality would be reviewed in the air quality assessments undertaken by your Pollution Control Service. Should the development be granted planning permission, this redevelopment would be included in that assessment. The additional work carried out should be funded by the applicant as part of a section106 agreement.

Petroleum Licensing: under the Petroleum (Consolidation) Act the applicant will need to apply for a Petroleum Licence.

Ground Conditions

The close proximity of the site to Spout Mound to the south west was viewed as potentially problematical, particularly given evidence of minor recent slippages. The drilling of the mound and laboratory testing took place to ascertain the slope's factor of failure. The analysis suggests that the factor of failure which could directly affect the proposed development is within acceptable tolerances.

The Loss of the Civic Buildings

It is appropriate to make a short comment on the loss of the Civic buildings as the objectors to the proposal have raised it as part of their submissions, although it is open to conjecture whether the protection of existing uses such as these is a material planning consideration. The objectors argue that the relocation of the Council offices from the application site constitutes the loss of a "community facility" to which Core Strategy policy CS10 applies. Paragraph 9.65 of the Core Strategy notes that community facilities include "education, health, and social facilities such as schools, health centres, hospitals, libraries, community/day centres, prisons, village and community halls, post offices and churches" with public houses and local shops also forming part of the fabric of a community. It is highly unlikely that the existing Use Classes Order Class B1 office use can be described as a community facility as the CS Policy CS10 intended. In any event, the Council will need to react to the loss of Malinslee House and Walker House as it sees fit. The ES makes only scant reference to the sustainability gains that will occur from demolishing the current poor quality build Civic complex and its redevelopment by a BREEAM Very Good standard store construction. The Council will be considering a report on the preferred site for the relocation of its main administrative headquarters next month, although the Head of Property & Design has confirmed that his preferred location is at the Southwater Core area, which is currently the subject of a planning application for a mixed use development, to include B1 Office uses.

Other issues

The applicants have requested any approval to be accompanied with a 5 year time limited as opposed the usual 3 year approval, on the grounds that the relocation of Telford and Wrekin Council offices needing to be relocated, (planning permission gained and new building constructed) prior to vacant possession of the site being available. The likely timetable for site acquisition is early 2013. The Local Planning Authority has the discretion under section 91 of the Town and Country Planning Act 1990 (as amended) to grant permissions for longer than the statutory default period. Your officers consider that a request to increase the time limit is reasonable and justifiable; however, a period of 4 years is suggested to allow for vacant possession of the site and implementation of the store, in accordance with predicated timetables. This would help to prevent disruption of the operation of the existing store.

Planning Obligations Requirements

As landowner, the Council is an interested party; as such therefore, the avenue of a section 106 Obligation under the Planning Act is not open to Plans Board. A different approach is recommended - rather than entering into a formal Section 106 Agreement with itself, commitments will be made on behalf of the Council as landowner to abide by the planning 'obligations' and, should the land be transferred to make it a condition of that transfer that the new owner will have to enter into a Section 106 agreement to ensure that the obligations bind future owners.

The Council as both local planning authority and local highway authority intend to adopt a plan-led approach to planning contributions, particularly in terms of infrastructure provision and this is entirely consistent with the Government's Community Infrastructure Levy (CIL) approach. In relation to local highway network, the Council is using both a VISUM and VISSIM model to ascertain the impact of future development proposals on the adjacent highway network that will lead to an improved understanding of corresponding mitigating highways and transportation measures that will ameliorate these impacts.

Your highway officers have identified inadequacies in the TA lodged with the planning application; these concerns are shared by the Highways Agency who may issue a Direction to defer consideration before the meeting of Plans Board this evening. Members will be updated at the meeting. However there is also some unity as to how these issues can be resolved. Members will be familiar with the scale of developments that will emerge over the next few years within the town centre in particular. Clearly developments cannot be allowed to proceed without contributing to infrastructure improvements and it is now becoming accepted practice to seek financial contributions towards major highway schemes based on the number of additional trip generation.

Members will recall the recently approved by Plans Board at Snedshill and The Forge Retail Park where contributions were sought from developers based on the impacts on the local highway network. A similar approach will be recommended here.

The LHA has assessed the impacts arising from the development using their own methodology and traffic modelling and advise that in accordance with the plan-led approach, a financial contribution of £720,000 will be necessary towards the provision of Major (highway, transport and traffic) Schemes and new pedestrian crossing hub at the junction of Coach/Malinsgate/Woodhouse. An additional sum of £5,000 will be required for monitoring of the store travel plan.

In addition, the Council should seek a contribution to public art in line with Local Plan Policy. Known as the percentage for art approach, it is recommended that a sum of £75,000 be required to commission public art on the site.

In addition, and in line with recent developments a sum of £10,000 be sought to monitor and enforce section 106 Agreement and conditions.

Conclusions:

The application has been the subject of an Environmental Statement under the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The impacts have been fully assessed by the Local Planning Authority and the conclusions reached that any outstanding environmental effects can be satisfactorily mitigated with the use of planning conditions.

The proposed retail store has been fully considered and assessed to be in accordance with guidance in PPS6, the RSS and Core Strategy policies CS3 and CS4. The proposed store is of a suitable scale, mass and design, which respects and responds positively to the site context and surrounding environs, strengthening local identity of Telford Town Centre. The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to the highway safety. The layout also provides adequate car parking and bike storage provision. The development will preserve either in-situ or through translocation those trees on the site which are of important value to the visual amenities of the area and reinforce this through additional tree planting and landscaping. Issues of ground conditions, flooding, drainage, ecology, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. The proposal creates a demand for additional off-site requirement, which can be adequately achieved through planning obligation contributions.

RECOMMENDATION: That the application be referred to Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and subject to confirmation from the Secretary of State that she does not wish to call-in the application for determination and subject to the Council as landowner agreeing that the land will be bound by the obligations in respect of the provision of a sum of monies comprising a contribution of £720,000 for the provision of major highway schemes including new pedestrian crossing hub at the junction of Coach/Malinsgate/Woodhouse, £5,000 for monitoring of the store travel plan, £5,000 for the monitoring of air quality post development, £75,000 for the commissioning of public art on or off site as may be subsequently agreed and £10,000 for monitoring of covenants and planning conditions the Head of Planning & Transportation is authorised to **GRANT planning permission**, subject to the following conditions:

1. NS - Four year time limit condition
2. B23 - Landscaping
3. C80 - Landscape Implementation
4. B4 - Materials
5. B19 - Details of enclosure
6. B33 – On-site construction
7. B34 – Mud on road
8. NS – Environmental Health noise protection scheme
9. NS – Environmental Health restriction on noise levels
10. NS- Environmental Health time restrictions on delivery and service area use.
11. NS- Environmental Health illumination details

12. NS- Highways amended junction details
13. NS – Highways footways and parking materials
14. NS – Highways Travel Plan
15. NS – Trees Protection and Translocation scheme
16. NS – No dig method
17. NS – Drainage Ground water and Surface water limitation.
18. NS – Limit of floorspace
19. NS – Environment Agency Land contamination risk assessment
20. NS – Environment Agency Land contamination monitoring
21. NS – Environmental Health Land Contamination
22. NS – Demolition and construction hours of operation
23. NS - Retaining Wall details
24. NS - Foundation Design
25. NS – Earthworks Specification
26. NS – Soil gas protection
27. NS – Slope Stability

Informatives

- NS – Environment Agency guidance
- NS – Environmental Health guidance
- NS – Advertisement requires separate consent
- Sie20 – Land Contamination

REASONS FOR THE GRANT OF PERMISSION:

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The proposed retail store has been fully considered and assessed to be in accordance with guidance in PPS6, the RSS and Core Strategy policies CS3 and CS4. The proposed store is of a suitable scale, mass and design, which respects and responds positively to the site context and surrounding environs, strengthening local identity of Telford Town Centre. The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to the highway safety. The layout also provides adequate car parking and bike storage provision. The development will preserve either in-situ or through translocation those trees on the site which are of important value to the visual amenities of the area and reinforce this through additional tree planting and landscaping. Issues of ground conditions, flooding, drainage, ecology, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. The proposal

creates a demand for additional off-site requirement, which can be adequately achieved through planning obligation contributions.

Notes

Agenda Type : A

W2009/0919 Upgrade of Victoria Park to include resiting car park, new footpaths and fencing, creation of marsh habitat and meadows Victoria Park, Water Lane, Newport, Shropshire. Recommendation Code: FG - Ward: Newport East

APPLICANT:
Telford & Wrekin Council

RECEIVED ON:
19/10/09

PARISH
Newport

WARD
Newport East

CASE OFFICER:
Anna Robinson

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Character and appearance, Impact on the Conservation Area, Impact on adjoining residential properties

THE PROPOSAL: The application seeks planning permission for various works to upgrade the whole of Victoria Park, as part of the Borough Town's Initiative for regeneration. The scheme includes the re-siting of the car park, new footpaths and fencing, creation of marsh habitat and meadows and replacement of trees and hedges. It is intended to improve accessibility to the Park and enhance its value as leisure open space for the local community.

The Design and Access Statement asserts that as this is the first of the Borough Towns' Open Space projects in Newport; its implementation would have a significant impact in the Telford and Wrekin Council Regeneration Programme. Under a separate contract, the existing playground to the south of the Park is to be refurbished. The regeneration of Victoria Park is likely to be the first phase of redevelopment in this part of Newport. A feasibility study has been undertaken establishing potential housing sites on the burgage plots opposite which would overlook the park, and the creation of a formal pedestrian link from Water Lane to St Marys Street and the centre of the town.

THE SITE AND SURROUNDINGS:

The application site comprises Victoria Park, which is an established area of public open space, extending from the northern edge of Water Lane, east to Victoria Park Road, with a Definitive Right of Way linking the two roads running through the centre of the site. The disused Shropshire Union Canal Newport Branch is located to the north and west. The western corner of the site is located within Newport Conservation Area. The canal is designated as a Site of Special Scientific Interest (SSSI). Residential properties on Victoria Park Road adjoin the Park, and No.'s 6, 10 and 11 Water Lane are adjacent to the existing vehicular access and car parking facilities, which adjoin the canal basin. Rear gardens to properties in Victoria Park Road border the Park, along with the public swimming pool.

The Park consists mainly of grass, hedges and trees, and the site undulates, with the east of the site elevated towards the swimming pool. There are a limited number of footpaths, and views of the park from Water Lane are blocked by existing hedge boundary.

CONSULTATION RESPONSES:

The Council's Drainage Engineer states the requirements of the Flood Risk Assessment should be followed. Details of the proposed SUDS system should be submitted including calculations and a layout plan showing pipe numbers and sizes.

Following the submission of an additional survey for great crested newts, the Council's Environmental Planner is happy that no further surveys are required and the development can be carried out with the following informatives:

- the inclusion of a 5m minimum stand off from the canal to prevent damage to the SSSI and local wildlife habitats
- approval to be sought from Natural England
- removal of trees to be carried out outside nesting season (March through August)
- removal of hedges to be carried out before the beginning of February, when it has been known that blackbirds will nest in suitable weather
- follow the recommendations in the tree and hedgerow survey regarding the tree species to plant
- adding refugia and hibernacula to enhance the area for wildlife, particularly in the marshy area, the wildflower areas and near the canal. These can include piles of logs, rocks and grass cuttings.

With reference to the report by Evolution Ecology, the Arboricultural Officer makes the following comments:

- 13 of the 23 trees featured on the plan are to be felled
- No objections to the removal of the following trees on grounds of health & safety: T9 & 10 are in poor condition and either dying or dead, T12 has a structural defect which will eventually lead to its failure
- The removal of the other four trees in this line will break up the wildlife corridor referred to in the report; however the felling of the 13 trees is mitigated by the planting of 25 new trees
- Application does not state specific tree replacements, species, size, planting methodology & specification
- Consider replacement planting of Tulip trees would greatly enhance the visual amenity of the area, but the mature crown spread is around ten metres so they should be set back, to avoid encroaching highway
- Are the recommendations in the Evolution Ecology report to plant Field Maple, Rowan, Wild Cherry, Bird Cherry, Whitebeam and Silver Birch as replacements? All of these trees are native to the British Isles and would greatly benefit the wildlife in the area. However they are not long lived in arboricultural terms, with the Field Maples offering the greatest life expectancy
- The site could accommodate the planting of a few English or Sessile Oaks, as these will also increase the biodiversity and character of the park
- If the trees suggested in the report are to be planted next to the footpaths, root barriers should be installed along the path edge, to avoid future disruption and damage

The Conservation Officer has no comments to make with regard to the upgrade of the park.

Highways comments are awaited and will be reported to Members at Plans Board.

Sport England has confirmed that this site does not constitute a playing field and that the site is general open space and not used for formal sport. Thus they do not wish to comment on the application.

Telford Angling Association objects to the relocation of the car parking spaces adjacent to the canal basin and makes the following comments:

- The Angling Association rents fishing rights on the basin, with fishing platforms next to the existing car park. These platforms were developed as disabled user friendly.
- The current proximity of the car park to the platforms enables disabled anglers to be independent
- Relocation of the car park means anglers will have to transport their fishing tackle some distance from their car to the canal side, which would be a problem for wheelchair users, or people with severe walking difficulties, with valuable fishing equipment being left unattended each time they return to their car for the next consignment
- Helpers would be required and this would take away independence and would be an infringement of their rights
- There are very few fishing venues in Telford which offer this degree of independence, therefore it would be a tragedy if the facility was taken away, and would show Telford & Wrekin Council in a very poor light.

Comments have been received from local residents of Water Lane regarding the proposal, during a meeting between the residents and the Applicant (the Council); these are summarised below:

- Provide strong effective planted barrier to boundary to No.11 Water Lane, which would overcome need to move car park from property
- Do not provide separate pedestrian access at side of No.11
- Move cycle parking away from No.11
- Do not want existing access to be maintained as gates will create enclave for potential anti social behaviour and would be a nuisance to use, and there would be other access to maintain the canal. No.6 Water Lane partially 'owned' as result of use and maintenance since 1991
- Provide rear access to No.'s 10 and 11 Water Lane from new car park, in accordance with pre-application discussions

PLANNING HISTORY:

Associated application – W2009/0913 Felling of tree within Newport Conservation Area

W79/0038 Construction of parking facilities, alterations to existing vehicular and pedestrian access and general improvements

POLICY CONTEXT:

Local Development Framework Core Strategy
CS6 Newport
CS8 Regeneration
CS9 Accessibility and Social Inclusion
CS10 Community Facilities
CS11 Open Space
CS14 Cultural, Historic and Built Environment
CS15 Urban Design

PLANNING CONSIDERATIONS:

Policy CS8 of the Core Strategy sets out that regeneration strategies shall be implemented in the two main market towns of the Borough, in Wellington and Newport, in order to improve the environment, maintain services in the towns and ensure long term vitality and viability. In Newport, Policy CS6 asserts development should seek to support the market town role of Newport and its regeneration.

Policy CS6 states that Newport's spatial development will include increasing accessibility to local services and facilities as well as enhancing the built and natural environment of the town.

Victoria Park is an important public facility and comprises an area of open space with footpath link from the housing development to the east of Newport with the centre of the market town. However, the planning history suggests that there have been no significant improvements to Victoria Park since the late 1970s when an application was submitted for the car park, vehicular and pedestrian access arrangements etc.

The proposed upgrade of the park includes the relocation of the public car park further east along Water Lane, with improved vehicular access, visibility, improved lighting and surveillance and 37 parking spaces, as existing provision. The existing vehicular access on to Water Lane will be retained with new lockable metal gates for future maintenance of the canal and to provide continued parking facilities for the private residential properties in Water Lane, who currently use the public car park. The relocation of the car park will enable the canal basin and adjacent land to become an area of significant amenity value, with planting and seating, replacing the existing tarmaced and paved area. The majority of the new car parking area will be repositioned outside the Newport Conservation Area, and the proposed alterations will enhance the character and appearance of this part of the Conservation Area.

Landscaping of the site comprises additional footpaths through the park, regrading of land, and wild flower meadow planting and marsh habitat, with timber footbridge link. The soft landscaping has been designed to increase biodiversity in the Park. Seating will be provided by new benches at a variety of locations adjacent to the new footpaths and picnic tables will be positioned adjacent to the canal basin on the site of the former car park. Along Water Lane there will be 1.5 metre high fencing and decorative metal feature gateway panels to the pedestrian entrance. It is not intended to lock the park at night, and the area will be illuminated by a combination of lighting columns and bollards.

The tree report established that a number of the trees were dangerous and required removal. Others are to be removed to accommodate car parking and a new tarmac footpath. Whilst this will mean the loss of a number of semi-mature tree species, the Council's Arboricultural Officer is supportive of the proposed replacement tree planting.

With regard to the Telford Angling Association comments, the Agent has asserted that the proposal includes 2 designated disabled parking spaces within the 37 space car park. The disabled spaces are located as close as possible to the canal basin (approx. 40 metres away), and adjacent to the footpath which leads to the canal basin and fishing platforms. There are currently no designated disabled spaces, so whilst it is slightly further from the fishing platforms than the existing parking area, the provision of disabled parking is an improvement. The Agent states that the new footpath has been designed to conform to Disability Discrimination Act requirements in order to provide greater accessibility to the park.

The local residents' comments are noted; however the car park has been resited to improve visibility etc. for vehicles exiting the site and to provide improved public facilities within Victoria Park adjacent to the canal basin. The existing vehicular access will be locked, and with the use of fencing and landscaping, this area should be private and secure and will not lead to potential anti social behaviour.

In accordance with policies CS6, CS8, CS9, CS10, CS11, CS14 and CS15 of the Core Strategy, the proposed regeneration of Victoria Park is intended to improve the existing parkland area and leisure/recreation facilities for the local community, improve accessibility with enhanced pedestrian routes, and maximise views of the historic townscape of Newport. Furthermore, the proposed upgrade of the park will enhance the appearance of the park and area and through the variety of features – different habitats and landscaping – will increase use of the park. In conclusion, the proposal would accord with the relevant Core Strategy policies and will provide improved facilities for the local community and aid regeneration of this part of Newport, with the intention of initiating redevelopment of further sites on Water Lane and maintaining the vitality of Newport.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

A3 Statutory time limit

C86 Parking to be laid out, surfaced and drained, and thereafter be maintained

Development in accordance with Flood Risk Assessment

SUDS details to be submitted

REASON FOR APPROVAL

The proposed regeneration and improvements to Victoria Park will improve the existing parkland area and leisure/recreation facilities for the local community, improve accessibility, maximise views of the historic townscape of Newport, and enhance the appearance of the park and area, with the intention of increasing its usage by local residents and will support the regeneration of Newport and help

strengthen Newport's role as a market town. It will improve the visual amenity of Water Lane and enhance the adjacent Conservation Area.

Notes

Agenda Type : A

W2009/0945 Residential development and associated access (Outline)
Land off, Southwater Way, Town Centre, Telford, Shropshire.
Recommendation Code: OLG
Ward: Malinslee

APPLICANT:
ASDA Stores Ltd

RECEIVED ON:
30/10/09

PARISH
Great Dawley

WARD
Malinslee

CASE OFFICER:
Emma Green

THIS REPORT HAS BEEN DEFERED FROM PLANS BOARD 16TH DECEMBER 2009.

OBJECTIONS RECEIVED: YES

MAIN ISSUES: Principle of development, impact on character and appearance of area, impact on neighbouring properties and highways implications.

PROPOSAL:

This application seeks outline planning permission for a residential scheme of approx. 79 units. The issue of access is to be considered at this stage with all other matters reserved for later consideration.

The indicative layout plan, shows that the proposed scheme could comprise of 7 x 3 bed 3 storey townhouses, 9 x 3 bed 2.5 storey townhouses, 4 x 4 bed 3 storey townhouses and 59 x 1 or 2 bed apartments in blocks of between 3 and 5 stories.

SITE AND SURROUNDINGS

The application site area is 2.6 hectares, (however due to constraints in terms of trees, green network etc, only approx. 1 ha is potentially developable) and is currently open space, in a prominent location at Malinslee Roundabout and is a 'gateway' to the retail centre of Telford.

This site is considered to fall within Telford centre and is bounded to the east by Southwater way, which is a route to Council and retail car parks. There is an informal hedgerow, tree planting along this boundary currently. The Severn Gorge Public House and Job centre building with associated car parking are opposite the site. Alongside are the Council Offices, the site of which is subject to a separate proposal for a new Asda store.

There is a significant tree bank to the north and west of the site, which screens the existing residential area of Malinslee which comprises of a mix of 1 and 2 storey dwellings, interspersed with areas of open land and shared parking courts.

To the south is the footpath link (Silkin Way) to Malinslee, which is poorly illuminated, however frequently used and Spout Mound.

To the north of the site there is the existing NFU building and associated car parking, which had a hedge and fence boundary with the site.

There are ground level differences of approx. 20m across the site due to the tree bank; however the developable area is largely a plateau, with a gentle slope to the south.

CONSULTATION RESPONSES

The Councils Geotechnics Engineers raise no objections to the proposal subject to conditions relating to shallow mining and land contamination and slope stability.

The Council's Sport and Recreation Officer has raised no objections, although the provision of a LEAP on site is not considered necessary due to proximity to Telford Town Park, however a contribution towards these facilities is considered necessary due to the increase demand this development will create. Furthermore, any open space to be adopted by the Council will need to be accompanied by a design and commuted sum for maintenance, which is to be agreed with the LPA.

The Councils Drainage Engineer no objections subject to a suitable condition relating to ground water and surface water limitation.

The Councils Planning Policy Officer has no objections as the proposal contains positive sustainable aspects and will retain the existing green network provision.

The Councils Highways Engineer has no objection to the proposal in principle. The proposed junction due to its location adjacent to the raised platform for the Silken Way crossing will need to be amended to be a raised junction to incorporate the existing feature, details to be submitted via condition.

The amount of journeys created by the development warrants the inclusion of a contribution of £85,278.13 for strategic road improvements in the vicinity.

The Councils Arboricultural Officer has no objections in principle subject to tree protection conditions.

The Councils Environmental Health Officer: The layout of the site should be orientated so that noise sensitive rooms are located away from major sources of noise, i.e. living and bedrooms to face into the development. Careful layout of the site to protect amenities is recommended. Noise from the supermarket development and local roads maybe issues that need consideration, although this can only be considered following assessment, which can be secured via appropriate conditions.

The Councils Scientific Officer has raised no objections to the proposal in terms of land contamination, subject to inclusion of relevant conditions.

The Councils Education Officer has raised no objections and seeks a contribution of £75,367.19 for the provision of primary education due the additional demand this scheme will create.

The Councils Ecological Officer has no objection to the proposal subject to

conditions for mitigation of impact on invertebrate species and moths.

The Councils Housing Officer has no objection in principle and would seek to secure a minimum of 25-30% affordable units with type, tenure and location to be agreed at the layout reserved matters stage, when more detailing is available.

Natural England has no objection to the proposed development in respect of legally protected species.

Environment Agency no objection to the proposal subject to imposition of conditions relating to contamination and monitoring to protect controlled waters

Shropshire Wildlife Trust consider that the reduction in ecological network is difficult to compensate or mitigate and that the proposed attenuation area, will offer a reduced ecological corridor.

Great Dawley Parish Council has no objections to the proposal and welcomes the preservation of trees and woodland and supports a mixed housing scheme however, has some concerns regarding drainage implications.

During the consultation process 1 letter of objection has been received and the comments can be summarised as follows:

Concerns about creation of a footpath link or road adjacent to 60 Coachwell Close, linking to the new Asda development site.

POLICY

The following planning policies are relevant in the determination fo this application

National Planning Policy

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS9 - Biodiversity and Geological Conservation

PPG13 - Transport

PPG14 - Development on unstable land.

PPS 23 - Planning and Pollution Control

PPG24 - Planning and Noise

PPS25 - Planning and Flood Risk

Core Strategy

CS1 – Homes

CS3 – Telford

CS4 - Central Telford

CS9 – Accessibility and Social Inclusion

CS11 – Open Space

CS12 - Natural Environment

CS15 – Urban Design

Wrekin Local Plan (saved policies)

UD2 – Urban Design

UD6 - Major Transport Corridors and Gateways into Telford
 H6 – Windfall Sites in Telford and Newport
 H22 - Community Facilities
 H23 – Affordable Housing
 TC1 - Town Centre
 TC7 - Housing Development
 TC14 - Town Centre Design
 EH7 – Contaminated Land
 EH8 – Remedial Action on Contaminated Land
 EH14 - Land Stability
 T4 – Development Principles
 T22 - Planning Obligations
 OL3 - Green Network
 OL4 - Development in Green Network
 OL6 - Open Land
 OL11 – Woodlands and Trees
 LR4 – Outdoor Recreation and open space.
 LR6 - Developers contributions to outdoor recreational open space provision within new residential developments.

PLANNING

CONSIDERATIONS

The proposal is for outline planning permission for approximately 79 dwellings and retention of existing woodland area.

Principle of Development: The application site is located on the edge of Telford Centre, and is designated as a ‘gateway’ site and for employment use in the Wrekin Local Plan. The application of course has been advertised as a “Departure” to the Development Plan thereby recognising that the proposed residential development is in conflict with allocations detailed in the Wrekin Local Plan. To date there has been no interest in an employment use on this site and Policy TC7 of the Wrekin Local Plan does permit housing development in the Town Centre on land that is not committed or required for other uses. Furthermore, the emerging guidance in CTAAP seeks to increase the mix of uses within Telford and introduce high density, high quality residential development on suitable site. The Malinslee link is identified in CTAAP as a suitable site for residential use, although as this is only emerging guidance limited weight can be afforded to this document.

As with most Development Plans, there is a period of uncertainty as Local Planning Authorities move from one Plan to another. Clearly the RSS proposes a growth in households of 26,500 between 2006 and 2026 within Telford, and new sites, not previously allocated in the saved plan, will need to come forward to deliver this level of growth.

Policy CS4 of the LDF core strategy states that Central Telford will be the focus for major housing, employment, retail, recreation, leisure and mixed use development. With the aim of encouraging people into the town centre at different times of the day and night, and to make the area easier, safer and more pleasant to walk in and with a mix of uses developed at a higher density.

It is considered that this proposal would improve the linkages of Malinslee and the Town Centre, creating a safer environment by improving the existing Silkin Way link with increased surveillance and aid in the introduction of the 24 hour economy to Telford. If the original allocations in the saved local plan were adhered to this could limit the growth potential of Telford and Wrekin and damage the Council's aspirations to move forward with achieving a mix use for Telford Town Centre. If members are to accept the argument giving greater weight to the more recent policies in the Core Strategy, accordingly, this is a suitable site for residential development in accordance with policy CS4 of Core Strategy and TC7 of the Wrekin Local Plan.

Highways: This permission seeks approval for access along with the principle of development. Access to the site is to be gained from a single point off Southwater way. The central location of the site will allow for greater travel by foot and bicycle and use of public transport. The form of junction proposed is a simple priority junction, which the highways authority considers is appropriate for a development of this scale. However, concern is raised about the proximity of this junction to the raised pedestrian crossing point for the Silkin Way. It is therefore recommended that notwithstanding the submitted details that the access be formed as a raised table junction, which will incorporate the existing raised crossing. This detail can be secured through the imposition of a condition.

The indicative layout is insufficient information to comment on parking levels etc and will need consideration at the reserved matters stage. The layout will need to incorporate the following features; adopted carriage way width should be 5.5m reducing to 3.5m at any narrowing's with a minimum 2m wide footways. Visibility to accord with road speed as defined in Manual for Street. A turning facility for refuse vehicles needs to be included and the layout should not place any dwelling beyond a 40m servicing distance from the adopted highway. These details will be included as an informative on the decision document.

The indicative plans propose the realignments of the main footway to Malinslee. This is an adopted link and any realignment will require a formal 'stopping up' of any section that is no longer required, an informative on the consent would be sufficient to cover this issue.

The transport assessment has been carried out on the assumption that the site will accommodate 79 dwellings and the Highways Authority recommends that consent is limited unless otherwise agreed in writing. Due to the number of dwellings and the location of the development a contribution for off site contributions' (in line with a plan-led approach advocated in CTAAP) is required. This is based on the number of additional journeys created by this development and requires a sum of £85,278.13 for off site highway works. Planning Officers concur that it is reasonable to limit the scope of the permission to 79 units, unless otherwise agreed in writing, to give certainty to the decision making process. The proposal is considered in accordance with policies CS9 of the Core Strategy and 'saved' policy T4 of the Wrekin Local Plan.

Green Network, Open Space and Protected Species: Part of the site is designated as Green Network, this is the tree mounds to the west and land to the south

adjacent to the existing footpath link. Policies OL3 and OL4 seek to protect this land. The proposed residential development has been planned to ensure that the Green network area is retained. The rest of the site is currently open marsh land and whilst not protected does afford a wildlife habitat and the loss of this will impact on existing species using the site. There is to be no impact on any protected species, however mitigation and translocation of other species on the site has been identified as an issue and the imposition of relevant conditions are considered sufficient to ensure that this impact is managed. Accordingly, it is considered that the proposal is in accordance with 'saved' policies OL3 and OL4 of the Wrekin Local Plan, Policy CS12 of the Core Strategy and PPS9.

Design Principles: The proposed developable area of the site is approx 1 ha and the indicative layout drawings are sufficient to demonstrate that 79 dwellings could be accommodated on the development. There is however some concerns raised that the indicative layout is too heavily reliant on apartments and does not afford an adequate mix of unit types. Whilst a high level of density is deemed appropriate within this edge of centre location, the mix of development to create a sustainable community must also be reflected and it is therefore considered that a condition to limit the number of units to a maximum of 79 would be appropriate to aid in achieving this at the reserved matters stage.

This is in part a 'gateway' site, and will require a landmark building, the indicative layout shows that heights rise to 5 stories at the south eastern corner of the site, however, it is considered that this is an inappropriate location for such a landmark, which should be located to the north of the development. It is expected that the scale of the buildings along the southern boundary would be of a more traditional domestic scale up to a maximum of 3 stories to reflect the pattern of development in Malinslee while still providing adequate surveillance of the open space and footpath link. A condition relating to heights is considered necessary to ensure that a landmark building is provided in a suitable location.

A change in the scale and character of development within the site is considered appropriate given the constraints of the site and proximity of the internal development to the existing trees. Accordingly, it is considered that sufficient information has been provided to indicate that detailed submissions at reserved matters stage can be adequately designed and the scheme therefore complies with Policies CS15 of the Core Strategy and 'saved' policies UD2 and UD6 of the Wrekin Local Plan.

Trees and visual amenity: The existing tree bund to the north and west boundary of the site is to be retained. The retention of these trees will ensure that the visual amenities of the site are retained. There are a number of trees to be removed from elsewhere on the site, but these are category C trees, are poor quality specimens and do not merit retention or relocation. Conditions relating to construction methods and protective measures are considered sufficient to ensure that the proposed development will not adversely impact the retention of the trees and the visual amenity therefore afforded to the site by their retention. The proposal is considered to accord with 'saved' policy OL11. Furthermore, as the trees are to be largely retained, it is considered that the proposed development will not adversely impact on the local bird or bat populations.

Layout and Impact on neighbouring properties: The indicative layout shows development is to be contained to the east of the existing tree belt which is to be retained. The tree belt is located on a bank and the developed land is set at a lower level in relation to the existing residential development in Malinslee. It is noted that the massing drawings do indicate that the development could be in parts up to 4/5 stories in height, these elements of the proposal are indicated adjacent to Southwater Way. It is considered that the retained bank and tree belt are sufficient to screen the development from the existing residential development of Malinslee to ensure that there is no adverse impact on residents amenities in terms of overlooking or loss of privacy, whilst reinforcing the residential nature of the area and providing natural surveillance to the used footpath link to improve access from the existing residential area and the wider town centre.

Education: The level of residential development will have an impact on existing levels of educational provision. In accordance with 'saved' Policy H22, and based on the indicative numbers provided on the scheme it is considered that a sum of approx. £75,000 is required as a contribution for primary education facilities.

Affordable Housing: The indicative layout proposes a scheme with 75% of development being apartments, and whilst there is a need for apartments, there is a greater need for housing, particular 2 and 3 bed units and a small number of 4 bed houses. The indicative layout currently has no 2 bed houses, and the Housing policy officer considers that it would be beneficial if at the reserved matters stage, 2 bed roomed dwellings could be included in the proposal, to create a greater balance and meet a wider range of needs.

There is also no indication of the split between 1 and 2 bed apartments, a limited number of 1 bed apartments would be acceptable for affordable provision, but due to the limited and inflexible nature for the types of households who can occupy them, for the purposes of providing affordable accommodation more 2 bed apartments would be acceptable.

If the mix of affordable is to be largely provided by apartment accommodation, then a percentage of 35% would be required. If more dwellings are to be included then this figure could be reduced to 30%, these figures are based on the indicative housing numbers and types. There is scope that the overall percentage could be amended if the layout can provide some 2 bed roomed houses. It is considered that the proposed development is acceptable subject to an agreement on the type and level of affordable housing, which is to be secured between 25-30% at the time of determining the reserved matters stage for layout, when a clear idea of number and types of units is available. An informative of potential break downs of tenure for affordable housing is to be included on the decision document. The proposal is considered acceptable and in accordance with the requirements of 'saved' policy H23 of the Wrekin Local Plan.

Leisure and Open Space: The indicative drawings show the potential for the inclusion of a LEAP, within the development site. However, given the proximity of the site to Telford Town Park, this facility is considered unnecessary as there is adequate provision locally. Nevertheless, this residential development will create a

demand for such provision and an off-site contribution for improvement works to the Town Park would be reasonable. A sum of £600 per dwelling for 2 bed plus units is considered acceptable.

The space indicated as a LEAP could be used for open space or developable land, as deemed necessary by any layout to be submitted. Any open space on the wider scheme will need to include details for long term management and if it is to be adopted by the Council a commuted sum for maintenance will need to be agreed along with the design. The proposal is therefore considered acceptable in accordance with 'saved' policy LR6 of the Wrekin Local Plan.

Other Planning Obligations: the Council is seeking a sum of £10,000 to monitor and enforce section 106 agreements and conditions on strategic projects within the borough; this request is in accordance with other recent developments.

Ground conditions: The Councils Geotechnical Engineers consider that the applications are acceptable subject to conditions on shallow mining and land contamination and slope stability, in accordance with 'saved' policies EH7 and EH8 of the Wrekin Local Plan.

Drainage: The proposed foul drainage is to be linked to existing provision, and Severn Trent Water have confirmed that there is capacity for approx. 100-150 dwellings on this site, subject to a change in capacity with the Council offices being redeveloped. The green attenuation space provided to the south of the site is to accommodate a SUDs drainage solution. Due to the natural gradient of the land, this site is preferred and will allow for drainage via gravity. As a result of this SUDs solution there is negligible impact on surface water drainage in the vicinity. The Councils Drainage Officer has raised no objection to the scheme subject to a condition relating to ground water and surface water limitation drainage. The proposal is in accordance with guidance in PPS25.

Noise: The proposed development along Southwater way is to be set back due to an existing sewer easement. This set back will help to mitigate issues of noise arising from the road. The proposed Asda store on the opposite site, it to have the delivery and service yard located adjacent to Southwater Way, to ensure issue of noise are mitigated, the Asda scheme proposes the inclusion of an acoustic fence. The Councils Environmental Health officer requires additional information to be submitted to ensure that residents amenities are protected from the proposed supermarket opposite, this can be achieved through the imposition of a condition. Furthermore, an additional condition regarding sound insulation measures is considered necessary to ensure adequate amenity for future occupiers. Accordingly, the development is considered acceptable and in accordance with guidance contained in PPG24.

Other Issues: During the consultation period one neighbour has raised an issue relating to the proposed links to the existing Malinslee estate, and potential loss of garden space. There are to be no works proposed to widen or alter the existing footpath links, but the new development will connect to these existing footways to

improve access and legibility between the proposed development and existing uses.

Planning Obligations: because the Council is land owner, rather than entering into a formal Section 106 Agreement with itself, commitments will be made on behalf of the Council as landowner to abide by the planning 'obligations' and, should the land be transferred to make it a condition of that transfer that the new owner will have to enter into a Section 106 agreement to ensure that the obligations bind future owners.

In conclusion, the loss of some open space is considered acceptable, as the development will provide a link between the Town Centre and existing residential areas and encourage use of the Town centre day and night in accordance with the aims of policy CS 4 of the Core Strategy. The proposed dwellings are of a size and tenure to meet local need, and are to include a minimum of 25% affordable units. The site is in a highly sustainable location in relation to Telford town centre, with good access to public transport. Having regard to local objections and planning policy and guidance, officers consider, on balance that the principle of residential development and access subject to the revised access junction are acceptable subject to conditions.

RECOMMENDATION: that the Head of Planning and Transportation be authorised to GRANT OUTLINE PLANNING PERMISSION subject to the Council as landowner agreeing that the land will be bound by the obligations in respect of the provision of a minimum of 25% affordable housing subject to an agreement of type, mix and location at the layout reserved matters stage, a sum of monies for highways improvements, a commuted sum of £600 per dwelling for play facilities, a commuted sum for maintenance of open space, £10,000 for the monitoring and enforcement of S106 agreements and a sum of monies for primary school education contributions and the following conditions;

1. A1 – Standard Outline
2. A2 – Submission of Reserved Matters
3. B10 – Standard Outline
4. B11 - General Details required
5. B33 – On site Construction
6. NS – Highways details of layout, surface water and construction details
7. NS – Highways for the raised junction details.
8. B34 – Mud on road
9. B41 – Shallow mineworkings
10. B42 - Untreated Mine shafts
11. B44a – Contaminated Land
12. NS - Land contamination
13. B46 - Slope Stability
14. NS – Drainage limitation
15. NS – Limit on number of units to a maximum of 79 dwellings.
16. NS – No approval of indicative layout
17. NS – Building Heights
18. NS – Trees – protective fencing
19. NS – Trees – no dig methods
20. NS – Environmental health noise survey

21. NS – Environmental health sound insulation measures
22. NS - Water contamination
23. NS - Monitoring - water contamination
24. NS - Species Mitigation strategy
25. NS - Building to achieve Code for Sustainable Homes

Informatives:

Sie17 - Mineral Area

Sie22 – Conditions

NS - Environment Agency best practice and guidance

NS – Highways details

NS – Affordable Housing percentage and unit type details.

Sie26 – Reasons for granting outline planning permission

The proposed residential development is acceptable in principle. The traffic movements generated by the development could be accommodated without detriment to highway safety, subject to the inclusion of a raised table junction. The layout of the development would preserve those trees on the site, which are important to the visual amenities of the locality. The environmental issues raised in the EIA have been fully considered and any impacts can be mitigated through the imposition of relevant conditions. Furthermore, the residential development would not be harmful to the residential amenities of nearby dwellings. The additional demand for play facilities and education can be met by financial contributions to existing facilities.

Notes

Agenda Type : A

W2009/0962 Change of use from Use Class A4 to mixed Use Classes A3, A4 and A5 and internal and external alterations (part retrospective) *****AMENDED DESCRIPTION*****

The Royal Oak, High Street, Madeley, Telford, Shropshire.

Recommendation Code: FG

Ward: Madeley

APPLICANT:
Mr S Hussain

RECEIVED ON:
06/11/09

PARISH
Madeley

WARD
Madeley

CASE OFFICER:
Elizabeth Attwood

CLLR GILL GREEN HAS REQUESTED THAT THIS APPLICATION IS DETERMINED AT PLANS BOARD

OBJECTIONS RECEIVED: YES

MAIN ISSUES: The amount of existing food relating uses in the area, parking, residential amenity, impact on the vitality and viability of Madeley, and the character and appearance of the Ironbridge World Heritage Site and Severn Gorge Conservation Area.

THE PROPOSAL:

This application is considering a change of use from a Public House to a bar and restaurant operating from the existing lounge area and hot food takeaway in the existing bar area. This will enable the applicant to move from smaller premises which he owns on the opposite side of the road to the application site.

The proposed opening hours for the bar, restaurant and takeaway are:

Monday to Friday 11:00am to 12:00pm

Saturday 11:00am to 12:30pm

Sundays and Bank holidays 11:00am to 12:00pm

It is assumed that these times are written in error and should be 12:00am and 12:30am rather than pm otherwise it would indicate that the proposal is open for 1 hour on Monday to Friday and Sundays and Bank Holidays and 1 1/2 hours on Saturdays.

HISTORY:

A second application (W2009/0963) for a new extract fan and steel cowl in the kitchen, a re-location of an internal door at the bottom of the stairs at ground floor level, and a stud partition wall and door on the second floor to provide fire protection from the kitchen to the landing, has recently been granted Listed Building approval subject to the submission of additional details and detailed drawings.

SITE AND SURROUNDINGS:

The site is located within the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area and situated at the lower end of Madeley High Street, as defined as the Secondary Zone in the Wrekin Local Plan.

The premises is a C18 grade II Listed Building finished in red brick building with a steeply pitched plain tile roof with gable ends and painted stone covered eaves; the property is two storeys in height with an attic and front facing flat topped dormer windows with sash with glazing bars. The windows on the front elevation are modern casements in original openings with voussoired heads with keyblocks. The central doorway is modern and there is a collection of various extensions to the rear. The original stables and coach housing with accommodation above is located to the north west and a large car parking area beyond. There is an adjoining vacant A1 shop unit to the east, a community hall to the west and a large detached residential dwelling to the north (rear). The application forms states that there are no trees on/adjacent the site. However, there is a mature Oak tree on the car park. Nonetheless, it is not affected by this application.

The current use of the premises is a Public House (A4) and the proposal is to change it to mixed use including a bar (A4), a restaurant (A3) and take away (A5).

PLANNING POLICY CONTEXT:

National Guidance:

PPS1: Delivering Sustainable Development

PPS6: Planning for Town Centres

PPS23: Planning and Pollution Control

PPG24 Planning and Noise

Wrekin Local Plan:

UD2: Design criteria,

S15 Madeley Secondary Zone.

Core Strategy:

CS5 District and Local Centres in Telford,

CS1 Community Facilities,

CS15 Urban Design.

CONSULTATION RESPONSES:

A newspaper advertisement, Site Notice and 19 direct neighbour notification letters have advertised the proposal. Four letters of objection have been received; the issues raised are:

- The application is retrospective,
- lighting, trunking, CCTV camera etc attached to the front elevation of the building,
- Already too many takeaways in the area,
- Noise, nuisance, traffic,
- Anti-social behaviour,
- Ambiguity over opening hours,
- Premises licence is required,
- Council are not exercising their statutory powers,
- WHS status,

- Area should be enhanced to make it more attractive to tourists and visitors,
- Confusion over A3, A4, A5 terminology,
- No desire to see building empty ,
- Adequate parking but users of take away facility do not tend to use car parks and stop out side on the double yellow lines causing obstruction and blocking private drives,
- Previous interested take away chain (Dominos Pizza) was advised that no further takeaways in the area would be allowed and pulled out of the sale.

The Planning Enforcement Officer has been advised and requested to investigate the above allegations. Likewise the Licensing Enforcement Officer is aware of the issues relating to trading hours and licence and is investigating the matter.

Conservation Officer: no objections.

Environmental Health Officer: no objections.

Highways Engineer: acknowledges that the access to the car park is substandard and there are on-going problems with on-street parking in the area; however has no objections to the proposed mixed use given the extant use of the building.

Madeley Parish Council: has objected to the proposed change of use, the issues raised are;

- The site is within the WHS and Conservation Area and is listed building,
- Saved policy S15 states that the number of takeaways have reached the maximum acceptable,
- proliferation and saturation of similar uses in the area,
- the applicant's former premises will remain as a takeaway
- there is no premises licence for the sale of hot food after 11:00pm
- there is prior history of licensing non-compliance,
- lack of information,
- CCTV, lighting features, signage is out of character,
- Comments from English Heritage and the Council's Conservation Officer should be sought,
- The Royal Oak pub sign should be preserved; the premises was first licensed in 1850 and has significant importance for Madeley,
- This application should be considered as retrospective.

PLANNING CONSIDERATIONS:

PPS1 outlines that development must be appropriate in its context and should improve the character and quality of an area, and that if a development fails to achieve this, it should not be accepted.

PPS6 reports that sustainable development is the core principle underpinning planning. The planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres. The Government is committed to developing and supporting successful, thriving, safer and inclusive communities, both urban and rural. In making their decision, local planning authorities should also consider relevant local

issues and other material considerations. The mix of uses in local centres should be carefully managed.

PPS23 cites that, “*Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use*”.

PPG24 guides local authorities in England on the use of their planning powers to minimize the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Core Strategy policy CS5 states that the mix of uses in Local centres will be carefully managed.

Saved policy S15 of the WLP advises that, subject to the overall impact on the environmental quality of the District Centre uses falling within A2, B1, C2, and D2 will be permitted.

Policy UD2 provides guidance to assess whether or not proposals relate positively their context.

Policy CS10 of the Core Strategy seeks to resist the loss of community facilities; public houses are considered such as facility, forming a vital part of the fabric of a community.

The Environmental Health Officer has advised that has no objection in respect of noise and potential vehicle/pedestrian movements given the extant use of the premises and the High Street location.

The Highways Engineer: acknowledges that the access to the car park is substandard and there are on-going problems with on-street parking in the area; however has no objections to the proposed mixed use given the extant use of the building.

For clarity, prior to the amendments to the Use Classes Order in 2005 and 2006 restaurants, pubs, wine bars, snack bars, cafes, nightclubs and takeaways were classed as the same ‘use’ under A3 of the Use Classes Order 1987. In 2005 and 2006 the Order was amended and the aforementioned uses were reclassified as A3, A4 and A5. The purpose of the changes were to give local authorities more control to manage town centre development, while minimising the negative impacts of a proliferation of pubs, takeaways and nightclubs. Within the Use Classes Order is the provision for change which does not require planning permission known as *permitted change*.

The building currently enjoys an A4 use (drinking establishments), which could change to A3 (restaurant and café) under permitted change as per the Use Classes Order 2006. With this in mind the main consideration is whether or not the additional use as an A5 (takeaway) element is appropriate.

A quick 'Use' survey of the High Street reveals:

- 7 x D1 (clinics, consulting rooms, day centres, health centres)
- 8 x A3, A4 & A5 (restaurant, drinking establishments, hot food takeaway)
- 3 x D2 (dance hall, gyms)
- 6 x A2 (professional and financial)
- 8 x A1 (shops, hairdressers) (including 1 long term vacant adjacent the application site).

There are seven existing A3 and A5 uses and one A4 use in the locality; the additional text supporting policy S15 states that, there has been an increase in restaurants/takeaways occupying vacant shop units and the Council feel that these are now reaching the maximum acceptable level established by policy S27 (limits to A3 uses (now A5)) and that no further A3 (A5) uses should be permitted in this area.

Beyond the retail core of Anstice Square and Russell Square, there is a peripheral area of marginal retail and service based on High Street and Court Street, which make up the secondary zone. Empty properties in the secondary zone present opportunities for some retail growth. However, both capacity and demand for retail in this area appears to be limited. As retail development in the secondary zone is only marginal to the success and vitality of this Centre, the Council will encourage the use of premises within these streets for offices and residential.

As mentioned previously, planning permission would not be required if the unit was being occupied for either the A3 or A4 element of the proposal. However, the proposal requires consent for these elements in addition to the A5 use as the unit will be used for a mixed use. The WLP policy S15 and the explanatory text makes reference that no further A3 uses should be granted in this area. This policy refers to A3, which is now separated into further classes A3, A4 and A5. The unit as existing occupies an A4 use, and subsequently under saved policy S15 is part of this defined 'A3 use'. As the existing unit is defined already as part of this A3 use the proposal will not introduce any further A3 (now A3, A4 or A5) uses within Madeley. Consequently it is considered that the proposed change of use meets the criteria of policy S15.

Policy CS10 seeks to resist the loss of community facilities including Public Houses. However, following the recent test case at appeal, the Planning Inspectorate considered this policy is purely for the rural community and not within the built up areas of the Borough. Therefore, as the proposal lies within the Secondary Zone of Madeley it is considered that the proposal is not in conflict with this policy.

Therefore, the change of use proposed by this application is considered appropriate and compliant with both local and national policy. Comments raised in the representations received are noted and 'material' issues have been considered; other matters have been reported to the relevant authorities.

Accordingly, it is recommended that the proposal is approved as it would not have a detrimental impact upon the vitality and viability of the High Street, or the character or appearance of this part of the Severn Gorge Conservation Area or the Universal Value of the Ironbridge Gorge World Heritage. The proposal is therefore compliant with 'saved' policies UD2 and S15 of the adopted Wrekin Local Plan 1995-2006,

policies CS5, CS10 and CS15 of the Core Strategy, and guidance contained in PPS1 and PPS6.

RECOMMENDATION : to GRANT PLANNING PERMISSION subject to the following conditions:

1. A3.
2. Opening hours.
3. sie22.
4. sie26.
5. Informative – This planning permission does not purport to grant a change of use for outbuildings or new signage.

Notes

Agenda Type : A

W2009/0994 Erection of 4no. freestanding sponsorship signs measuring 1200 x 500mm

Brockton Roundabout, Halesfield, Telford, Shropshire.

Recommendation Code: ADG

Ward: Cuckoo Oak

APPLICANT:

Telford & Wrekin Council

RECEIVED ON:

17/11/09

PARISH

Madeley

WARD

Cuckoo Oak

CASE OFFICER:

Tom Lewis

OBJECTIONS RECEIVED: No

MAIN ISSUES:

Impact on visual amenity and highway safety.

THE PROPOSAL:

The proposal is for the erection of 4no. freestanding non-illuminated advertising boards 1200mm x 500mm raised by 400mm on twin poles, on the Brockton Roundabout. The proposed advertisements currently do not have a sponsor and therefore the applicant is seeking consent for a large sign with the corporate community sponsorship border on it.

THE SITE AND SURROUNDINGS:

The roundabout is situated on the A442 between the eastern primary and Bridgnorth, the island is also a main junction connecting Sutton Hill to the Halesfield Industrial Estate. The site is on the edge of the built up area of Telford but not directly within the residential area.

CONSULTATION RESPONSES:

The Council's Highways Engineer has asked for some changes to the proposal which the agents are in the process of providing these amendments to move one of the signs away from the run off road.

PLANNING HISTORY:

W99/0028 – Display of four advertisement boards 1,000m by 385mm – Granted

POLICY CONTEXT:

Wrekin Local Plan Policy S31 – Advertisements, Shop fronts and Hoardings.

PLANNING CONSIDERATIONS:

Various signs to promote local businesses have been installed at several roundabouts in Telford and Wrekin as part of the Telford and Wrekin Community Sponsorship scheme. The signs are considered generally acceptable where they would not result in visual clutter or a distraction to highways users. In this regard, the Highways Engineer has raised no objections to the advertisements subject to amendments. The signs are an adequate size for the island and are therefore

acceptable. To ensure the proposed signage is not of detriment to the character and appearance of the surrounding area, a condition will be placed requesting details of the proposed adverts to be submitted and approved in writing. Subsequently it is considered the proposed application complies with local & national criteria.

RECOMMENDATION:

GRANT ADVERTISEMENT CONSENT subject to the planning conditions:

- 1-5. E158 Standard Advertisement consent conditions.
6. The signage should not exceed a width of 1200mm and a depth of 550mm
7. The signage should not be higher than a maximum height of 900mm above the adjacent carriageway channel level.
8. Details of the content of the signs to include lettering/font size shall be submitted to and approved in writing by the Local Planning Authority before the sponsor's advertisement is displayed.
9. Informative SIE22 Conditions
10. Informative SIE26 Reasons for the Grant Planning Permission

The scale, location and design of the advertisements would respect the visual amenities of the locality and not be a danger to highway safety.

Notes