

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**15<sup>TH</sup> SEPTEMBER 2010**

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TWC/2010/0055 38 Limekiln Lane, Lilleshall, Newport, Shropshire, TF10 9EZ  
Alterations to include extensions and new pitched roofs

**APPLICANT**  
Mr Gene Garci

**RECEIVED**  
06/04/2010

**PARISH**  
Lilleshall and Donnington

**WARD**  
Church Aston and  
Lilleshall

**CASE OFFICER**  
Elizabeth Attwood

LILLESHALL AND DONNINGTON PARISH COUNCIL HAVE REQUESTED THAT THE APPLICATION IS DETERMINED BY MEMBERS OF PLANS BOARD.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: The impact upon the character and appearance of the property and residential amenity.

**PROPOSAL:**

The proposal is for a new pitched roof above the existing garage and previously approved rear extension, and a new pitched roof to the existing flat roof bathroom dormer window.

The submitted plans also show proposed single storey side and rear extensions under permitted development. The drawings also indicate that the existing roof tiles will be removed and the existing and proposed extensions will be re-roofed in new brown brindle Redland landmark Double Roman tiles.

The original proposal included the erection of a single storey side extension and a single storey rear extension, however, subsequently it has transpired that these elements are Permitted Development and therefore don not require planning permission.

In response to neighbour concerns about loss of light and impact from the pitched roof over the garage, the scheme has been amended to add a hipped roof over the garage instead of the pitched roof and gable end.

**SITE AND LOCATION:**

The application site is a 1970's Chalet style detached bungalow occupying a generous plot including part of a large pool, and is located in a predominantly residential area within the main body of Lilleshall village. The property is finished in brown brick with a steeply pitched concrete tiled roof and has white Upvc doors and windows; there is a small flat roofed dormer window on the left hand side (west elevation) of the roof serving the bathroom. The property has a carport and partially attached garage and two modest single storey flat roofed extensions to the side and rear - the side extension has now been demolished. The property is set back approx. 14m from the highway and has a large tarmac driveway and parking with garden to the front, side and rear. The property sits approximately 1.0m lower than the neighbouring

property no.36 Limekiln Lane. The plot is bounded by walling and timber panel fencing.

#### HISTORY:

Informal enquiries in respect of Permitted Development allowances have been submitted to the LPA.

#### POLICIES:

The following policies are considered relevant in determining this application:

Wrekin Local Plan:

UD2 Design Criteria.

Core Strategy:

CS15 Urban Design.

National guidance:

PPS1 Delivering Sustainable Development.

#### CONSULTATIONS:

Five direct neighbour notification letters publicised the application.

1 letter of objection received from the nearest neighbour at No.36 Limekiln Lane, raising the following concerns:

- New gable roof to the garage will be detrimental to the residential amenity due to proximity to the kitchen and breakfast room window,
- Contravention of 45 degree code,
- Right to light,
- Increased use of electric lighting,
- Over-development,
- Out of scale and character

As a result of these concerns the design of the new garage roof was altered to a hipped roof rather than a gable roof to lessen the impact and achieved compliance with the 45 degree code.

Neighbours were re-consulted on the amended scheme.

1 letter of objection to the amended scheme from neighbour at No.36 Limekiln Lane, summarised as follows:

- No objection to the pitched roof over the existing dormer, or side and rear extensions,
- The amended design will still overshadow the kitchen and breakfast room windows,
- Impact on outlook, daylight and sunlight,
- Improvements to modern flat roofs,
- Loss of light for cosmetic purposes only,
- Right to air and light,
- Human Rights Act 1998.

The Council's Highway Engineer has no objections.

The Council's Geotechnical Engineer has no objections subject to condition in respect of mitigation measures for landfill gas.

The Council's Ecologist has advised an informative in relation to bats and birds as there is potential bat foraging habitat close to this site, including hedgerows, patches of woodland, ponds, rough grassland and gardens.

The Parish Council have objected to the application due to the loss of natural light into two rooms of the adjoining neighbour's house.

#### PLANNING CONSIDERATIONS:

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. Development is expected to respect and relate to any adjacent buildings.

Policy CS15 of the adopted Core Strategy states that the design of development will assist in creating and sustaining safe places, strengthening local identity and projecting a positive image, which will positive influence the appearance of the local environment.

National guidance contained in PPS1, states that design which is inappropriate in its context, or which fails to improve the character and quality of an area, should not be accepted.

The proposed development comprises several elements, these being:

- A new pitched roof above the existing flat roofed dormer window to the bathroom. This requires planning permission as the alteration protrudes more than 150mm beyond the plane of the original roof slope. Nonetheless, the development is considered appropriate and an enhancement to the flat roof and thus will have a positive impact on the visual quality of the dwelling. There is no impact on the residential amenity of the neighbouring property.
- New pitched roof above the garage. Planning permission is required for this aspect of the development due to the fact that Permitted Development does not allow the re-roofing of extensions.
- New pitched roof over existing flat roofed rear extension. Planning permission is required for this aspect of the development due to the fact that Permitted Development does not allow the re-roofing of extensions.

The applicant also intends re-roofing of the original house with new tiles. However, the chosen roofing material colour is deemed inappropriate for the location and would appear incongruous within the street. Therefore, it is considered necessary to impose a condition which requires a sample of a more

appropriately coloured replacement roof tile to be submitted to the LPA for approval.

Other works are also proposed, namely:

- A 2.3m x 5.7m side extension on the (north east) left hand side of the property to provide a Study and Utility. This building is replacing a much larger (8m x 5.8m) previous flat roofed extension which has recently been demolished. This element does not require planning permission as it falls under Permitted Development providing the external materials match or are similar to the original house. Nevertheless, the development is considered acceptable and an improvement on the previous large flat roofed extension, and thus will have a positive impact on the appearance of the property and within the street scene. There is no impact upon the residential amenity of the neighbouring dwelling.
- A 3.7m x 3.5m rear extension on the south east corner of the property to provide an enlarged Living area. This element does not require planning permission as it falls under Permitted Development providing the external materials match or are similar to the original house. Nevertheless, the development is considered acceptable. Furthermore, there is no impact upon the residential amenity of the neighbouring dwelling, and the development is not visible within the public domain.

The new pitched roofs are considered an improvement to the existing flat roofs and thus will have a positive impact on the appearance of the property and the street scene.

The Council uses the “45 degree code” as a basis for assessing planning applications for domestic extensions. The code is intended to guide the size and design of extensions to ensure they will not seriously affect a neighbour’s outlook, daylight or privacy. Extensions should be designed not to cross a line drawn at an angle of 45 degrees from an adjoining neighbour’s nearest window which is also the main source of light to a habitable room and for a distance of 5m away. The code is for guidance purposes only and is not policy or statutory.

The design of the replacement roof above the garage and rear extension has been altered from a gable design to a hipped one to reduce the impact on the nearest neighbour (No.36). The case officer has stood at this window. The amended roof complies with Council’s 45 degree code in respect of the neighbour’s kitchen window as it 5m away.

With regards the neighbour’s breakfast room window, the eaves of the hipped roof do cross the very end of the imaginary 45 degree line, but this two-light width window is not the only window to this room – there is a larger three-light width window to the front. Therefore officers do not consider there is any infringement of the 45 degree code. In addition, the neighbour also has their own 1.76m high boundary fence within 2m of their house which contributes to the neighbour’s existing outlook. With the difference in ground levels (the

application property is lower than the neighbour's property) this further reduces the amount of roof extension that the neighbour will see and hence is beneficial to the situation.

Furthermore, the new garage/extension roof is located to the east of the neighbours Kitchen and Breakfast Room windows and therefore when the sun is at its lowest, it is behind the mass of the existing dwelling, when it is at its highest in the south there is no impact and as it sets in the west it is behind the neighbours own house. Accordingly, the new roof as amended will have little impact on daylight and sunlight to the two rooms.

Rights to Light is a civil matter between neighbours, and Rights to Light are independent to the planning system.

Similarly the neighbour has asked for the LPA to consider the 1998 Human Rights Act, in reaching a decision in respect of this application and more specifically, the right to respect for private and family life and the right to peaceful enjoyment of her property under Article 8 and Article 1 Protection of Property.

Both of these rights are qualified rather than absolute rights which means that interference with those rights can be justified in certain circumstances.

To be justified an interference must be in accordance with the law, pursue a legitimate aim and be necessary in a democratic society "there should be good reason for the interference which must be proportionate and it should do no more than necessary." Inevitably the majority of planning applications involve balancing the rights of the applicant and the rights of any objectors. In this case it is considered that the "interference" is minimal and negotiations have taken place with the applicant to reduce the effect i.e. the change to a hipped roof from a gable roof.

The neighbour has also advised the Case Officer that she will take out an injunction to prevent the development from taking place. However, Members are advised that this too is a separate legal matter independent to planning and should not inform the planning decision.

Members are also advised that if this application is refused then the applicant could then demolish the existing garage and previous extension and replace them with a building under Permitted Development that is longer and taller than the proposal (i.e. 4m long instead of the proposed 3.5m; 3m high to eaves instead of the proposed 2.4m and 4m high to the roof ridge instead of the proposed 3.8m). Therefore, any impact experienced as a result of this application is less than what could be built under Permitted Development for which planning permission is not required and thus the Local Planning Authority has no control.

With all the above in mind it is your Officer's professional opinion that the replacement pitched roofs as amended with hipped elements will not significantly adversely impact upon the residential amenity of the neighbouring dwelling. The proposed development has a beneficial impact upon the

character and appearance of the dwelling and thus a positive affect upon the street scene. The proposed development will not result in any significant detrimental impact on the residential amenity of the neighbouring dwelling due to the existing boundary treatment, the design of the roof and the level differences. Furthermore, the proposed development is less than could be built under Permitted Development allowances. Accordingly, the proposal complies with both local and national policy and therefore recommended for approval with conditions.

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

1. A04 - Full with no reserved matters.
2. B06 – Samples of materials.
3. B29b – Landfill Gas
4. C38 - Compliance with approved plans.
5. I23 – Informative – Bats.
6. I25 – Informative – Birds.
7. I40 - Informative - Conditions.
8. I41 - Informative - Reasons for the grant of planning permission.
9. I Custom Informative – Redland roof tiles not approved.

**REASON FOR APPROVAL:**

The proposed development has a beneficial impact upon the character and appearance of the dwelling and thus a positive affect upon the street scene. The proposed development will not result in any significant detrimental impact on the residential amenity of the neighbouring dwelling due to the existing boundary treatment, the design of the roof and the level differences. Furthermore, the proposed development comprises a smaller extension than could be built under Permitted Development.

TWC/2010/0295 The Piggeries, Rodington, Shropshire, SY4 4QN  
Conversion of existing barn into residential

**APPLICANT**

Mr & Mrs M Manley

**RECEIVED**

11/06/2010

**PARISH**

Rodington

**WARD**

Wrockwardine

**CASE OFFICER**

Anna Robinson

COUNCILLOR SEYMOUR HAS REQUESTED THAT THIS APPLICATION IS  
CONSIDERED BY MEMBERS AT PLANS BOARD

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of Development and Conversion of Barn to  
Residential Property in Unsustainable Location, Historic and Architectural  
Merit of Buildings Effect of Further Exceeding Rural Housing Numbers

**THE PROPOSAL:**

The application seeks full planning permission for the conversion of the  
original barn into a dwelling house at The Piggeries in Rodington.

The proposal is a reduced scheme from the development that was dismissed  
at appeal, with the more intact linear element to the east now the subject of  
this application, and the other elements – the workshop and modern  
extensions are to be removed.

**HISTORY OF PROPOSAL:**

The application follows a previous submission (ref:W2008/0167) for the  
erection of a first floor extension, exterior alterations, and conversion of  
existing barn to a single detached dwelling (Use Class C3) with associated  
works which was refused by Members in 2008 and dismissed by the Planning  
Inspector by a notice dated 6<sup>th</sup> January 2009. The Planning Inspector  
considered the proposal was contrary to Policy H18 of the Wrekin Local Plan.

The previous application was refused at Plans Board on the grounds that the  
creation of a new dwelling in this location was unacceptable, being outside the  
suitable settlements listed in CS7 and also that the scale, mass and form of  
the proposal would not contribute to the character of the local area. The  
Planning Inspector considered the proposal was contrary to a number of  
criteria listed in H18 and furthermore he considered the dilapidated barn did  
not have any architectural or historic significance.

**THE SITE AND SURROUNDINGS:**

The application site comprises an existing dilapidated barn with modern  
extensions. The building was formerly a builder's workshop in the 1980s. It  
appears that it is currently used for storage. The remaining elements of the  
original building are not considered to be of architectural or historic  
significance. The building is accessed via a narrow driveway from Grove  
Lane, which also serves the adjoining residential properties, The Laurels and

Sunnyside. The site is located on the edge of Rodington, with residential properties and the Grade II listed St Georges Church to the south, and open countryside to the north and east. The field to the north has a redundant mill in the centre. The existing site boundary treatment comprises low wooden fencing and hedgerows to the north and eastern boundaries adjoining the fields. Whilst to the south and west, adjacent to Sunnyside, the site is open.

Rodington is characterised by 'Ribbon Development' formed along four lanes, which meet in the centre of the settlement, and it is predominantly residential, with limited local facilities including the adjacent church and The Bulls Head public house. The properties in Rodington consist of a variety of terraced, semi-detached and detached houses. The application site does not front a highway and is set back on the private driveway to the edge of the existing settlement.

#### CONSULTATION RESPONSES:

Rodington Parish Council has no objection to the proposal and states that following their meeting on 7 July 2010 they confirmed that they unanimously supported the application to restore what is currently an eye sore in the centre of Rodington, bringing affordable housing to a rural area.

The Council's Highways Engineer has no objection to the proposal.

The Conservation Officer made the following comments regarding the previous appeal for the conversion of the building and extensions at the site: *It is apparent that there have been some recent building works to part of the structure with new timber frame and brick infill walls constructed to the outside of the original external walls (now demolished). There is no roof to this new build and there is only a limited section of the original brick structure and tiled roof remaining. I can confirm that what remains of the original building is of no architectural or historic significance to merit any conversion to a dwelling and that the extent of the conversion proposed would be tantamount to the erection of a new dwelling.*

With regard to the current proposal, the Conservation Officer notes the Planning Inspector's comments on the apparent condition of eastern wing of the building in the appeal decision dated 6th January 2009, however she does not accept that the building is of any architectural or historic merit to warrant saving the building through conversion if existing policies cannot support the development. She also notes the Planning Inspector's rather scathing comments about the Local Planning Authority's use of policies in the appeal and Rodington Parish Council's comments on the LPA's strict interpretation of policies on rural conversions. She adds that if other planning polices accept the reasonable conversion of the more intact range, she would have no objection to the revised proposals as submitted subject to conditions on materials, mortar and pointing, fenestration etc.

The Drainage Engineer has no objection to the proposal subject to Condition B33 requiring details of foul and surface water drainage.

The Geotechnical Engineer has no comments.

The Environmental Planner objects to the proposal and states that a protected species survey is required to determine whether these species are present in the building and what the impact of the development will be on these species. The results will inform the planning decision and therefore this information is required prior to determination of the application. The property is close to potential bat foraging habitat, including patches of woodland, rough grassland, standing trees, scrub and open water. As this development involves conversion, it is possible that roosting bats and nesting birds could be affected. Bats are protected under the Conservation of Habitats and Species Regulations 2010 and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Birds are protected under the Wildlife and Countryside Act 1981 (as amended).

The Environmental Health (Contaminated Land) Officer has no comments.

Shropshire Fire Service advises it will be necessary to provide adequate access for emergency fire vehicles. Furthermore they consider the benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke.

#### PLANNING HISTORY:

W80/1014 Change of use from agricultural piggery to builder's store/workshop, and yard, Full granted

W89/0806 Erection of a detached bungalow, Full refused

1996 and 1998 Enforcement complaints re: unauthorised extension

W2008/0167 Erection of First Floor Extension, Exterior Alterations, and Conversion of Existing Barn to a Single Detached Dwelling (Use Class C3) with Associated Works, Full refused and Appeal dismissed (Appeal ref: APP/C3240/A/08/2086781).

#### POLICY CONTEXT:

National Planning Policy:

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS4 Planning for Sustainable Economic Growth

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

Local Development Framework Core Strategy:

CS1 Homes

CS7 Rural Areas

CS15 Urban Design

Wrekin Local Plan

UD2 Urban Design Criteria

H9 Location of New Housing

H10 Scale of Development  
H18 Conversion of Non-Residential Buildings to Residential Use in Rural Areas

**PLANNING CONSIDERATIONS:**

The proposal is for conversion of an existing barn to a single storey one-bedroom unit of accommodation. The existing modern extension to the building would be demolished and replaced by a front garden area. The building would comprise a linear form with a blank gable to the south elevation facing Sunnyside. The property would be accessed by the existing shared driveway, with car parking to the west of the property and large rear garden to the east.

Principle of development:

With regard to national guidance contained in PPS1, PPS3, PPS4 and PPS7, new development shall be located in or on the edge of existing settlements and service areas where housing, employment, services and other facilities are provided close

together, in order to create sustainable communities.

Core Strategy Policy CS1 requires the spatial distribution of new homes to be consistent with the spatial development strategy, stating that housing needs in the rural area will be met by approximately 170 new dwellings over the period from 2006 – 2016. This figure is derived from evidence provided by the Telford & Wrekin Housing Needs Study. Its inclusion in local policy reflects national planning policy requirements to limit the number of new dwellings in rural areas. At the current time, the threshold has been met from dwellings already built or having received planning permission. The proposal would therefore be contrary to Policy CS1.

Policy CS7 states that development within the rural area should be limited to meet the needs of the area, and be focussed on the 3 key settlements of High Ercall, Tibberton and Waters Upton. Outside these settlements development will be limited and within the open countryside strictly controlled. Rodington is not one of the key settlements and whilst it was listed as one of the 13 suitable settlements in policy H9 of the Wrekin Local Plan, this policy has now been superseded by Policy CS7 in the Core Strategy. Therefore any new residential development in Rodington would be limited to agricultural, forestry or other occupational dwellings or affordable housing, having regard to national policy guidance. The proposal has not been identified as any of these exceptions. Furthermore, within the suitable settlements in the rural area (formerly listed in Policy H9), H10 of the Wrekin Local Plan states that development will be permitted where the proposal involves one or two dwellings on a suitable infill plot within the existing built up frontage and would not lead to the loss of open space or an extension of the village into open countryside. The proposal would not meet these criteria, as the building is situated of a significant drive, with no relationship with the main frontage.

Policy H18 of the Wrekin Local Plan asserts that the conversion of non-residential buildings to residential use in the rural area will be strictly controlled. Where the proposal is outside of the suitable settlements in the

rural area, namely High Ercall, Tibberton and Waters Upton, the conversion of non-residential buildings will only be permitted where the Council considers the buildings to be of sufficient architectural or historic merit, or makes a significant contribution to the character of the local area, to justify conversion or retention, or the dwelling would be required to provide accommodation for an agricultural or forestry worker, along with meeting the following criteria. The applications must demonstrate alternative business re-use has been sought (marketing etc.), be of permanent and substantial construction, not lead to dispersal of activity to the detriment of nearby villages, ensure form and design respect the setting, buildings are capable of conversion without significant reconstruction, conform with criteria in PPS7 and PPS23 (Planning and Pollution Control).

With regard to the criteria in H18, a structural survey has been submitted with the application and the existing building is in more of a complete form than the other attached dilapidated structures, although in the Planning Inspector's report, whilst he acknowledged that this element of the building was largely intact, he also noted that there was "evidence of fairly recent replacement of about 3-4 courses of bricks plus repointing just under the roof", and he stated that the former piggeries building was in a dilapidated state. The application fails to demonstrate marketing of the buildings to ascertain whether there could be any alternative uses for the building. Rodington is no longer designated as a suitable settlement, and the buildings are not deemed to be of sufficient architectural or historic merit to justify conversion to ensure the long term retention of the building. In addition, it is not claimed by the applicants that the dwellings is for any essential agricultural or forestry need.

Officers would reiterate that the Planning Inspector dismissed the appeal for the proposed conversion of The Piggeries on the grounds that the building did "not have any architectural or historic significance".

It is therefore considered by officers that the proposal fails to demonstrate any exceptional planning circumstances for the conversion of the building to a dwelling, and is accordingly contrary to policy H18.

#### Design Issues:

Policy CS15 outlines design of development will create and sustain safe places and strengthen local identity, positively influencing the appearance and use of the local environment. In the Wrekin Local Plan, Policy UD2 asserts that development must respect and respond positively to the context, and enhance the local environment through high quality design, and it will be assessed in relation to its scale, form, proportions, materials and access etc.

Officers note that the current proposal represents a more sympathetic conversion of the building which would be of a better design than the previous application, and in the Design & Access Statement, the Applicant has taken account of the Planning Inspector's comments regarding the previous scheme. Thus officers consider that the Applicant has sought to overcome the second reason for refusal on W2008/0167.

The revised design is an improvement to the previous submission; however officers would still assert that the principle of new residential development in an unsustainable rural location and the fact that the buildings are not of such significant architectural or historic merit to justify retention and conversion to residential use are the key issues for consideration; and revisions to the design will not overcome the fundamental policy issues.

Consultation Comments:

Rodington Parish Council's comments in support of the proposal are noted with regard to the current building with its partly constructed extension being seen as an eyesore and the provision of affordable housing; however the existing building is located on the edge of the settlement of Rodington and does not appear prominent in the area, thus the proposed conversion would not have a significant impact in terms of enhancing the character of Rodington. Moreover officers would assert that whilst the proposed development would create a modest one-bedroomed dwelling, the application and supporting information do not specify that the development would be an affordable property. If this were the case, the Local Planning Authority would be able to consider whether the proposal would constitute an affordable exception outside the three suitable settlements. In the application's present form, there are no exceptional circumstances to warrant the building's retention and conversion.

Ecological issues:

Within PPS9 and guidance contained in Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System, it is considered essential that the presence or otherwise of protected species, and the extent that they could be affected by proposed development, is established before planning permission is granted, to ensure all relevant material considerations have been addressed in making the decision. The ecological surveys should be completed and any necessary measures to protect the species should be in place prior to determination. It appears that a protected species survey was included within a previous submission that was never formally registered as it was incomplete; however the current proposal did not include this information. Accordingly this information is still outstanding and required in the determination of any conversion or alteration of the building, therefore officers recommend refusal on the grounds of insufficient information to assess any potential impact on protected species.

Conclusion:

The proposal fails to demonstrate any exceptional planning circumstances for the conversion of the building to a dwelling, and is accordingly contrary to policy H18. The principle of new residential development in an unsustainable rural location and the fact that the buildings are not of such significant architectural or historic merit to justify retention and conversion to residential use are the key issues for consideration; and revisions to the design will not overcome the fundamental policy conflict. The settlement of Rodington is not identified as one of the suitable settlements in the rural area in the Core

Strategy and further development in the rural area outside the key settlements would undermine the aims of the Core Strategy.

**RECOMMENDATION: REFUSE PLANNING PERMISSION** for the following reason:

1. The Local Planning Authority considers the proposed conversion of the existing barn to create a new dwelling is unacceptable because the building is not considered to be of sufficient architectural or historic merit and does not make a significant contribution to the character of the area to justify conversion to ensure its retention. Furthermore it would not meet an essential agricultural or forestry need, nor be part of a scheme for the reuse of the building for employment purposes. Accordingly the proposal is contrary to policy H18 of the Wrekin Local Plan.
2. The proposed conversion to a residential unit in Rodington lies outside the identified settlements of High Ercall, Waters Upton and Tibberton where new residential development in the rural area is expected to be sited. The development would not constitute an exceptional circumstance, in terms of providing an agricultural or forestry workers dwelling or affordable housing, nor constitute a building of sufficient architectural or historic merit, and the provision of a new dwelling away from the identified settlements would conflict with the purposes of the adopted Core Strategy. Hence the proposal is contrary to Local Development Framework Core Strategy policy CS7, policy H18 of the Wrekin Local Plan and national guidance contained in PPS1, PPS3, PPS4 and PPS7.
3. The Local Planning Authority considers that the threshold of 170 dwellings in the rural area, as set out in the Development Plan Core Strategy CS1, has already been exceeded from dwellings built or having received planning permission since the start of the Plan period (2006). The proposed development would therefore further exceed the need identified for the rural area and would undermine sustainability objectives and therefore it is contrary to Policy CS1 and national guidance in PPS3.
4. The Local Planning Authority considers insufficient information has been submitted with the application to demonstrate that the development will not have an adverse impact on protected species. Accordingly, the development is contrary to national guidance contained in PPS9 Biodiversity and Geological Conservation.

TWC/2010/0319 Windmill Primary School, Beaconsfield, Brookside, Telford, Shropshire, TF3 1LG  
Proposed single storey building to form new Children's Centre

**APPLICANT**

Telford & Wrekin Council, Director of Education & Culture

**RECEIVED**

28/06/2010

**PARISH**

Stirchley and Brookside

**WARD**

Brookside

**CASE OFFICER**

Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Design, scale and appearance, loss of trees and altered footpath.

**PROPOSAL:**

The proposed development is the erection of a single storey building to the east of the main school building and will form a new 'Family Centre'. Members approved the first phase of the planned development in November 2009 (W2009/0904) and the second phase in January 2010 (W2010/1055) including internal and external alterations to the west elevation, the restructuring of the existing Nursery to provide enhanced accommodation, with a new glazed frontage and secure glazed entrance lobby and a new entrance lobby.

The new Sure Start Family Centre will provide an integrated base for a whole range of specialist provision for local families with young children including:

- Bumps & Babies Group,
- Maternity services,
- Speech, language and health teams,
- After school and holiday clubs for local children.

The building will mainly be used between 9:00am and 3:00pm, however after school clubs will run until 6:00pm. Additionally, weekend provision may also be available dependant upon the needs of the local community.

The proposal also includes an alteration of the boundary fencing and re-alignment of a footpath. It will also be necessary to remove a Leylandi hedge to facilitate the development.

**SITE AND SURROUNDINGS:**

The 4.4 hectare (10.89 acres) application site is an existing primary school and children's centre, it was opened in September 2006 and was created from the amalgamation of two former schools and comprises of single and 1 1/2 storey buildings. The buildings have a mixture of mono and duo pitched roofs and is finished in a red/brown facing bricks with blue and white doors and windows. The site located within the Brookside housing estate and is accessed via a gated entrance and is bounded by 2.0m green trident topped palisade fencing and hedging. Staff and visitor parking is located to the north

of the building with the playground to the east and a large playing field to the west.

**POLICIES:**

Wrekin Local Plan:  
UD2 Design Criteria.

**Core Strategy:**

CS10 Community Facilities,  
CS12 Natural Environment  
CS15 Urban Design.

**National guidance:**

PPS1 Delivering Sustainable Development.  
PPS9 Biodiversity and Geological Conservation

**CONSULTATIONS:**

A site notice and 47 direct neighbour letters publicised the application; no comments or objections have been received.

Stirchley and Brookside Parish Council support the proposal.

The Council's Highway Engineer supports the proposal.

The Council's Drainage Engineer supports the proposal subject to conditions.

The Council's Tree Officer has not commented.

The Council's Ecologist has suggested that the tree works should take place outside the bird nesting season.

**PLANNING CONSIDERATIONS:**

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 CS10 inter alia, asserts that new community facilities or improvements to existing community facilities to meet the needs of local residents will be supported, and policy CS12 advises that the natural environment will be protected.

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.

PPS9 sets out the Government's vision for conserving and enhancing biological diversity in England. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

The proposed new building has been designed to be sympathetic to the previous approvals and on-going works to the premises and therefore is considered appropriate, and will not adversely affect the visual amenity of the area. The existing building has a footprint covering 3100 sq.m. and the additional floor space created by this application is 195 sq.m. Accordingly, the scale of the proposed development is deemed appropriate and relatively minor when viewed in context of the overall school complex and site.

The proposed development will not result in any loss of car parking, playground or playing field and the fencing used in the re-alignment of the boundary will match the existing therefore will have no adverse impact upon the streetscene or wider landscape or the amenities on the school. A replacement footpath will link the existing paths to compensate for the one lost as a result of the new building.

The removal of the hedge is considered acceptable and the benefits provided by the new centre outweigh the loss of the trees. Nonetheless, an informative will advise that the trees should not be removed in the bird nesting season as birds are covered under the Wildlife and Countryside Act 1981 (as amended) and it is an offence to harm nesting birds, their nests and eggs. If work during nesting season cannot be avoided then a suitably qualified ecologist must check the tree for nests before work begins

The proposed development is considered to be acceptable and will have a positive impact on the amenity of the school and the facilities provided to the wider community. There will be no adverse impact on the character and appearance of the school complex or the surrounding area. There will be no impact upon the school playing fields or car parking, and the community benefits provided by the additional building outweigh the loss of the Leylandi trees on the site.

Accordingly, it is considered that the proposed development is compliant with both local and national guidance and therefore recommended for approval with conditions.

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

1. A04 - Full with no reserved matters.
2. B33 – drainage details
3. BCustom – greenfield run off rates
4. C38 - Compliance with approved plans.
5. I25 – Informative - Birds
6. I40 - Informative - Conditions.
7. I41 - Informative - Reasons for the grant of planning permission.

**REASON FOR APPROVAL:**

The proposed development is considered to be acceptable and will have a positive impact on the amenity of the school and the facilities provided to the wider community. There will be no adverse impact on the character and appearance of the school complex or the surrounding area. There will be no impact upon the school playing fields or car parking, and the community benefits provided by the additional building outweigh the loss of the Leylandi trees on the site.

W2009/0937 Auto-Tech, Prince Street, Madeley, Telford, Shropshire.  
Residential development following demolition of former garage, Foundry  
Cottage and 38 Prince Street (outline application)

**APPLICANT**

Mr Kennedy

**RECEIVED**

14/04/2010

**PARISH**

Madeley

**WARD**

Madeley

**CASE OFFICER**

Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: loss of existing buildings, affect on character and appearance  
of area, contaminated land, highway issues and protected species.

**THE PROPOSAL:**

Outline planning permission is sought for the erection of 14 dwellings  
comprising a terrace of 4 x 2-bed units, a terrace of 5 x 2-bed units, two pairs  
of semi-detached 2-bed units and a detached 3-bed dwelling, following the  
demolition of existing dwelling and commercial units operating as a vehicle  
repair centre. All matters are reserved for later consideration. The original  
proposal was for 22 units on the site however, the applicant reduced this to 14  
so as not to trigger the requirement for the provision of affordable housing.

The applicants have submitted indicative site layout and elevation plans that  
show a terrace of four two storey 2 bedroomed properties and a terrace of five  
three storey 3 bed dwellings facing Kemberton Road, two pairs of semi  
detached dwellings facing Prince Street and a detached dwelling on the  
corner of Prince Street/Quayside and the dead-end road. The elevational  
drawings show traditional features including brick segmental arches above  
ladder casement windows, gable roofs, chimneys to some of the properties  
and sash windows and panelled doors set in pedimented door casing to the  
three storey dwellings.

The semi detached dwellings each have their own driveway for parking of two  
cars off Prince Street and the detached dwelling has its own 2-car drive off the  
dead-end road. Access to the two terraces is via a new driveway off Prince  
Street, between the pairs of semi detached houses, leading to a central  
parking area providing 18 car parking spaces and bin storage areas. This  
communal access is located in a similar position to the existing vehicular site  
access

**THE SITE AND SURROUNDINGS:**

The site which was formerly a foundry contains several buildings and two  
dwellings; one is a gable roofed two storey cottage with a single storey flat  
roofed extension and a single pre cast concrete garage, the other a rough  
cast clad bungalow with a hipped roof which has previously been extended  
and altered. Behind the bungalow is a grass verge containing several trees (½  
of which is included in the application site the other ½ belonging to the

Council), and beyond this an un-used, truncated area of public highway which was made redundant following the improvement to Kemberton Road.

The site is roughly rectangular in shape and is located on the corner of Kemberton Road and Prince Street, and vehicular and pedestrian access is gained via Prince Street. Adjacent to the entrance is No.37 Prince Street is a small single storey building with a rendered finish and tiled hipped roof; the premises is currently vacant and has previously operated as a veterinary surgery. The site is enclosed by a various elements of boundary treatment including walling, fencing, railings and Leylandi trees. The location is approximately 500m southwest of the Madeley Town Centre with a row of modern two and three storey terraced properties and a further motor vehicle repair and retail car parts business the opposite side of Prince Street. On the same side of the road and on the other side of the aforementioned redundant dead end road are two storey semi detached and terraced properties. Further afield comprises two storey ex-local authority housing and 1960's and 1970's semi detached and detached housing.

#### PLANNING HISTORY:

The applicant has entered in to pre application discussions with the LPA relating to the redevelopment of the site prior to this planning application.

#### CONSULTATION RESPONSES:

Councillor Gill Green has suggested (as did officers) that no.37 Prince Street, the other half of the grass verge and the truncated highway should be included within the application site if possible, to enable a more comprehensive redevelopment of the area. The applicants have met with the Council's Estates and Investments Officer's and the Council's Highway Engineer has confirmed that there would be no objection in principle to the inclusion/sale of the unused highway (subject to a survey of any underground public service utilities). However, unfortunately the applicants are not in a position to include these additional parcels of land, and they do not intend to develop the site, preferring to sell off the land with planning permission. Therefore, it may transpire that there will be an opportunity to enlarge to site at a later date when/if the site is sold. Also the recreation contribution could go towards landscaping and replacement seating on a nearby area of amenity land opposite The Miner's Arms.

Madeley Parish Council has no objection in principle and request financial contributions for recreation purposes.

The Council's Drainage Engineer has recommended conditions in respect of foul and surface water drainage. He has recommended that porous paving should be used and details of how surface water flows can be reduced by 30% in line with PPS25. Which, inter alia, advises that the effective disposal of surface water from development is a material planning consideration in determining proposals for the development and use of land.

The Council's Contaminated Land Officer (Environmental Health) has no objections in principle.

The Council's Highway Engineer has no objections in principle subject to:

- Footway across the frontage of the site widened to an adoptable 2m in width
- A Direct footway link from the site onto Kemberton Road
- Parking numbers in line with the size of the units and parking in line with ex local plan standards due to the sensitivity of on street parking in the area
- Minimum access width of 4.8m
- suitable refuse collection arrangements
- 2.4m x 43m Vis splays

The Council's Geotechnical Engineer has recommended a mining informative.

The Council's Ecologist has no objections in principle.

The Council's Tree Officer has no objection in principle.

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 Capital Planning Officer has requested a contribution of £21,009 towards education facilities.

The Council's Outdoor Recreation Officer has requested a contribution of £6,800 towards recreational facilities.

Following the notification of 25 surrounding properties and the display of site notice, no comments or objections have been received.

#### PLANNING POLICY CONTEXT:

The following Wrekin Local Plan policies are considered relevant:

National Planning Policy

PPS1: Delivering Sustainable Development.

PPS3: Housing.

PPS9 Biodiversity and Geological Conservation.

PPS 23: Planning and Pollution Control.

PPS25: Development and Flood Risk.

Core Strategy:

CS1 Homes,

CS5 District and Local Centres in Telford,

CS10 Community Facilities,

CS12 Natural Environment,

CS15 Urban Design.

Wrekin Local Plan

UD2: Design Criteria,

H6: Windfall Sites in Telford & Newport,  
H22: Community Facilities,  
LR6: Developers Contributions to Outdoor Recreational Open Space  
Provision, Within New Residential Developments  
OL11 Woodland and Trees.

#### PLANNING CONSIDERATIONS:

This is an outline application with all matters reserved to establish the principle of residential development on this site. Although the Agent has provided detailed drawings, a site layout and a Design & Access statement, the drawings are indicative only to demonstrate that the site is adequate to accommodate 14 dwellings.

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, drained and parking provided, that where there are land stability and contamination issues the Council is satisfied that the developer has taken adequate remedial action; that the proposal does not have an adverse impact on the local environment especially in its relationship with adjacent land uses and the proposal shows a high quality of design.

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. National guidance contained in PPS1, asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. 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. With this in mind the redevelopment of the site is considered acceptable.

The buildings that will be demolished to facilitate the proposed development have little historic merit and no or limited architectural merit and therefore their loss will not be detrimental to the character and appearance of the area. Indeed, the redevelopment should be seen as an opportunity to enhance the visual amenity of the area, which although not in the Severn Gorge Conservation Area or the Ironbridge Gorge World Heritage Site, the site is located on one of the main roads leading to the Gorge.

The detailed appearance of the proposed dwellings will be considered via the Reserved Matters application, but the Design & Access statement indicates the development will be traditional design and a mix of two and three storeys,

which is considered appropriate for the site, its context and surrounding residential properties. Moreover, it is considered that the indicative layout has satisfactorily demonstrated that the site is sufficient to accommodate 14 units with adequate off street parking, private amenity space, separation distances and bin storage.

PPS1 and PPG3 also advise 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 14 units is also considered acceptable and appropriate to the wider context and character of the area.

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 and £21,009 towards education. These contributions 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. The location is within the built up area of Telford within walking distance of Madeley Shopping Centre, employment opportunities, various amenities and public transport facilities, and therefore, considered a sustainable location.

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 foundry and motor repair garage, 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.

Policies OL11, CS12 and guidance contained in PPG9 all aim to protect and enhance the natural environment. Therefore, a Protected Species Survey was carried out on the site and a condition and informatives in respect of bats and birds will be imposed, as recommended by the Ecologist. Furthermore, consideration in respect of protective fencing, service runs, soil levels etc, in relation to the trees on site will be given prior to any full planning approval being granted.

In conclusion, the site is within this highly sustainable location near to Madeley Town Centre, and the traffic movements generated by the development could be accommodated without detriment to highway safety. The site can accommodate 14 dwellings and the proposed two and three storey development will be in keeping with the surrounding area. The proposed development would not be harmful to the residential amenities of nearby dwellings, any protected species or trees. Potential land contamination can be addressed via the imposition of conditions, and the redevelopment of the site will have a positive impact upon the visual quality of the locality and the street scene. Therefore having regard to consultation responses and planning guidance, it is considered that, the principle of redeveloping this site for residential use is acceptable subject to conditions, mitigation works and planning obligations.

#### RECOMMENDATION:

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

1. A01 Time limit outline
2. A03 Submission of reserved matters
3. B01 All matters reserved
4. B03 General details required
5. B06 Samples of materials
6. B07 Sample brick panel
7. B11 Details of doors and windows
8. B14 Landscaped design
9. B19 Highways new access
10. B23 On-site construction
11. B24 Mud on road
12. B30 Land contamination
13. B33 Foul and surface water
14. C40 no approval of layout
15. C custom future development of the site in accordance with recommendations in Section 5 of NJL Consultants Extended Phase 1 & protected Species Survey Report December 2009.
16. D01 Removal of PD
17. I19 Minerals area
18. I25 Birds

19. I32 Fire Authority (access and water supply)
20. I40 Conditions
21. I44 Reasons for grant of outline
22. I custom highway requirements (width of access, footway, footpath link, parking, visibility splay, refuse collection)
23. I custom trees (consideration re: protective fencing, service runs, soil levels etc)
24. I custom Sustainable drainage

**REASONS FOR APPROVAL:**

The site is within this highly sustainable location near to Madeley Town Centre, and the traffic movements generated by the development could be accommodated without detriment to highway safety. The site can accommodate 14 dwellings and the proposed two and three storey development will be in keeping with the surrounding area. The proposed development would not be harmful to the residential amenities of nearby dwellings, any protected species or trees. Potential land contamination can be addressed via the imposition of conditions, and the redevelopment of the site will have a positive impact upon the visual quality of the locality and the street scene.

W2009/0971 Land at, 57, Wrockwardine Road, Wellington, Telford, Shropshire.

Erection of a care home and a detached garage

\*\*\*\*\*AMENDED PLANS RECEIVED\*\*\*\*\*

\*\*\*\*\*AMENDED DESCRIPTION\*\*\*\*\*

**APPLICANT**

Young Options Ltd

**RECEIVED**

02/08/2010

**PARISH**

Wellington

**WARD**

Haygate

**CASE OFFICER**

Elizabeth Attwood

CLLR CHAPLIN HAS REQUESTED THAT THIS APPLICATION BE CONSIDERED BY PLANS BOARD.

OBJECTIONS RECEIVED: Yes.

**MAIN ISSUES:**

Highway safety, parking, loss of trees, residential amenity, contaminated land, drainage, flooding and the public sewer crossing the site, character and appearance of the area.

**THE PROPOSAL:**

The application seeks planning permission for the erection of a purpose built 2 storey care home and a detached garage, to provide care for up to 4 young people with live-in carers. The new dwelling will be set within the grounds of The Birches, which is a dwelling used as a care home under Permitted Development. The new house is intended as a replacement care home and the existing Birches would be sold.

**THE SITE AND SURROUNDINGS:**

The Birches is a modern detached dwelling with a detached double garage and occupies a very large plot and is the last dwelling on the southern side of the road within the built up area of Telford. The property is finished in red brick with cream rendered and timber framed detailing on the front elevation and is set back 18m or so from the public highway and behind an existing hedge. The site comprises a lawned area with several trees on the site and around the boundary. Part of the site covers an area which was formally used as a railway and it also falls within Floodzone 2 of the nearby Hurley Brook as defined by the Strategic Flood Risk Assessment (SFRA) Phase 2 (2008).

The Wellington Link footpath is to the west of the site which continues as a subway under Wrockwardine Road eventually joining The Silkin Way. There is a narrow strip of grassland to the rear with a railway line beyond. The area consists of various designs and styles of detached and semi detached C19, Victorian/Edwardian properties, council houses, modern properties and flats.

The Birches currently houses children under the care of Young Options; the use of the Birches is a C3 (dwelling house) under the Use Classes Order (as amended) which permits a dwelling to be occupied by a person or a family, or

by no more than six residents living together as a household, including where care is provided, without the need for planning permission.

#### CONSULTATION RESPONSES:

Wellington Town Council: no objections

Tree Officer: no objections subject to conditions.

Drainage Engineer: no objections subject to conditions.

Highways Engineer: no objections subject to conditions.

Severn Trent Water (STW): no objections subject to conditions.

Ecologist: no objections but recommends informatives in relation to protected species.

Police have confirmed that there are no issues from a police perspective.

A site notice and 14 direct neighbour letters have publicised the application. 4 letters of objection have been received; the issues raised are summarised below:

- No planning permission for existing care home at The Birches,
- Anti social behaviour and lack of control of residents,
- Importing more anti social behaviour,
- Very little trouble from existing three residents,
- Two properties caring for seven children could cause trouble,
- Residents are a bad influence on other children in the area,
- Neglected and deteriorated state of The Birches,
- Detrimental to small quiet residential road,
- Beautiful area with a good mix of retired couples and young families,
- Large pipe crosses the site,
- TDC only allowed one dwelling on the site,
- Parking problems, speeding, increased danger of accidents,
- Permission could result in two care homes
- Regular Police visits,
- No objections to the design of the proposed dwelling,
- Detrimental impact on pleasant area,
- If approved The Birches should revert back to a private house,
- What happens if The Birches is not sold?

#### POLICY CONTEXT:

Wrekin Local Plan:

UD2 Design Criteria.

H6 Windfall sites in Telford and Newport

OL11 Woodland and Trees

Core Strategy:

CS1 Homes,

CS5 District and Local Centres in Telford,  
CS9 Accessibility and Social Inclusion,  
CS12 Natural Environment,  
CS15 Urban Design.

National guidance:

PPS1 Delivering Sustainable Development.

PPS 3 Housing.

PPS 9 Biodiversity and Geological Conservation.

PPS23 Planning and Pollution Control

PPS25 Planning and Flood Risk

#### PLANNING CONSIDERATIONS:

This is a full planning application for a purpose built care home for four young people with emotional and behavioural difficulties, including Autism Spectrum Disorder. The young people referred to Young Options by Local Authorities are usually suffering severe disadvantages often including abuse and neglect and are not able to be cared for within their birth families. Additionally, Young Options provide integrated education and care for young people to enable them to overcome their disadvantages and prepare them to lead independent, productive and successful adult lives. The residents will live together as a family with permanent staff/carers sleeping over on a rota basis.

The new building comprises a two storey property with a half hipped roof and symmetrical and asymmetrical gable features on the front elevation. The ground floor provides two lounges, kitchen/dining room, a quiet room and staff room. The hall stair and landing lead to four en-suite young people's bedrooms and one en-suite staff room and a house bathroom. Additionally, the proposal includes a double garage with a duo pitched roof. The property has been designed in such a way that it could easily be used as a private dwelling house in the future should circumstances dictate this. Young Options propose to sell The Birches on the open market.

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, where there are land stability and contamination issues, the Council is satisfied that the developer has taken adequate remedial action, the proposal does not have an adverse impact on the local environment especially in its relationship with adjacent land uses and 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 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.

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 location of the site is within walking distance to the town centre and a bus route and is therefore considered a highly sustainable location.

The development of the site with one dwelling is deemed acceptable and appropriate to the wider context and character of the area, and is considered to be in line with both local and national policy; the plot is adequate to accommodate a dwelling, with adequate off-street parking, private amenity space and separation distances without adversely affected residential amenity of neighbouring properties or the streetscene. The scale and design of the property are suitable for the area and respect The Birches. The imposition of a condition in respect of materials will ensure the satisfactory appearance of the proposed building.

The council's highway engineer has no objections providing an adequate visibility splay is achieved, the first 5m of the new driveway is in a bound material and any gates are set back 5m from the carriageway edge and open inwards. This will ensure that the development does not adversely impact upon highway safety.

The existing use of The Birches as a Care Home is permitted development under the Use Classes Order and therefore, should not be considered material in determining this application. The supporting documentation submitted with this application states that the intention is the sell The Birches; however, it does not fall within the remit of the Local Planning Authority or the Council to require this to take place.

CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services.

Representations made by my neighbours are noted however, they do not justify the refusal of this planning application which could then be adequately substantiated at Appeal.

Residents' Comments regarding the composition of the existing residents of the area are acknowledged. However, both national and local policy promotes social inclusion and acceptance of a diverse mix of people within in the community and under The Use Classes Order the Government encourages care in the community. The inability of some sections of the community to avail of the opportunities on offer leads to issues of social inequality and ultimately social exclusion. With this in mind the, the Options Group, which was established in 1991, works with more than 60 local authorities to provide specialist care, education and therapy for almost 200 children, young people and adults at any one time. The organisation works in partnership with a number of organisations and sector specialists, including local authorities, primary care trusts, the National Autistic Society and the Independent Children's Homes Association. There is no evidence that the existing care facility is the cause of alleged anti social behaviour in the locality. The Local Police Officer for the area has confirmed that she has had no cause to attend the premises in a number of years. The Crime Risk and Architectural liaison Officer (Intelligence and Community department of West Mercia Police) has advised that Police records show that there have only been 9 contacts from the care staff at The Birches during the past 12 months, reporting one or more young people in their care has gone missing. Police policy dictates that when a young person has returned to the home 'The Birches' a Police Officer must visit the property to ascertain that the returned person is well; these attendances are possibly what the neighbouring resident is observing. Therefore, there is no reason to believe that a purpose built Care Home would result in a change in the existing status quo.

Policy OL11 states that the Council will seek to retain and enhance the contribution that trees and woodland make to the landscape character of the District. Policy CS12 states that the natural environment of the Borough will protected and enhanced and PPS9 inter alia, advises that the aim of planning decisions should be to prevent harm to diversity. Accordingly, a Tree Survey has been undertaken which advises that the majority of the trees are self set. The two most significant trees on the site are Cedars which hold the highest public amenity value, therefore, the boundary between the existing and the

proposed property has been altered slightly to ensure that these noteworthy trees on the site are not affected by the development and further protection will be by way of suitable conditions. Moreover, informatives will give advice in respect of any protected species on the site.

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 a day nursery or 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. Therefore, as the proposed development is partially sited on a former railway line and as such land contamination is a material planning consideration, it is considered necessary to impose conditions to ensure that the future occupants of the property are adequately protected from potential harmful substances.

The aims of planning policy on development and flood risk (PPS25) are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding. With this in mind a Flood risk assessment has been carried out by a Hydrologist which concludes that the site is capable of being developed. Thus the requirements of PPS25 have been satisfied. Furthermore, the Council's drainage engineer has confirmed that the proposed development is satisfactory from a drainage point of view subject to the submission of details in regard to the soakaways and foul drainage disposal. Additionally, there is a 1500mm diameter surface water sewer crossing the site; however STW have no objections subject to conditions.

In conclusion, the proposed development is considered acceptable, the siting, scale and design of the proposed Care Home is considered suitable and will have no adverse impact upon the character and appearance of the area, highway safety, residential amenity, the important trees on the site or the sewer pipe which crosses the site. The property will provide supervised care for disadvantaged young people, who may have been let down by adults in the past and help to integrate them into the community.

Accordingly, the proposed development is considered acceptable and compliant with both local and national policy and guidance and therefore recommended for approval with conditions.

**RECOMMENDATION: GRANT PLANNING PERMISSION with the following conditions:**

1. A04 time limit
2. B06 Materials
3. B14 landscape design

4. B23 on-site construction
5. B24 mud on road
6. B30 land contamination
7. B33 foul drainage
8. B35 soakaway test
9. C04 white windows 75mm reveal
10. C10 hedge/tree protection
11. C19 car parking
12. C21 2x43 m visibility splay
13. C23 gates 5m setback
14. C38 in accordance with approved plans
15. Ccustom first 5m of driveway in a bound material
16. D03 garage not for living

#### INFORMATIVES

1. I11 highways
2. I13 public sewer crossing site contact STW
3. I22 protected species
4. I25 birds
5. ICustom sprinklers and access for emergency vehicles

#### REASONS FOR APPROVAL:

The siting, scale and design of the proposed Care Home is considered acceptable and will have no adverse impact upon the character and appearance of the area, highway safety, residential amenity, and the important trees on the site or the sewer pipe which crosses the site. The property will provide supervised care for disadvantaged young people, who may have been let down by adults in the past and help to integrate them into the community.

W2009/1074 Red Oak Car Park, Lawn Central, Telford Town Centre, Telford, Shropshire.

Outline application for erection of supermarket (Use Class A1), retail and/or office units (each with flexible uses within Use classes A1 or A2 or A3 or A4 or A5 or B1), reconfigured petrol filling station, car parking, public realm and associated landscaping, access and servicing arrangements

**APPLICANT**

Telford Trustee No. 1 & 2

**RECEIVED**

11/12/2009

**PARISH**

Lawley and Overdale

**WARD**

Lawley and Overdale  
The Nedge

**CASE OFFICER**

Gareth Thomas

**MAIN ISSUES:** Economic Development, contribution to vitality and viability of town centre, Access and parking, Land Stability, Pollution Control.

**BACKGROUND:**

Consideration of this planning application was deferred at the 12<sup>th</sup> May 2010 meeting of Plans Board following the receipt of objection from a major retail operator within the town centre so that further consideration could be given to the objection. This work has now been completed and has helped inform the following report and recommendation.

**SITE DESCRIPTION:**

The planning application covers a site of 3.329 ha in area and is located within the heart of the town centre, bounded by Lawn Central to the north, Grange Central to the east and the present Asda store and Telford Shopping Centre to the south and west.

The site is located within the Primary Shopping Area (PSA) of Telford Town Centre and enjoys good access connection to the Box Road. The site currently comprises the car park to Asda and the Shopping Centre and is subdivided into two parts, known as Red Oak Car North and Red Oak Car Park South. The petrol filling station (PFS) related to the Asda store occupies the eastern boundary facing Grange Central. The site is accessed from the Box Road in the north eastern corner for vehicular traffic. There is a pedestrian bridge crossing over Lawn Central along the northern boundary that links the car park with the railway station, office quarter etc.

There is a gradient across the site comprising a fall of some 6.4m north west to south east. The application site is not considered to be located within or adjacent to a 'sensitive area' and there are therefore no significant environmental constraints that impinge on this proposal. Prior to the town centre development, the area was historically used for coal and ironstone mining, with the former Lawn Colliery operating up to 1927.

#### RELEVANT PLANNING HISTORY:

There are no planning decisions within the application site that have relevance to the consideration of this proposal. The Telford Shopping Centre was built circa 1973, including the car park and PFS the subject of the application site.

#### THE APPLICATION:

By way of background explanation, the application contains parameter plans that depict upper and lower limits for height, width and length of proposed buildings and corresponding maximum and minimum floor spaces that can be achieved on site. The application is subject to a formal Environmental Impact Assessment under the Town & Country Planning (EIA) (England & Wales) Regulations 1999. It is against these maximum and minimum parameters that significant environmental effects have been assessed.

The application is for outline planning permission with all matters reserved for subsequent approval and is for the erection of a supermarket (Use Classes Order A1), retail and/or office units (each with flexible uses within Use Classes Order A1 or A2 or A3 or A4 or A5 or B1) together with a reconfigured petrol filling station (PFS). The proposal will include an undercroft car park with the supermarket situated above at ground floor level. The existing PFS is reconfigured to allow a more efficient access/egress arrangement. A number of small units will be located around the edge of the supermarket incorporating a range of uses, including Use Class Order A1-A5 and/or B1. The proposal utilises a significant portion of the Red Oak car park and although the undercroft car park will provide some compensatory provision, there will be a net loss in car parking. The principal elements of the proposal comprise:

- A new supermarket to provide a minimum 7,030 sq m gross internal floor area (GIA) and maximum 7,950 sq m GIA. The floorspace incorporates a travelator and lobby with the supermarket located entirely at ground floor.
- Retail/Office Units to provide minimum 700 sq m GIA and maximum 2,810 sq m within Use Classes Order Uses A1 or A2 or A3 or A4 or A5 or B1. Flexible planning permission is sought to enable the units to be used for any of the uses specified (A1 – shops; A2 – banks etc; A3 – restaurants etc; A4 – pubs and bars; B1 – offices). A further 505 sq m minimum and 695 sq m maximum is proposed as sui generis uses.
- 24 hour Petrol Filling Station comprising a reconfigured access to improve ingress and egress with the PFS building developed to between 505 and 695 sq m and incorporating a retail element up to 110 sq m.
- Car Parking and cycle parking provision – 289 car parking spaces provided underneath the supermarket with direct link via travelator into the sales area and reconfiguration of the remaining Red Oak car park to provide 245 spaces
- Highway alterations – minor alterations are proposed to enhance access/egress arrangements. Entry to the undercroft car park and PFS would be from the Hollingsgate roundabout; entry and exit from the

undercroft parking/PFS/Red Oak South parking onto Grange Central to the south of the PFS; exit onto Grange Central to the south of the PFS.

- A new ground level pedestrian crossing across Grange Central would be provided to the south of the PFS.

The Application is accompanied by an Environmental Statement and by supporting information, as follows:

- (i) Design and Access Statement and Addendum;
- (ii) Planning Statement;
- (iii) Transport Assessment
- (iv) Retail Statement;
- (v) Energy Statement;
- (vi) Sustainability Statement;
- (vii) Environmental Statement (including Technical Appendices and Non-Technical Summary);

In response to issues raised during the consultation period, further information was requested by the Council under Regulation 19 of the Town & Country Planning (England & Wales) Environmental Impact Assessment Regulations and on 1<sup>st</sup> April 2010, the following “environmental” information was submitted to the Council:

Addendum to Planning Statement

- (i) Revised Design and Access Statement
- (ii) ES Addendum
- (iii) Parameter Plans
- (iv) Access arrangements
- (v) Cumulative impacts assessment to take account of the recent Asda planning permission and Southwater development
- (vi) Construction impacts

The EIA Regulations, supported by precedents set by UK case law, have established a code of compliance for the process of EIA and the contents of environmental statements. As a consequence of two cases associated with Rochdale Council, an ES supporting an outline application must present a description of the proposals that is reasonably representative of the eventual development and be of sufficient detail to effectively identify, predict and assess the significance of any potential environmental impacts. This EIA has identified and developed certain parameters for assessment. These parameters, along with the written ES and application description allow the likely significant effects to be assessed and appropriate mitigation measures to be secured.

The components of the proposal comprise:

Supermarket: Within the building block RO1, a supermarket of between 7,030 sq m GIA and 7,950 sq m GIA is proposed. A lobby and travelator increases this GIA figure (675/770 sq m) which will be situated on the southern edge of the building. A service yard is proposed on the north

eastern side of the building. A 24 hour operation is proposed with restrictions on Sunday and Bank Holiday.

Flexible Retail/Office Units: Additional floorspace is proposed to wrap around the south and western periphery of the supermarket providing between 700 and 2,810 sq m GIA. This part of the development will provide active retail frontages onto the newly formed street. The number and size of units will be determined at Reserved Matters stage. Flexible planning permission is sought that would allow any uses within the range specified above.

PFS – the existing facility will be reconfigured with the shop/filling station developed to between 505 and 695 sq m which could include up to 110 sq m of ancillary office/retail space.

Importantly, a very detailed Design & Access Statement accompanies the application in support of the parameters based outline application and details the design principles and concepts that have been applied to the proposed development. It shows how the project has evolved and the options considered. The site evaluation process identified key opportunities:

- Opportunity to use sustainable material pallet appropriate to local sources
- Opportunity to provide an architectural landmark to an important gateway site into the town centre that improves the streetscape both day and night
- Provision of a new shopping street
- Creation of a new town square

Although the applicants state that their proposal is just one way that would meet these objectives, a fair level of detail has been submitted. The indicative scheme provides a potential landmark building that uses existing transport routes, incorporates a travelator to an undercroft car park. The edges of the proposed supermarket incorporate mixed retail/commercial uses to achieve street frontage. There will be a net reduction in car parking but this is compensated by enhancing linkages to Ash Grey Car Park. An urban square is to be created and public realm additions will provide an attractive shopping street. The elevations of the building are proposed as a mixture of timber louvers wrapping around the entire façade; the façade is broken by green planting the elevations and the “wrap” is enhanced with a repeating vertical polished metal column and light boxes to create a rhythm across its length. The louvers and light boxes are increased in height at the north east corner to screen the service yard.

Members will know that planning permission has been granted for Asda at the Civic Offices and for the mixed commercial/office/retail/hotel/residential development at Southwater. There is no linkage between this proposal and these recently approved developments but it is also argued that this proposal will not affect the

viability of those developments nor in combination therewith have any unacceptable planning implications.

**PUBLICITY AND CONSULTATION:**

The application has been advertised in the local press and on site as an Application the subject of EIA and of major significance.

Environment Agency: No objections - recommend conditions requiring SUDS, land contamination risk assessment and remediation if found necessary.

Highways Agency: No Objection.

TWC Highways Section: No Objections in principle subject to conditions.

TWC Engineering Section: satisfied that the revised parameter plans show the build development to be beyond 5m from the mineshaft positions. It should be noted that detailed investigation will need to be carried out before development commences when the actual position of the mineshafts are determined and the treatment details finalised. Note: it may be necessary to adjust the development footprint accordingly. Therefore no objections to the proposed development subject to conditions

TWC Planning Ecologist: The site is currently of low ecological value, consisting of car park and areas of ornamental planting.

A detailed landscaping strategy should be conditioned or developed at reserved matters stage by a suitably qualified ecologist, which will:

- Incorporate the planting of native trees and shrubs with local provenance to create boundary features, improving the sites ecological value and habitat connectivity
- Target the planting of BAP species for the development to contribute to Local Biodiversity Action Plan (LBAP) targets
- Consider the inclusion of brown/green roofs and living walls
- Ensure that the overall ecological value of the site is greater post development than pre-development
- Include details of how habitats and features on site will be maintained

A nesting bird informative is recommended.

Natural England: No objection.

Council's Environmental Policy Officer: There are some positive 'sustainability' aspects of the application, i.e.:

- Natural Daylighting
- Low Energy Lighting
- Air Source Heat Pumps

- At the moment the scheme is rated at BREEAM 'Very Good', with aspirations for BREEAM 'Excellent' (BRE Environmental Assessment Method)

Taking this into account it is recommended that a minimum of BREEAM 'Very Good' Retail rating is conditioned. This is based on a growing range of examples of different building types achieving 'Excellent' without excessive additional cost, but recognising that site-specific constraints can prevent this

Drainage Engineer: The groundwater has not been confirmed under the site. Given neighbouring sites have a relatively shallow groundwater level; and the application involves underground car parking facilities, in order to prevent inundation or structural damage of the car parking facility and to effectively manage any interruption of the groundwater flow routes, there must be further investigation of the groundwater levels across the site.

The Council welcomes the developers' efforts to meet the requirements of Telford and Wrekin's Supplementary Planning Document: Flood Risk and Water Quality; by attempting to limit the amount of surface water flows discharging to the public sewer by 50% and providing underground storage and SUDs to attenuate on site flows up to a 1 in 100 year (+30%) storm event. Any rainwater harvesting devices or green / brown roofs will not be accepted as a mechanism to reducing the attenuation storage on site, this is because once the devices are full or saturated, there are no further attenuation benefits.

The FRA did not consider routing of any exceedence flows across the site. These are the flows that occur once the surface water sewerage system for the site has exceeded its design capacity. This information will need submitting with the detailed design and may require alterations to the layout on the site.

Pollution Control: Ground contamination should be considered at this stage – site-specific information has not been covered although previous report is mentioned in the ES; however conditions can be imposed requiring on-site investigation and risk assessment together with remediation requirements if deemed necessary.

Asda (through RPS Planning & Development Ltd)

Raised the following concerns:

- Concern at the misstating of Asda's position in taking the supermarket proposed by the Trustees
- Concern at the failure of the Trustees to take account of Asda's lease rights over the Red Oak Car Park – the lease rights involve the use of the car park until 2013
- Objection relating to impacts on the operation of the existing Asda store in terms of noise, disturbance and health & safety considerations
- Concern that car parking solution/provision is insufficiently explained within the application.

- Concern that the proposal does not take account of the Civic solution
- Concern that the application could fail to deliver the active frontages and uses if the maximum floorspace is utilised

**David Wright, MP**

- This is a new flagship store at the heart of the town centre and also includes a range of smaller shops, new facilities, a 24 hour PFS, car parking and cycle provision, a pedestrian crossing at grade across Grange Central and a new town square.
- It will provide 600 new jobs and a £27m investment
- Concerned over the time taken to determine the application and delays to this major investment

**Osborne Clark (acting on behalf of Asda) 11<sup>th</sup> May 2010:**

- Asda does not object to the development providing that it takes place after the client has relocated and after expiry of their lease
- Asda objects to the development taking place before this as it could harm their business, lead to its closure and undermine the vitality and viability of the town centre
- Argue that the application does not allow the council to make an informed decision and does not address major concerns raised by the client
- EIA development- must be fixed to allow all likely environment effects to be assessed
- ES fails to assess the proposed development by failing to firmly establish the footprint of the proposal
- ES was not clear or logical
- Ground stability- concerning the position of mineshafts on site- a number of environmental effects cannot be appropriately assessed due to limited flexibility
- Flood risk- flood risk assessment- does not consider routing of exceedence flows across site
- Car parking application fails to demonstrate that sufficient parking will be provided. The application also does not provide necessary car parking data and this data was also not provided upon request
- Form of development- role of enlarged Telford in the RSS and CTAAP is focused on the town centres role as a comparison goods centre and instead the application concentrates on convenience goods
- Impact on existing convenience provision of the town centre- Asda's role was dismissed as a private issue in Plans Board report when it is both a private issue and a planning issue
- Prematurity- it has not been demonstrated that the site is suitable and available for development before 2014

**Nabarro Solicitors (acting for the applicants) - 17<sup>th</sup> May:** response to Osborne Clarks letter 11<sup>th</sup> May:

- Osborne Clark's letter raises no new issues which have not already been addressed
- EIA development- there is no arguable case that the level of detail submitted for approval is insufficient to allow all the likely significant environmental effects to be assessed
- Ground stability- sufficient flexibility has been built into the parameters of the outline consent
- Flood risk- Council's drainage engineers and the Environmental Agency have no objections. The implications to flood risk have been appropriately assessed
- Car parking- analysis of car parking data shows that the car parking capacity in the town centre is not a major issue
- Form of development- The application has addressed these issues previously- the development provides benefits such as the generation of activity
- Impact on existing convenience provision of the town centre
- Prematurity- the proposed development is in accordance with both adopted and emerging policy at local and national level

**Drivers Jonas Deloitte 23<sup>rd</sup> June:** (planning consultants acting for the applicants):

- Responding to a further response from Asda about their concerns relating to;
  - the 'Rounds' proposal
  - the need to protect Telford town centre as a sub-regional shopping centre and comparison goods destination
  - Potential pressure of car parking spaces
- Development on Red Oak car park represents the next phase in the wider redevelopment of the town centre and does not prejudice delivery of future development
- The Trustees' regeneration plans provide a mixed use development which will enhance the town centre. It will also enhance its economic vitality and viability
- 'Rounds' master plan- this recognises that the existing car parking will be redeveloped both vertically and horizontally to provide sufficient car parking
- Sufficient car parking will be provided to meet CTAAP car parking standards and commercial demand
- The new Asda store will be more damaging than the Red Oak car park development to the development of further comparison goods shopping

**Osborne Clark (Asda) 28<sup>th</sup> June:** - Response to Nabarro's letter dated 17<sup>th</sup> May:

- Town centre planning/ prematurity- Trustees need to demonstrate that the proposal will not prejudice the achievement of the strategic aims of the town centre expansion
- Car parking- There will be an impact on car parking and highway network

- Car parking numbers- lower ratios of car parking will be provided post-development which will have a knock on effect for car parking within the town centre. Data shows that there are not enough spaces during peak times and busier periods post-development
- Attractiveness of alternative parking- Asda argue that Red Oak car park could still remain popular post-development and create congestion and back log on the box road when people look for car parking spaces
- Questionable data- Asda argue that the Trustees have used data which is not accurate and shows car parking spaces at lower demand than they actually are

**Drivers Jonas Deloitte 14<sup>th</sup> July:**

- Complaining about the delay of the application and submission of late letters from Asda and their agents
- Trustees compared their late delay with the speedy processing of Asda's application for the civic site
- Town centre planning/ prematurity- Red Oak car park is the next phase of the town centre regeneration which will provide a mixed retail use development
- Development is in accordance with emerging policy documents. It forms the next phase of regeneration and will not restrict future development
- Car parking- the car parking strategy is not flawed and the Council's highway officers have considered fully the data when recommending the development for approval
- The argument that there has been incorrect calculations of parking levels, peak demand levels and peak car park occupation levels at different times of the day is refuted
- Peak periods- Easter and Christmas- Trustees say that they should not be expected to design car parking spaces for two abnormal days of the year
- People visiting the food store will have parking available to them in close proximity to the store
- Osborne Clark's concerns are based upon incorrect presumptions
- Details of car parking strategy will be agreed with the Council during discharging of the conditions

**Nabarro Solicitors 23 July 2010:**

- Serious concerns that Asda has requested a meeting with the Head of Planning & Sustainability – demand minutes of any such meetings etc and opportunity to be present to any future meetings
- Asda, a commercial objector has deliberately sought to delay the application through late representations despite them confirming they have no objection in principle

**Osborne Clarke 30 July 2010:**

- Issues of prematurity have not been addressed – the point we make is that there is no strategic requirement for additional convenience floorspace in the TC
- Key role of TC is to provide a focus for comparison goods retailing
- There is no urgent need for the development and Asda in any event can block until 2014
- The Trustees stated intention is to bring forward comprehensive redevelopment of the TC but there has been no progress and there has been no agreement of Master Plan or phasing of development
- Applicant has failed to demonstrate that a lower level of car parking will work – this will have dire consequences for the TC and highway network
- Saturday peak will leave just 8% car parking available in TC

**Drivers Jonas Deloitte 23 August 2010:**

- Unjustifiable deferment
- No link between this submission and any Judicial Review of Asda decision at Malinslee House
- Officers have misinterpreted DJD's evidence to the CTAAP Hearing
- This proposal is submitted in order to allow Asda or another operator to commit to a presence in the town and particularly to retain a northern anchor

**Nabarro Solicitor 25 August 2010:**

- Application is fully in compliance with adopted and emerging policies and Government guidance and highway authority advice
- Conduct of the authority questioned (on basis of postponement to consideration)
- Will appeal against non-determination if decision not reached before 1<sup>st</sup> October 2010 – likely cost award

**PLANNING POLICY CONTEXT:**

**Saved Wrekin Local Plan Policies**

TC1	Town Centre
TC2	New Shopping Development in Telford TC
TC3	Leisure Uses and A3 Uses
TC4	Mixed Use Development
TC6	Office Development
S1	Service Centre Hierarchy

**Core Strategy 2007 Policies:**

CS4	Central Telford
CS8	Regeneration
SR3	Sustainable Design and Construction
PA11	The Network of Town and City Centres

PLANNING POLICY BACKGROUND:

Wrekin Local Plan (1995-2006) – This Plan together with the Structure Plan and Core Strategy form the Development Plan. The Structure and Local plans are however becoming increasingly out of date and being superseded by LDF documents. However the ‘saved policies’ of the Local Plan will continue to have weight in the determination of planning application.

The Site lies within the Telford Town Centre and is allocated for Use Class A1 (Retail) on the Town Centre Inset Map. Policy TC2 states that development of further shopping within the Town Centre boundary will only be permitted in accordance with Policies TC3, TC4, TC6 and TC14. The accompanying text within the Local Plan states that additional shopping floor space should be developed around and integrate with the existing Telford Centre. The Proposed Development accords with this. Policy TC1 permits new development and changes of use which contribute to its function as a multi-purpose sub regional centre. Moreover the plan also promotes new retail development and improvement of access to and around the Town Centre.

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 DPS to follow.

‘Policy CS4 – Central Telford’ in the adopted Core Strategy, identifies Telford as a strategic town centre which acts as a service centre for the sub-region and Borough. It aims to strengthen and enhance its role as the hub of the service centres hierarchy by:

- Creating more shops, homes, offices, cafes and restaurants; sport, recreation and leisure facilities;
- Containing a mix of uses, developed at a higher density;
- Encouraging more people into the town centre especially during the evening;
- Creating a safer and more pleasant environment in which to walk, and limiting the impact of car use by improving public transport links;
- Promoting the role of Telford Town Park as a significant sport, recreational, open space, and leisure asset for the Central Telford area, the town, the Borough and the wider sub region.

The development proposals are in conformity with the Core Strategy in meeting its aims for Telford town centre by providing a vibrant mixed use development as an extension to the Shopping Centre and PSA, and in particular would help enhance the town centre’s role in the wider area.

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. As Members will be aware CTAAP has been the subject of further evidence gathering and further revisions lodged with the Secretary of State and this Examination is currently taking place. CTAAP in its current form has limited weight as a tool for development control at this particular time. Nevertheless it reflects the Council's spatial planning ambitions and is worthy of mention.

The emerging CTAAP sets out a strategy and policies for the spatial development of Central Telford including the town centre. The applicants have prepared a 'masterplan' for development of The Round which seeks a wider mix of uses and better linkages to the surrounding areas. This is consistent with the CTAAP Vision and Objectives as identified in Policy TC1 – the Town Centre Core Character Area.

#### KEY ISSUES AND PLANNING CONSIDERATIONS:

##### **The Development Plan:**

Before considering the key planning issues in detail, 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 the application.

The Development Plan comprises the following documents:

Shropshire and Telford & Wrekin Joint Structure plan 1996-2011. By Direction of the Secretary of State in September 2007, a number of Structure Plan policies were saved until expressly replaced by new LDF policies.

Telford Core Strategy – The Core Strategy Development Plan Document 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 and adopted in February 2000 with an end date of 2006. In September 2007 certain policies were 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.

##### **The 'Principle' of the Development Proposals:**

The Application Site is located entirely within the PSA of the town centre. The town centre is defined by the Adopted Wrekin Local Plan (2000). Policies within that Plan, and summarised in the previous section, support the principle of the proposals. The Plan supports development within the town centre that will contribute to its multi

purpose sub regional role. Retail, office, restaurant, leisure and commercial uses are all supported.

The emerging Central Telford Area Action Plan, whilst emerging as a policy document, sets a series of development parameters within character areas that define the Central Telford area. The emerging policies support a vibrant retail, office, commercial-mixed use development.

Thus the principle of development is entirely consistent with both adopted and emerging policy against which the proposal will be assessed.

As stated elsewhere, the application was the subject of further 'Environmental Information' in April 2010 when the Applicants sought to overcome many of the initial issues raised by consultees to the original submission in December 2009. The proposals have been further 'refined' in respect of the following "outstanding" areas of potential conflict that arose during the consultation process, as follows:

- Asda objection – there is difference of opinion between the applicants and Asda in relation to previous discussions between the two parties but the main issue for the LPA is whether this site can deliver a supermarket for a quality supermarket operator, not necessarily Asda. In terms of the inconvenience and disturbance to the current Asda operation as building works continue on a new store, the applicants suggest that this is a private issue between the parties and cite Government guidance that such issues should not be used as a bar to genuine regeneration proposals. Moreover they offer an analysis of three scenarios that might arise and suggest that all three development scenarios could work to the benefit of the long term planning of the Town Centre.
- Further clarification of the applicants' intention to provide a fit-for-purpose store to prevent retail expenditure leakage from the PSA, to provide a mix of units to wrap around the proposed supermarket in order to maximise the vitality of the site and spin-off trade to other PSA shops. The applicants consider that the development will provide a new high quality frontage including additional A1-A5 and B1 floorspace

Following the Asda objections, the Council's retained retail consultants were invited to comment on whether the proposal involving the reduction of car parking available at Red Oak might impact unacceptably on the town centre as the principle sub-regional shopping destination for the Telford area. This was considered but was not felt to be a factor that would prevent the granting of planning permission for an appropriate town centre use, particularly given the availability of other town centre car parks.

The additional 'Environmental Information' provided related to the following matters:

- Revision of parameter plans to avoid the presence of existing mineshafts on site (5m exclusion zones)
- Revision of parameter plans so that the Council can retain flexibility on the position of the access at a later stage.
- Details of construction impacts.
- Cumulative impacts considered as part of an addendum to the ES to take account of the recent Asda and Southwater development proposals.
- Environmental Statement Addendum

### **Retail Impact:**

The proposal could bring forward up to 15,000 sq m of retail floorspace and is significant. The site is located within the defined PSA of Telford Town Centre and is allocated for Retail (Use Class A1) on the proposal map of the Wrekin Local Plan. The principle of retail development is supported by Saved Local Plan Policy TC2 and is located within the PSA. CTAAP Policy CT2 (Retail) establishes a need for 65,000 sq m gross comparison retail development to be provided within the Town Centre Core to 2016, with the majority coming forward within the PSA. There is no similar retail floorspace limit for convenience retailing.

There is no requirement in policy terms to require a sequential analysis in this instance, given the site's location within the PSA, the primary focus for retail development.

### **Wider Impact Considerations:**

Since the application was lodged, the Government has issued a new Planning Policy Statement - PPS4 - Planning for Prosperous Economies.

PPS4 Policy EC10 requires all planning applications for economic development to be assessed against a series of wider impact considerations, which are dealt with in turn below:

- a) *whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;*

The Council's ambitions for Telford is to deliver a highly sustainable and attractive town centre that opens up Central Telford for future investment and creates a vibrant, attractive community that provides a high quality of life for residents. The development occupies a highly sustainable location, being a brownfield site within the Town Centre which is accessible by public transport. The applicants appear committed to high standards of design and has committed to achieving at least BREEAM 'Ver Good', with an aspiration to achieve 'Excellent'. A BREEAM Pre-Assessment has been undertaken and this concludes that BREEAM 'Very Good' is easily achievable. The applicants have

also indicated that low carbon and renewable technologies would be considered at the design stage. In addition, CHP plants may be incorporated that could also serve the Shopping Centre.

*b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;*

The site is well located to public transport nodes. Pedestrian and cycle movement is given high priority on-site with strong pedestrian and cyclists links to/from the site being proposed.

*c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;*

Although expressed in outline, a substantial amount of illustrative material has been submitted that demonstrates the applicant's intention to create a landmark building at this prominent corner of the Box Road. Although the high quality depicted in the outline submission cannot be guaranteed, the proposals now before the Council guarantees a benchmark for detailed discussion at the Reserved Matters stage. The development will help create a key part of the town centre through the enhancement of pedestrian desire lines and an enhanced public realm and shop frontages.

*d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;*

The proposal is within the PSA on brownfield land which is significantly under-utilised. It will provide significant investment and will assist in the further regeneration of Town Centre.

The principal objector to the scheme (Asda) maintains that the development amounting to considerable additional convenience floorspace may not be conducive to wider regeneration and economic development objectives. Given Telford's sub-regional status, they maintain that if planning permission is granted for this prime town centre site, it should be for comparison shopping, rather than convenience. In addition this should be part of an overall masterplan for the town centre that has clear phasing arrangements and which has been the subject of full consultation. The Council's retained retail consultants (WYG) were asked to comment on this specific issue and have reported back stating that the development is consistent with CTAAP in that other uses appropriate to this area include convenience retail. They do not support the objector's contention that there are adequate policy grounds to oppose the development, including the assertions that

the development is premature. It is your officers' views that there are other opportunities to develop and redevelop land/buildings/car parks for comparison retailing. The Council and private land owners acknowledge that the existing development form does not make efficient use of the land within the PSA. Although it is recognised that future development of the PSA should be planned in a comprehensive manner, the CTAAP together with the 'The Round' masterplan does provide ample opportunity to accommodate Telford's growth aspirations. The objector also refers to the reduction in car parking within the TC arising from this development and its impact on the economic viability and vitality of Telford TC. It is acknowledged that there is a reduction in overall capacity. This view is not supported by Highway colleagues and is not supported by CTAAP that highlights the problems associated with surface parking – see below in the next section of the report.

### **Highway and Transportation Issues:**

The existing Red Oak Car Park is accessed from Lawn Central and from Hollingsgate roundabout junction in the north-east quadrant of the Box Road. Entry from Lawn Central is via a single lane carriageway into the car park which is barrier controlled. Access is also available from the Hollingsgate roundabout into the car park and PFS. Traffic can merge once the barrier has been traversed. Your Chairman in particular has expressed some concern in relation to the seasonal capacity constraints at the Hollingsgate Roundabout. This issue is further addressed below but in principle, the Council's Highways Section is satisfied over the capacity issue but recommend further changes at the detailed stage.

The Red Oak Car Park exit is situated on Grange Central. At the point of exit vehicles can travel northwards towards Hollingsgate roundabout or southwards towards Coach Central. Traffic lights control this exit.

The Red Oak Car Park is a short stay surface car park providing 722 spaces of which 69 are for disabled users and 8 are parent and child spaces. The proposal results in this provision being reduced to 534 spaces, which includes 37 disabled spaces and 8 parent and child spaces. The applicants maintain that this provision together with the under-utilised Grey Ash Car Park will provide sufficient car parking provision overall. The reduction in car parking may be of concern to Members at face value but it has been recognised for some time now that there is scope to reduce surface car parking provision in the Town Centre to help towards achieving the wider aspirations including the creation of a wider mix of uses and activities, a social and cultural heart and distinctive physical townscape. The applicants intend enhancing the linkages from Red Oak to Ash Grey car parks via an enhanced pedestrian way linking the new/existing development to Ash Grey, helped by incorporating frontage retail/office development at ground floor level to the new supermarket.

The parameter plans submitted with the application indicate that the existing access points will be retained with minor adjustments to enhance

accessibility. By incorporating maximum and minimum parameters, this provides a degree of flexibility that enables the Highway Authority to condition the access requirements in a flexible manner. The existing car park exit onto Grange Central will be redesigned to provide both access and egress and vehicles entering at this point will now have the option to access the PFS. A proposed new secondary “right turn only” exit is proposed approximately 70 m to the south of the existing egress and allows traffic to exit the site from its most southernmost part onto Grange Central towards Coach Central.

Service vehicles will access and exit the supermarket from the proposed access/egress point on Grange Central and unload at the east side of the development. Service vehicles will enter via the signalised access on Grange Central then utilise a service ramp to service the store. Service traffic to the PFS will continue to use the Hollingsgate roundabout. Service vehicles to the small units will have two options either through the car park or through Hollingsgate roundabout.

Although the site is well connected with the surrounding area from pedestrian and cyclist standpoints, the present pedestrian environment is affected by speed of traffic on the Box Road and is not attractive. The Town Centre is well served by the Town Centre bus terminus and coach station off Coach Central and the site enjoys 3 existing bus stops within 400 metres of the site. The proposal provides enhanced walking/cycling facilities including a new at-grade pedestrian and cycle facility.

It can be reasonably argued that the proposed development is conveniently located for alternative transport modes of travel.

Following testing of highway impacts the indicative scheme proposed would provide adequate mitigation and, to summarise the following design improvements are incorporated:

- Hollingsgate Roundabout
- Entry/exit onto Grange Central
- Secondary exit onto Grange Central
- Servicing
- Layout of PFS
- Car parking layout
- Car park strategy
- Interim Travel Plan

The Highways Agency raises No Objection to the proposals.

The Highways Section although supporting the development in principle recognise that there are matters that will need further fine tuning at the Reserved Matters stage. It is fair to point out that further discussions will need to take place at the Reserved Matters stage on the following highway issues:

- i) The access/egress arrangement to Grange Central will need to be further considered. The layout shown on the indicative plan has capacity implications to Grange Central and is not appropriate.

Similarly there is insufficient separation between the two sets of signals. This requires further thought. It may prove necessary to consider the implications of reconfiguring the 'box road' on the access design depending on when the development is likely to progress.

- ii) The use of barrier control for the parking regime has been questioned for two reasons. Firstly queuing can occur back from the accesses onto the adopted highway and secondly there is limited stacking capacity between the signal stop line and the barriers on the exit. Recommended Condition requiring this to be considered further. Ash Grey Car Park will need to be reconfigured to take up some of the shortfall in parking as a result of this proposal.
- iii) The internal circulatory routes will need to be agreed. The indicative plan shows the main entrance to Grange Central, barriers, access to the undercroft parking and service yard all in very close proximity. Vehicular movements and turning traffic will be complicated in this area. This may require an alternative exit from the undercroft car park. The main pedestrian route from Grange Central also passes through this area but the design is presently substandard and requires further design consideration.
- iv) There should be no access to the petrol filling station from the Grange Central access. Physical measures will need to be provided within the junction design to prevent this.
- v) The small retail/office units also require service access but the only apparent route to them seems to involve traffic through the pedestrianised area between the existing and new stores. Further clarification on this point is required plus proof the service vehicles can manoeuvre through the car park and exit the site.

The above comments can be accommodated at Reserved Matters stage. The Highway Authority also requires submission of a car parking strategy.

Members will be aware that the Council is pursuing a 'plan-led' approach (through CTAAP) to mitigate for potential traffic impacts that will arise from strategic developments proposed within the Town Centre, including a wider package of infrastructure improvements that will necessitate section 106 contributions for this Site (and other developments that will come forward). The section 106 package offered by the Applicants includes contributions that together with other contributions from other town centre developments can be used towards improvements to the M54 junction which has allowed the Highways Agency to be in a position to support the proposals.

#### **Geotechnical and Land Contamination Issues:**

The site has historically been used for coal and ironstone mining and inevitably there is the potential for on-site contamination that may be disturbed through development works. Moreover mineshafts are located within the north-east corner of the site adjoining the Hollinswood roundabout.

Potential on-site contamination sources include colliery waste, fill material, mine gas and fuel and chemical storage. It is suggested that the site

represents a low to medium risk under the Environmental Protection Act. Conditions are recommended by the Land Contamination Officer.

Mineshafts (up to 11 in number) exist on site. Revisions to the ES and parameter plans have now been received and the propose supermarket building has been set back by 5m from the edge of the known mineshafts and zones of influence. Further site investigations will be necessary post decision to ensure that the mineshafts have been or will be treated satisfactorily.

**Ecology and Nature Conservation issues:**

The ES notes that the site is currently of low ecological value with just trees providing the minimal of habitat opportunity. The Council's Ecologist agrees. The design although in outline does minimize loss of trees and provision will be made for shrub and tree planting. Furthermore, the applicants point to their intention to include ecological enhancements such as green/brown roof and 'living walls' that could enhance the biodiversity of the site. Conditions are recommended by the Council's Ecologist. It is considered that this is sufficient, not so much as mitigation but for enhancement of biodiversity.

**Drainage and Flood Risk:**

PPS25 'Development and Flood Risk' 2006 emphasises the importance of taking into account the consequence and not just the probability of future flooding events and adopts a risk based approach to steer development to areas of least probability of flooding, taking account of climate change. The Council has produced a strategic Flood Risk Assessment. The Site is located within Flood Zone 1 and as the probability of flooding at the site is less than 0.1% (or less than 1 in every 1000 years) the site is classified as being of low risk.

In terms of groundwater flooding, the proposal indicates a 4m excavation to provide undercroft parking which could cause a restriction of shallow water groundwater beneath the application site. The undercroft would be constructed from concrete and water-proofed to ensure the structure is impermeable. This can be fully designed at the detailed stage.

The Draft SPD on Surface Water requires that the surface water run-off emanating from the development on brownfield sites should be reduced by 50% from the existing discharge rate. The proposal indicates that two underground storage tanks will be provided together with SUDs. Your Drainage Engineers and the Environment Agency have no objections and recommend conditions.

**PLANNING OBLIGATION REQUIREMENTS:**

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.

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. The level of contributions has been assessed based on this methodology, which of course has been used elsewhere, most recently, with the Asda and Southwater proposals.

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 £658,675 will be necessary towards the provision of Major (highway, transport and traffic) Schemes. Travel Plan monitoring of £5000.

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 £100,000 be required to commission public art on the site or elsewhere in the Town Centre.

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 PPS4, the RSS and Core Strategy policies CS3 and CS4. The illustrative details accompanying the proposals indicate that there are very good prospects that the proposed store can be designed to reflect the site's gateway status, respect and positively enhance surrounding environs and strengthen the 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 highway safety. The layout also provides adequate car parking and bike storage provision. 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, having fully considered the Environmental Statement submitted with the application and the Statement of Conformity with the Environmental Statement, delegate to the Head of Planning & Sustainability authorisation to **GRANT OUTLINE PLANNING PERMISSION** subject to the signing of a Section 106 Obligation for a financial contribution of £658,675 towards the provision of major (highway, transport and traffic) schemes, £5,000 for the monitoring of the Travel Plan, £100,000 for public art and £10,000 to monitor and enforce the section 106 Agreement/conditions, subject to the following planning conditions (the detailed wording both as to conditions and obligations if required to be altered is also delegated to the Head of Planning & Transport):

1. A01 Standard Time Limit
2. A02 Time Limit – Submission of reserved Matters
3. B01 Standard Outline (all matters Reserved)
4. B19 Access
5. B25 Shallow mining
6. B31 Land Contamination
7. B91 EA standard condition - SUDs requirement
8. B60 Design of Cycle Facilities
9. B64 slope stability
10. B80 Site Environmental Management Plan
11. B Custom Groundwater investigation
12. B Custom Surface Water limitation
13. B Custom Management of exceedence flows
14. B Custom – Mineshafts ground investigation requirement and treatment solutions if necessary
15. B Custom Retaining walls designs required to conform to site stability analysis under Condition 9
16. B Custom - Near Surface Ground investigation
17. B Custom – Foundation Design
18. B Custom - Highways Agency condition(s)
19. B Custom – Environmental health conditions
20. B Custom – Highway conditions
21. B Custom Car Parking management plan both during construction and post construction
22. C38 Development in accordance with deposited plans

#### Informatives

I06 – Section 106 Agreement

I16 – Caution mining area

I27 – Wildlife and Countryside Act 1981 Birds

I40 - Conditions need to be discharged

I44 - Reason for Outline Consent having regard to Development Plan etc

RA Custom – Reason for Outline Consent

**REASON FOR APPROVAL:**

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The proposed retail store has been fully considered and assessed to be in accordance with guidance in PPS4, the RSS and Core Strategy policies CS3 and CS4. The illustrative details accompanying the proposals indicate that there are very good prospects that the proposed store can be designed to reflect the site's gateway status, respect and positively enhance surrounding environs and strengthen the 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 highway safety. The layout also provides adequate car parking and bike storage provision. 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.