

TELFORD & WREKIN COUNCIL

PLANS BOARD

28th March 2012

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TWC/2011/0632 Land At Audley Avenue, Newport, Shropshire, TF10 7BX
Outline application for the demolition of existing buildings and structures,
erection of a new food store, associated cafe, access, highway improvements,
servicing and parking (Access, Scale and Layout)

APPLICANT

Audley Avenue Business Parks

RECEIVED

28/07/2011

PARISH

Chetwynd Aston and Woodcote,
Newport

WARD

Church Aston and Lilleshall, Newport
South

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Economic Development, Retail Need, Impact on Town
Centre, Impact on Highway Network, Sustainability

PROPOSAL:

This application is now the subject of an appeal to the Secretary of State against the failure of the Council to reach a decision within the statutory time period. At the same time, a new and near identical (twin-tracked) application has been lodged with the Council. This allows the developer to obtain a decision from both the Council acting as local planning authority and the Planning Inspectorate. For the purposes of this application however, now that the appeal has been lodged against non-determination, the Council is invited to express a view on the proposal, which can then be put to the Inspector at the appeal inquiry.

The application is expressed in outline form but includes a request for approval of the following Reserved Matters: Access/Layout/Scale. It is proposed to demolish existing employment related buildings and replace these with a retail food store incorporating a café together with associated access, servicing and parking and highway improvements. There is no named food retailer behind the application. The proposed footsore unit is 5,084 sq m gross with a net retail floor space of up to 2,787 sq m (2090 sq m convenience and 697 sq m comparison), with the remaining area for storage, back-up and staff facilities.

The site will be accessed via a new mini roundabout on Audley Avenue, which will lead directly to the store car park that will front the proposed food store. A dedicated access is proposed directly to the store's service yard from the new roundabout at the site entrance that will ensure service traffic and customer separation.

A total of 419 car parking spaces are proposed including 12 disabled and 11 parent/child spaces. Dedicated staff parking is provided adjacent to the service yard while secure cycle parking facilities will be provided. A dedicated pick-up/drop-off point and bus stopping area is proposed immediately in front of the store.

Improvements to the existing highways infrastructure in the vicinity of the application site are also proposed, including the upgrading of two existing priority junctions to roundabout junctions to improve access and ease the flow of traffic. A new bus service is proposed to link the food store to Newport town centre and the surrounding residential areas, including local villages. To facilitate this, it is proposed to improve the existing one-way bus gate at Audley Avenue to allow two-way movement of buses only. This bus gate currently allows one-way bus traffic to travel towards the town centre, to enable school buses to service Burton Borough School.

The application proposals originally included proposals to develop under used agricultural land to the east of the existing Business Park to provide a community allotment and wildlife area incorporating proposals to increase site levels through the tipping of inert waste. This element has stalled following concerns from the Environment Agency (EA) and our Planning Ecologist and the lack of support from adjoining landowners who needed to allow access through adjoining land. This element no longer features despite these proposals being referenced in the applicant's planning submissions.

SITE AND SURROUNDINGS:

The site is a brownfield site located on the eastern edge of Newport within the built up area as defined in the Wrekin Local Plan Proposals Map. The site lies approximately 1.3 km south east of Newport town centre and approximately 0.5 km from the roundabout junction of the A518/A41.

The Classic Furniture site comprises a mix of buildings with some 6,317 sq m of floor space for the assembly, storage and delivery of furniture with ancillary office and retail showroom open to the public.

All existing buildings will be demolished to facilitate the development proposals. It can be treated a brownfield site.

The application is accompanied by the following reports:

- Planning Statement
- Statement of Community Involvement
- Design & Access Statement (DAS)
- Flood Risk and Drainage Assessment
- Ecological Statement
- Retail Impact Assessment
- Transport Assessment (TA)
- Travel Plan
- Outline Application Drawings

PLANNING HISTORY:

W2008/0885	Outline application for mixed retail (comparison and convenience) and employment development at Classic Furniture and Parkland House sites.	Refused 4.11.08 Appeal lodged, but later withdrawn when W2009/0312 was granted.
W2008/0886	Full application for erection of business units following demolition of existing buildings on Parkland House site.	Granted 4.11.08
W2009/0312	Demolition of existing buildings and construction of a mixed use development comprising employment, car auction and retail together with associated parking, servicing, landscaping and access (Outline application). <ul style="list-style-type: none">• Condition 19 restricts the sale of goods from the two retail buildings to only “bulky comparison goods”.	Granted 13.8.09
W2009/0934	Section 73 application to vary condition 21 of outline planning permission W2009/0312 to allow the sale of food with ancillary non-food goods from one of two retail buildings, previously granted but not yet built.	Application withdrawn

Members may recall that the same applicant (Classic Furniture) had previously sought planning permission for a mixed convenience (i.e. food) and comparison goods retail development together with new employment buildings (W2008/0885). This was refused planning permission on grounds relating to: lack of retail need; impact on Newport’s town centre; and undermining the Core Strategy’s objective to increase the amount of employment land in Newport. An appeal was lodged against this decision. However, following the grant of a bulky comparison goods only scheme (W2009/0312) – see below, the appeal was withdrawn.

Plans Board granted outline planning permission (W2009/0312) on 12th August 2009 for a mixed retail/employment redevelopment of the Classic Furniture and Parkland House premises at Audley Avenue. This involved the erection of two retail buildings (comprising five units) totalling 3,252sqm gross (units 1 to 4 totalling 1,858sqm and unit 5 of 1,394sqm gross) on the Classic Furniture part of the site, and the erection of new industrial/employment buildings (3,344sqm gross) on the Parkland House part of the site following the demolition of all of the employment/manufacturing/retail buildings on the Classic Furniture site and demolition of the warehouse/car auction buildings at Parkland House.

This permission was subject to conditions including one to restrict the sale of goods from the two retail buildings to only “bulky comparison goods” in order to limit the impact on Newport town centre. Condition 21 reads as follows:-

“The retail units shall be used for the sale of comparison bulky goods only namely DIY goods, Gardening goods and Equipment, Furniture, Furnishings and Floor Coverings, Motor and Cycle Goods and Accessories, Office Equipment, Electrical Goods, Pet Foods and Products.

Reason: To limit the impact that the retail development will have on Newport town centre”.

Comparison goods, sometimes referred to as durable goods, can be distinguished from food and other frequently bought items. Comparison goods therefore include clothing, footwear, books, jewellery and household goods including hardware, furniture and furnishings, floor coverings and electrical goods. Many of these goods are traditionally sold on the high street where spending decisions can be made between different retailers and the choice and quality of goods they have available. The condition therefore sought to limit the range of goods that could be sold to those regularly found in traditional retail warehouse parks.

The applicants subsequently sought to modify Condition 21 of the original permission to permit the sale of food. Although no named operator supported the application, the applicant promoted the application and provided an assessment on the basis that it would be occupied by a “discount food retailer” e.g. the likes of Aldi or Lidl. An appeal was lodged against non-determination but this was subsequently withdrawn.

PLANNING POLICY CONTEXT:

National Planning Policy:
Draft National Planning Policy Framework

National Planning Guidance:
PPS 1 - Delivering Sustainable Development
PPS 4 - Planning for Sustainable Economic Growth
PPS 25 – Development and Flood Risk
PPG 13 – Transport – paragraphs 19, 74-79 inclusive

Planning Policy Statement 4 (PPS4) is particularly relevant to this proposal. A key feature of PPS4 and in the Draft National Planning Policy Framework is the emphasis on achieving sustainable economic growth. In dealing with applications for main town centre uses which are not within an established centre nor allocated within an up-to-date Development Plan, Policy EC14 requires the applicant to demonstrate that a proposal accords with the requirements of the sequential approach and that the proposal will not lead to significant adverse impacts on existing centres. For sites that fall outside existing centres, and where they are not in accordance with an up-to-date Development Plan, applications should be refused permission where they:

- a) the applicant has not demonstrated compliance with the requirements of the sequential approach (to site selection, favouring town centre sites before considering edge of centre and then out of town sites); or
- b) There is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of the considerations set out in PPS4.

Regional Policy and Guidance

Regional Spatial Strategy for the West Midlands incorporating Phase 1 Revision (January 2008). While the Government has stated its intention to revoke RSSs as part of its Localism agenda, the RSS retains its status as a material planning consideration in accordance with the Cala Homes Court of appeal case.

Policy RR3 Market towns:

Market towns have a key role in regenerating rural areas. Action priorities include developing shopping within town centres where sites exist; where no sites exist, shopping development should be subject to national planning policy.

Policy T2 Reducing the need to travel:

Especially by car; reduce the length of journeys.

Policy T7 Car parking standards and management:

Maximum standards in line with national planning policy (i.e. Planning Policy Guidance Note 13).

Local Planning and Policy Guidance

The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2001 (adopted 2002)

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

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

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

Saved Wrekin Local Plan Policies:

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

Policy S1 Service centre hierarchy

Newport is identified at Level 2 in hierarchy with other Borough towns and District Centres, behind Telford Town Centre. More recent Development Plan policy (WMRSS policy RR3 above and Core Strategy Policy CS6 and national policy (Planning Policy Statement 4) need to be considered alongside policy S1.

Policy E4 Development on Unallocated Employment Sites in the Urban Area Development employing more than 5 people should be within or close to a centre, on a public regular bus route or on a brownfield site.

Policy S9 Retailing from Employment Areas

Only small-scale convenience of no more than 300sqm will be permitted in employment areas. Job creation should not be important criteria to judge retail applications.

Local Development Framework Core Strategy (CS)

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

Policy CS2 Jobs

Newport to be the focus for small and medium-sized employment development. Offer a choice of work opportunities to reduce levels of out-commuting.

Policy CS6 Newport

Help support Newport in its role as a market town and enable it to fulfil its role as a rural service centre. Town’s economy and its service and facility base will benefit from being bolstered and expanded. Aim to achieve a sustainable economy.

Policy CS8 Regeneration

Development associated with regeneration initiatives will be supported where it will, amongst other things, strengthen the market town role of Newport and the services and facilities it provides.

Policy CS9 Accessibility and social inclusion

Locate development in centres. Promote sustainable forms of travel.

The CS acknowledges that the role and function of Newport town centre has been eroded by the changing dynamics in both the local economy and changing shopping habits following the development of new retail attractions elsewhere. In encouraging development in Newport that enhances the role and function of the town centre and maintain its position second only to Telford in the local retail hierarchy, development that assists regeneration, create jobs and reduce social exclusion will be supported.

Recent National Planning Policy Initiatives

The application will need to be assessed against both Local and National Planning policies. Indeed at the national level, it is clear that the present Government intends to reform the planning system but in advance of these reforms, there have been a number of Ministerial Statements that have been published that advocate a desire for “Growth”:

‘The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would comprise the key sustainable development principles set out in national planning policy.’

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant (and consistent with their statutory obligations) authorities should:

- Consider fully the importance of national planning policies aimed at fostering economic growth and employment;
- Take into account the need to maintain a flexible and responsive supply of land;
- Consider the range of economic, environmental and social benefits of proposals including the long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies;
- Be sensitive to the fact that economies are subject to change; and
- Ensure that they do not impose unnecessary burdens on development.

Further Statements have been published since including the introduction of a “presumption in favour of sustainable development”. There is an inference that developments that accord with an up-to-date Development Plan should be approved while planning permission should also be granted where the plan is absent, silent, indeterminate, or where policies are out of date, unless the adverse impacts of permitting developments would significantly and demonstrably outweigh the benefits.

A Draft National Planning Policy Framework (NPPF) was issued in July 2011 with the intention that it will replace Planning Policy Statements; the NPPF echoes the Ministerial Statements described in the preceding two paragraphs. The NPPF advocates a “town centre first” approach to retail development and

a requirement for planning applications for town centre uses to demonstrate a sequential approach to site selection.

PUBLICITY AND CONSULTATION RESPONSES:

As the application site straddles two parishes, both the Newport Town Council and the Lilleshall & Chetwynd Aston Parish Councils have been notified and offer the following comments:

Newport Town Council:

Resolved to strongly object to the planning application as submitted.

'In reaching its decision the Town Council was mindful of discussions with both representatives the Newport Regeneration Partnership, the Newport Chamber of Commerce and the developer, Indigo Planning. Previous, similar planning applications were researched by officers of the Town Council and the application was considered against the Town Council's recently adopted planning and regeneration principles.

Newport is a market town with much of the central area designated as a conservation area. It is considered that a large 'out of town' supermarket would have significant detrimental effect on the appearance of the High Street with a real likelihood of shops becoming empty. The appearance of other local towns has suffered dramatically from similar development and you would only need to look at towns in close proximity, such as Market Drayton to visualise the likely impact of large out of town supermarkets on the character and viability of the High Street.

There is an existing approved outline planning application for part of the site proposed. That application was for non-food retail goods. The conditions imposed in the previous application were imposed for a valid reason and that was to limit the impact on the Town Centre and primary shopping area. The factors that led to these conditions are still considered valid.

In August of 2010 another application for an out of town food store was considered (on appeal) by the planning inspectorate. One of the main points of the appeal (confirming the denial of the application) was the failure of the sequential test in terms of access to food and general grocery shopping by a choice and means of transport. The planning inspectorate considered that a small-scale food store could be accommodated. The planning inspectorate's findings (APP/C3240/A/10/212557) related to a proposed retail site of approximately half the size of that now proposed by Indigo Planning. By merely increasing the size of the development the developer has sought to exclude more preferable sequential sites nearer to the heart of the Town. Furthermore, the retail statement uses the 'potential new housing growth within Newport' to demonstrate the increased demand, this is not yet reality and Newport Town Council are opposed to housing development over and above the LDF target of 60 per annum therefore, any potential growth should be discounted at this stage.

The applicant's retail statement seeks to support the need for a large-scale retail unit. There are likely to be a number of factors that contribute to leakage that cannot be addressed by building an additional supermarket in Newport e.g. brand loyalty, accessibility of larger wide ranging stores en route to and from work. There is no guarantee that those individuals on the edge of the surveyed area (many miles from Newport) e.g. Muxton will not continue to shop at the likes of Asda in Donnington which will remain the closest large scale food outlet, or those in Gnosall where the Tesco in Stafford is just as close.

The proposed site lies on the edge of the by-pass and there are concerns that a significant increase in traffic flow along an already identified black spot on the A41 may become further congested and defeat the purpose of the by-pass.'

Newport Town Council (views on planning obligations):

Newport Town Council has now met without prejudice to discuss the issue of planning gain. Your officers have advised the Town Council that any requests for planning contributions must meet the tests on the use of planning conditions and section 106 covenants (must have planning relevance, must relate to the development, must be proportionate to the development under consideration and must be reasonable in all respects). However the involvement of the Town Council is welcome as that Council is able to represent the interests of the local community of Newport only.

Although it falls upon this Council as LPA to negotiate appropriate levels and types of planning contributions, it is appropriate to consider what the Town Council has said on the issue. The following paragraphs highlight the response of the Town Council in respect of section 106 negotiations:

Members of Newport Town Council recently met with representatives of the applicant for the subject planning application.

At the meeting The Council was asked what community benefit could be gained from the development should it receive planning consent and to inform you?

The full Town Council considered the question at its meeting on 8 February 2012 and have asked that I convey their indicative thoughts.

There are a number of challenges/projects facing Newport due to a variety of factors including; numerous development proposals unitary authority budget cuts and public comment, which could be supported or mitigated against by community benefits associated with the planning application.

There is a desire to improve recreational and leisure facilities including:

- *Improvements to the swimming pool.*
- *Improvement to and additional Sports pitches and facilities.*

- Assistance with aspirations to improve and extend the canal to Norbury junction
- Maintenance and protection of 'green space'.

Improving/ increasing car parking provision in and around the High Street.

Providing opportunities for 'close to town' non-kerbside recycling and refuse. (Should Newport lose its recycling centre as part of the unitary authority proposed budget cuts)

Assistance to maintain the viability of the High Street – we note that the supermarket developer has provided opportunities in other similar planning applications for the provision of consultancy services, sign posting of high street businesses from within its store, funding (in whole or part) town centre managers and educational programmes for high street traders.

Assistance in developing close-to-town sites such as Water Lane, which was the subject of a Unitary Authority document a few years ago.

It is also understood that a recent planning application in respect of housing on land near Wellington Road TWC/2011/0821, during its public consultation phase, sought the views of the public on potential community benefits. It is considered that any comments provided under that application are likely to provide some indication of other community benefits. I ask that you consider those comments.

I have enclosed a record of the discussions of the meeting with the developer's representatives for your information.

In summary, Newport Town Council would wish to be actively engaged in identifying community benefits as a result of impending development. If you could advise how best that might be achieved I would be more than content to meet with you or your colleagues who deal with these issues.

Chetwynd Aston & Woodcote Parish Council

Objects to this application on the basis that Newport does not need another supermarket, in particular a supermarket outside the town, which will kill trade on the High Street, and permanently change the character of Newport, which is a pleasant Market Town.

The Parish goes on to say that this application is for the erection of a food store (5,084 square metres gross) with a retail sales floor space of 2,787 square metres, together with approx 300 parking spaces. Highway works include a new roundabout on the bypass at Audley Avenue junction for the increased traffic. The application is supported by the required assessments and surveys (Retail Assessment, Traffic Assessment, Travel Plan etc) which all claim to demonstrate that there would be no significant adverse impacts

from the development and that the development accords with policy. However there are many assumptions and contradictions in these assessments and surveys, which I wish to challenge and I comment as follows: This proposal is contrary to national and local retail policy (PPS4 and Core Strategy Policy CS6 Newport plus Saved Policies S1 Wrekin LP and CS9 of the DPD), which promotes investment in existing service centres with easy access by sustainable means of transport to improve social inclusion and to minimise the distance people travel. This out-of-centre site is not easily accessible -it is further from the town centre than the Mere Park proposal which was judged by a Planning Inspector as unacceptable - can only be reached on foot from Audley Avenue (no footpaths on the bypass) and the very fact that a bus service is proposed demonstrates that the site, as it is, does not meet the objectives of the policy. The Travel Plan is an irrelevant paper exercise; it suggests that the site is within walking distance of the 'majority' of Newport. It considers that a 2km radius is acceptable but this I dispute when one thinks of the amount of shopping one would have to carry. Also that cycling will be encouraged by the provision of cycle parking spaces. I am afraid that people will want more encouragement than that. The provision of a bus service should not be relied on to make the proposal acceptable. Even by car the site can only be accessed off the bypass, which means that for many people their route will involve a distance above and beyond their current journey to purchase food and other goods. I believe it very relevant to make comparison between this application and the proposal for a smallish discount store at Mere Park. The Inspector considered that the Mere Park proposal failed the sequential test in that there were sites nearer the town centre where it could have been located. This proposal has avoided a similar judgement being made by making the proposed size more than twice that of Mere Park so that the argument is that it could not be accommodated on the sites nearer the centre and therefore the out-of-centre site is the nearest available. But does Newport need a store this size? Development should be limited to meeting local needs and those of the rural hinterland. The Mere Park Inspector considered that a small-scale discount retailer could be accommodated in the town centre, which would improve the retail mix. This out-of-centre superstore is grossly more than required for local needs and is aimed at a much wider catchment area than even the 'rural hinterland'. It's too big and in the wrong place for our needs. The assessment assumptions need to be rigorously examined and challenged as they are based on telephone (750 people) and on-street surveys which are renowned for being flawed. For example, the Indigo report claims that the proposed superstore will meet the 'weekly shop' needs of those who currently travel out of Newport and that this will only marginally affect Waitrose and the Co-op, it takes no account of the other attractions for which people travel out of Newport to do their weekly shop – the other shops that are available. It claims that High Street shops that do not sell food will not be affected. Yet even their own survey (comparison goods shops) shows that these shops have declined in recent years while the service shops have increased. There would definitely be an impact on the retailers in the High Street. More have closed since their survey. The Core Strategy Policy CS6 for Newport - development is supposed to support its role as a market town and assist its regeneration whilst directly benefiting the local economy. As well as the adverse impact on the town centre and the negative

impact on regeneration, the number of jobs for local people from this proposal is questionable. Recent research suggests that for every job created by a large out-of-town superstore, at least the same number are lost from the local economy, not just in terms of local shop closures, but also from job losses in the local supply chain and in local service support. How many of the stated 300 jobs will be full time proper jobs for local people? Most of these jobs are part-time low paid and any benefit has to be measured against the possible loss of jobs caused by the closure of retailers. What is planned for those employed by Classic Furniture?

Church Aston Parish Council:

Objects to the proposal as being contrary to national and local retail policy (PPS4 and Core Strategy Policy CS6 Newport plus Saved Policies S1 Wrekin LP and CS9 of the DPD), which promotes investment in existing service centres with easy access by sustainable means of transport to improve social inclusion and to minimise the distance people travel. This out-of-centre site is not easily accessible -it is further from the town centre than the Mere Park proposal which was judged by a Planning Inspector as unacceptable.

The Travel Plan suggests that the site is within walking distance of the 'majority' of Newport. It considers that a 2km radius is acceptable but this is disputed when one thinks of the amount of shopping one would have to carry. Also that cycling will be encouraged by the provision of cycle parking spaces. This is insufficient encouragement. The provision of a bus service should not be relied on to make the proposal acceptable. Even by car the site can only be accessed off the bypass, which means that for many people their route will involve a distance above and beyond their current journey to purchase food and other goods.

There are comparisons between this scheme and the Mere Park appeal, which failed the sequential test in that there are nearer sites to the town centre where this development could be located. Does Newport need a store this size? Development should be limited to meeting local needs and those of the rural hinterland. The Mere Park Inspector considered that a small-scale discount retailer could be accommodated in the town centre, which would improve the retail mix. This out-of-centre superstore is grossly more than required for local needs and is aimed at a much wider catchment area than even the 'rural hinterland'. It's too big and in the wrong place for our needs.

The Indigo report claims that the proposed superstore will meet the 'weekly shop' needs of those who currently travel out of Newport and that this will only marginally affect Waitrose and the Co-op, it takes no account of the other attractions for which people travel out of Newport to do their weekly shop – the other shops that are available.

As well as the adverse impact on the town centre and the negative impact on regeneration, the number of jobs for local people from this proposal is questionable. Recent research suggests that for every job created by a large out-of-town superstore, at least the same number are lost from the local economy. The claim that a large store at the edge of Newport “*would reduce*

the high level of expenditure leakage from the study area” is both irrelevant and misleading. Money spent in a supermarket goes to the supermarket – wherever it is situated.

One of the main strategic priorities in the Newport Tourism Action Plan 2008 is to support and sustain existing local retail businesses. Shopping is the main day visitor attraction with the variety and choice of shops given as chief attraction, therefore the further loss of any of our independent retailers would have a direct detrimental impact on tourism and its role in the economic regeneration of Newport.

Land Contamination Officer:

Recommend conditions due to proposed development being situated over existing/former industrial land where land contamination potential unknown

Drainage Section Engineering Services:

No objection. Further details will be necessary later as part of Reserved Matters

Geotechnical Section Engineering Services:

The site is affected by high ground water levels. This must be considered when designing the foundations and BRE Protocol 1 must be followed especially in relation to high ground water.

Severn Trent Water:

No objection. Comments: There are two pumping stations close to the planning application site. Furthermore, any new development must not restrict our access to the sewerage pumping stations. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution.

In acknowledgement of the number of planning applications currently being considered by the LPA, Severn Trent Water has prepared a “Position Statement”. In summary, the following represents STW’s position:

Under the Water Industry Act, developers have the right to connect foul and surface water flows to public sewers and STW have a duty to provide additional capacity. Where there is insufficient capacity, STW cannot refuse connection but can ask the LPA to delay development pending upgrading. STW have to fund any capacity improvements, but also have a duty to minimise the impact on customers' bills - they also don't want to delay new development but need to avoid abortive expenditure associated with speculative development. STW also has a duty to comply with discharge consents issued by the Environment Agency (EA).

In terms of the **sewerage network**, Newport is split into two sewerage sub-catchments – one to the north-west and the other to the south-east. There are known capacity issues within the SE catchment with records of sewer flooding affecting properties and gardens etc Mitigation to properties has been successful but risk to external areas - gardens and highways - remain.

Preliminary investigations suggest that additional flows from proposed development in the western catchment are likely to exacerbate existing problems. Investigatory work to look at solutions and options will be completed early summer 2012. Possible solutions include the developers reducing the amount of surface water (rain water) that enters the foul sewers, which will free up capacity for additional foul flows, and/or replacing parts of the sewerage system with larger sewers. The costs and benefits of each of the options will be assessed and the most suitable solution will be selected. STW may invite the LPA to delay commencement or occupation of any development until sufficient capacity is provided. STW recommend that the Council uses appropriate conditions on planning applications to ensure that developers provide details of foul drainage that the Council would then approve.

In terms of **sewage treatment**, STW confirm that the sewerage network problems are not linked to the capacity of the existing sewage treatment works in Newport. Spare capacity exists for an additional 670 new dwellings within the existing discharge consent for the treatment works. The current treatment process is anticipated to have sufficient capacity for later development phases. Any additional capacity requirements would be provided on site at the existing treatment works. The impacts on air quality will be negligible.

With regards to **surface water management**, this should be managed on site rather than being discharged to the sewerage system or where necessary, restricted to "greenfield rates". Such sustainability measures will reduce the demand on the existing sewerage network capacity.

In terms of **water mains system**, a study is underway for Telford as a whole, which will report in April 2012. It is anticipated that STW along with TWC will manage the impact of new development. It is finally recommended that a Water Cycle Study be prepared by TWC for development across the Borough.

Environment Agency (as at 12 December 2011)

Flood Risk – an updated flood risk assessment now provides for an acceptable treatment of the culvert. Although no objection in principle, we need confidence that the proposed channel has capacity to take the 1:100 year event plus climate change without causing flood risk.

Biodiversity – proposed works to the watercourse will result in a constrained and wholly artificial bed and left bank – alternative solution is possible to increase biodiversity potential.

Land Contamination report – the Agency notes that there is some potential for contamination. The report satisfies the preliminary risk assessment requirement of PPS23 and subject to condition requiring adequate mitigation, the Agency withdraws its previous objection. Recommend conditions to control the risk of pollution to groundwater.

Environment Agency (final response)

EA concerns have now been resolved

No Objection subject to condition requiring FRA measures to be implemented and mitigation of contamination concerns.

Shropshire Fire Service

Comments regarding: a) Access for Emergency Fire Service Vehicles - necessary to provide adequate access for emergency fire vehicles. b) Water Supplies for Fire fighting and c) Provision of correctly designed sprinkler system

Planning Ecology: (original comments upon receipt of application)

Habitats Regulations Assessment: Due to this site's proximity to Aqualate Mere National Nature Reserve, an Appropriate Assessment is required to assess the likelihood of the significance of effects of the development on Aqualate Mere. This has been requested for other development proposals in this area. If there is a reasonable argument why a full assessment is not necessary then a justification as to why this is the case must be provided.

Bat survey: The buildings on site have not been subject to a bat and bird survey since 2008, almost 3 years ago. It is recommended that an updated survey is carried out on the site to ascertain whether any bats or birds are likely to be affected by the development.

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 survey report should determine whether any protected species are present within the development site, what impacts the development will have on these species and what mitigation/compensation is required to offset the damage. The results will inform the planning decision.

Planning Ecology: (latest comments):

The Planning Ecologist has commented in some detail; some of the comments below related to an adjoining area to the east that was proposed as an allotment/wildlife area under a linking but separate planning application (application ref. TWC/2011/0850). The applicants no longer propose this and do not wish the Council to link such application.

The Ecology Team expresses concern at the removal of vegetated area in the north of the site to provide the staff parking and service yard. This would have linked with the area previously proposed as a wildlife area to offer mitigation. The vegetated area should be retained if possible to provide some wildlife habitat. The applicants rely on the wildlife/allotment area for their ecological enhancement proposals and the Team now wonder how the applicants intend to deal with this issue.

Although the ecological survey found no evidence of nesting birds in the buildings on site, there are anecdotal records of swallows nesting in some of the buildings in previous years. The report considers that all of the vegetation

and some of the buildings within the application area have the potential to support nesting birds. Work within bird nesting season should be avoided and alternative nesting opportunities should be provided, e.g. boxes and/or bricks on retained trees or new building, particularly for house sparrows and swallows (both BAP species). Replacement and enhancement planting should be carried out on site provide nesting opportunities and a food source for birds. Bat boxes should also be erected to enhance the site for local bat populations. Consideration should also be given to the creation of green/brown roofs on the new building.

The Team recommends conditions for pre-commencement checks to ensure that badger, water vole and otter surveys are updated if the development does not commence by early summer 2012 to include the vegetated northern area of the site prior to development. In addition conditions should be imposed to require erection of bat and bird nesting boxes.

Natural England:

Supports the Council's in-house Ecologist advice. Questions why the GCN report does not follow established guidelines for the assessment of this species. Questions whether bat survey undertaken and what mitigation is proposed. Need also to recognise protection of badgers. Proposal is close to Aqualate Mere part of the Midlands Meres and Mosses Phase II Ramsar site. The proposal should consider whether it would affect the Ramsar site and provide evidence so that the LPA can discharge its own responsibilities under Conservation of Habitats and Species Regulations 2010.

Arboricultural Officer

Following receipt of the updated arboricultural information, I have no objections to the proposal. If consent is granted then conditions should be applied to include submission/implementation of landscaping design and protection of trees to be retained..

According to the amended plans out of the 32 trees recorded within the tree survey of this application site, the applicants are intending to retain four, these are T25, T30, T31 and T31. T25, is a young Ash tree, the proposed car park appears to encroach into the trees root protection area. If this tree is to be retained, the applicants should consider the use of root barriers to abate future conflicts with trees and built surfaces (tarmac). Drawing No. 1022.03 shows, that at this time the tree overhangs 4 car parking spaces, as the tree matures this will obviously increase, if the tree is retained it should be protected through out the construction phase. T30, Half of the RPA of this tree is within the proposed car park, yet it has been highlighted for retention – question the feasibility of this? T31, Is outside of the car park and can be easily retained, it will require protective fencing throughout the development, this condition should also be applied to T32, although the tree has been highlighted as being poorly structured and growing with a lean, the applicants have proposed that it will be retained.

Sustainability Officer – Planning Policy Unit:

A statement is required in the design and access statement where the developer should look to explain how they believe they have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to develop non-residential buildings to achieve BREEAM standards.

Minimum proposed standards of BREEAM “Very Good”, with a requirement to consider “Excellent” should be recommended. If the development occurs after April 2013 then the requirement should be ‘Excellent’.

The Authority supports carbon reduction through new development as an action in the Borough’s Climate Change and Action Plan

Environmental Health (land contamination):

The proposed development is to be situated over three buildings of unknown industrial use. As such, land contamination is a material planning consideration, and it is recommended that a land contamination condition be imposed should permission be granted:

Shropshire Fire Service

Access for Emergency Fire Service Vehicles:

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

‘THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.’ provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting – Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

Sprinkler Systems - Commercial Premises

Consideration should be given to the installation of a sprinkler system that conforms to the ‘BS EN 12845:2005 – LPC Rules for Automatic sprinkler Installations published by the fire protection Association.

Severn Trent Water:

A public sewer is located within the application site. Public sewers have statutory protection and may not be built close to, directly over or diverted without consent.

THIRD PARTY REPRESENTATIONS:

There have been over 175 individual representations opposing the proposals and a small number in support. The following summarises the responses received to date:

Newport Regeneration Partnership:

Objection. Newport Regeneration Partnership is not opposed to development per se however we believe that there are a number of strategically located 'brownfield' sites within the town that if appropriately developed could complement the existing offer. We believe that if approved development proposals as set out in planning application will adversely affect the fragile viability of the High Street where many existing traders are already affected by the economic downturn. Pose several questions, including:

- Why if an Inspector found 12 m ago that Newport needed just one additional discounter near the High Street hasn't TWC not brought this forward;
- What changes have occurred in 12 m?
- What has TWC done to assemble more suitable site (pro-active involvement)?
- How can TWC reconcile policy aspirations for market towns as set out in PPS4?
- Is TWC aware of impact on town centres arising from out of centre developments e.g. Market Drayton or conversely, positive impacts arising from good planning e.g. Bridgnorth and Ludlow?
- TWC is asked how this proposal meets requirements of Policy CS6?
- Has TWC assessed impact on Newport Market?
- Has TWC considered impacts on tourism and on objectives for building sustainable communities?

Summary of representations made by local residents and local businesses.

Summary of comments in support of the application (7 in total):

- New supermarket would lead to more choice for shoppers and greater competition between providers;
- It would reduce the need for people to drive to other towns to do their food shopping and would reduce carbon emissions;
- Site is a more convenient location than the supermarkets in the town centre;
- Existing supermarkets and any further supermarkets in the town centre would lead to further increase in traffic in the town centre;
- The site is brownfield, preferable to greenfield.

Summary of comments objecting to the application:

- The supermarket would be outside of the primary shopping area and this is inconsistent with policy aims and contrary to the sequential test set out in EC16.1b in PPS4. The proposals are also contrary to Core

Strategy policies CS6 and CS9, saved Wrekin Local Plan policy S1 and retail studies previously prepared by the Council;

- Any additional retail provision should be located at a sequentially more preferable site in the town centre such as Waters Lane, the former Newport Business Park or the former Post Office sorting office;
- No need for extra retail, town is served already by 2 supermarkets in the town centre. Would a new supermarket be viable? Would it affect the viability of the existing supermarkets?
- Supermarket would have a negative impact on the town centre and in particular the independent traders by reducing footfall and drawing away spending. This would lead to a decline in the attractiveness of the town centre counter to stated aims of regeneration and the 2008 Tourism Action Plan for the town;
- The proposals are contrary to the recent Planning Inspectors dismissal of a retail scheme at Mere Park which concluded that the low cost supermarket should be located in the town centre. This proposal is further away from the town centre than the Mere Park site;
- Given the edge of town location, the proposal does not support Newport's role as a market town and would have a negative impact on its regeneration;
- Non food sales would have a further negative impact on town centre shops;
- There is only need for a small low cost supermarket and this should be located in the town centre;
- The location of the site is edge of town and not very accessible other than by car, with access only being achievable from the town's by-pass. It is therefore an unsustainable location with a lack of connectivity to the town centre. The bus route is inadequate for most residents and is likely to be scrapped over time. Number of cars visiting the site would lead to increased traffic congestion around the by-pass and increase the risk of accidents;
- The site is an industrial area for employment uses and a supermarket would displace existing jobs on site with low skilled, low wage and part-time jobs. Operator of any supermarket would be a national multiple with profits from trading leaving the local area;
- The reliability and accuracy of the applicants supporting evidence is questioned, together with the survey work undertaken;
- Negative cumulative impact with other retail developments proposed in the town and request that the issue of retail provision should be considered on a comprehensive basis for Newport;
- The proposals would have a negative effect on local wildlife;
- Infrastructure in the town is already overstretched and there are flooding issues on Audley Avenue.

Consultants acting on behalf of the Co-op group have lodged objections as follows:

- The existence of a bulky goods retailing permission at Audley Avenue is immaterial – draw attention to the recent appeal decision at Mere Park

- Shoppers' survey revealed that 76% of people satisfied with existing retail offer in the town
- Size of store is grossly out of kilter and proposal will absorb a significant proportion of all convenience goods expenditure to the detriment not only of existing stores in the town but also of independent retailers in Newport
- Co-op believe that the retail evidence is misleading – in particular the store will be dependent on expenditure currently spent within the catchment
- The dynamic of retail activity will change to the detriment of the town centre as people will be able to do all their shopping 'under one roof'.
- The site is not accessible
- Sequential test has not been undertaken properly
- The ongoing Mere Park appeal is a material planning consideration – failure to take account of the outcome of the appeal would undermine the ability of the Council to properly consider town centre impacts – see PPS4 Policy EC17
- Unreasonable to withhold WYG's report – this lack of transparency is unacceptable

Consultants acting on behalf of Waitrose have lodged objections as follows:

- Contrary to CS6 in that it will serve wider area than required to meet needs of Newport and its rural hinterland
- Council's Retail Study 2009 does not identify a need for this size of store
- Compliance with sequential test not demonstrated
- Store will have significant adverse impact on Newport TC
- Store not accessible by choice of transport needs
- Waitrose is technically edge of centre but performs as a TC site
- Proposed store turnover underestimated – contrary evidence put forward
- Applicants should be asked to undertake a cumulative impact assessment to include Mere Park site the subject of appeal

Consultants acting for St Modwen and Davidson's Development have lodged objection as follows:

- Development proposed will accommodate 2787 sq m net sales – 52% of Asda Donnington, 59% of Tesco Stafford and 66% of Sainsbury's Stafford stores. Proposal cannot provide the retail offer necessary to ensure clawback of leaked expenditure
- Store of this size cannot fulfil sustainability benefits
- Sequential test fails to identify Station Road site
- Audley Avenue is not served by a bus route
- Only 1% of population live within 10 minute walk from site
- There is no named operator – the LPA cannot be confident that the proposal will be deliverable and viable and requires extensive funding to provide adequate new bus services

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- Compliance with sequential test not demonstrated
- Store will have significant adverse impact on Newport TC
- Store not accessible by choice of transport needs
- Waitrose is technically edge of centre but performs as a TC site
- Proposed store turnover underestimated – contrary evidence put forward
- Applicants should be asked to undertake a cumulative impact assessment to include Mere Park site the subject of appeal

Retail consultants acting for St Modwen, the Station Road developer have lodged objections as follows:

- Application is for 2,787 sq m but understand the applicant proposed an amendment but without extending the footprint or citing a commitment from a retailer. This is not credible.
- Size of store will not deliver the step change required to change unsustainable shopping patterns.
- This proposal will not effectively compete with other centres.
- The job totals are inflated – should be more like 194 not 295 suggested
- Will not provide opportunity for linked trips to the town centre
- Does not have a range of transport links
- Only 1% residents live within 10 minutes and 11% within 15 minutes walk
- Site is not easily accessible by car with the presence of the bus gate
- The Council's consultants agree that Station Road is sequentially preferable
- The Council's consultant's view that Audley Avenue will provide some qualitative benefit is hypothetical as no operator has been named
- Deliverability is not secure

Transport consultants acting for the Station Road developers also object as follows:

- Capacity assessment cannot be verified as information is missing
- Applicants propose public bus service improvements. However no revenue or cost information has been provided
- Applicants rely on a 25 minute 2km walk to the store to bolster shopping by foot. This is not credible and only 1% live within 10 minute walk and 11% within 15 minutes.

PLANNING CONSIDERATIONS

As the applicants have now lodged an appeal against non-determination, the Council cannot now determine the application. Instead, the local planning authority will be expected to attend the appeal inquiry and present its evidence to the Inspector. It will need to agree common ground with the applicants as they now become appellants so that the Inspector can concentrate on the planning issues still at dispute. In order to do this

however, Members will still need to consider each of the planning considerations detailed below and form a view on each of those matters. Your officers believe that the central issue relates to retail planning considerations, believing that the other considerations below have the potential to either be acceptable in planning terms or be the subject of appropriate mitigation by way of planning conditions should either Members wish to grant planning permission or the Inspector wishes to allow the appeal against non-determination.

Should members wish to offer no objection to this application proposal at the appeal inquiry, it should also probably proceed to grant planning permission for the twin tracked application reference TWC/2012/0011. However, as will become evident later in this report, your officers believe that planning permission should be withheld and that the Inspector should be informed that it should not allow the appeal but instead, refuse planning permission. If this recommendation is accepted by Plans Board, it will be asked to provide without prejudice, a list of conditions that would be attached if the Inspector was minded to grant planning permission.

Emerging National Planning Policy

Draft National Planning Policy Framework (NPPF)

The NPPF outlines the presumption in favour of sustainable development indicating that planning applications should be considered in accordance with the presumption and that where policies are out of date planning permission should be granted. The Statement explains that “local planning authorities should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth...”

When deciding whether to grant planning permission, local planning authorities

“should support enterprise and facilitate housing, economic and other forms of sustainable development”.

PPS1 Delivering Sustainable Development

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system to achieve social progress; effective protection of the environment; the prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment.

Planning should facilitate and promote sustainable and inclusive patterns of development by making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life; contributing to sustainable development and ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

PPS1 goes on to explain that local planning authorities should promote a strong economy by ensuring that locations are available for the retail sector providing more choice and competition so that the economy can prosper. It also indicates that planning authorities should: "Recognise that all local economies are subject to change; planning authorities should be sensitive to these changes and the implications for development and growth". Local Planning Authorities should seek to provide improved access for all to shops by ensuring that development is located where everyone can have access to facilities on foot, bicycle or public transport thereby promoting more sustainable patterns of development.

The Development Plan

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

The Development Plan comprises the following documents:

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

The relevant policies have been identified in the preceding section. Regional planning policy acknowledges that market towns, such as Newport, have an important role and that new shopping development should be located within their centres, but if no sites exist then advice in national guidance should apply (i.e. PPS4). At the local level, the Council's adopted Core Strategy also seeks to support the regeneration of Newport and its role as a market town with specific policies CS6 (Newport) and CS8 (Regeneration). Newport is identified as a level 2 retail centre after Telford in the hierarchy of retail centres

set out in the Wrekin Local Plan (policy S1). In relation to the Wrekin Local Plan, the site is within the settlement limits but is not allocated for specific development. Policy E4 addresses development on unallocated employment sites and requires employment sites should be adequately served in terms of car parking and public utilities, should not impact adversely on adjacent land uses or the character of the area and, inter alia, should be close to an existing public transport route with regular service or be on brownfield land. There are no retail policies that are relevant to this proposal. There is an argument to suggest that the site would lift the character of this employment area, which because of the demise of the adjoining Focus premises, is taking on an air of neglect.

Chapter 9 of the Core Strategy sets a detailed consideration of the future strategic development of Newport. Policy CS 6 states that:

'Development in Newport will support its role as a market town. The amount of available employment land within the town will be increased, in order to provide new local employment opportunities. Development will be limited to that required to meet local needs, including those of its rural hinterland, and to support the town's regeneration. New housing development will be expected to deliver affordable housing to the level of 35% of all such development. Newport's spatial development will include:

- *development that directly benefits the town's economy;*
- *increasing the accessibility to key services and facilities;*
- *meeting the local need for new homes and related facilities.*

All development will respect and enhance the quality of the town's built and natural environments, including its townscape and impact on surrounding countryside.'

The Council is continuing to work on developing policy CS6 including the undertaking of an employment needs study.

In addition, Policy CS8 indicates that development associated with regeneration initiatives will be supported where, inter alia, it assists the creation of job opportunities, strengthens the market town role of Newport and the services it provides, and demonstrably meets identified rural regeneration needs.

The long term development vision of the Core Strategy up to 2016 therefore views Newport performing the role of a market town, acting as a service centre for the town and its rural hinterland. Development in Newport is anticipated to support this role by strengthening its provision of services and facilities, meet local housing and employment needs and reduce the need to travel. The Core Strategy is not yet accompanied by a spatial plan that identifies how the development strategy is to be accommodated. The Inspector into the CS found that insufficient emphasis had been given to

employment in the Strategy; this was partially addressed in changes to Policy CS6 to provide the impetus for employment opportunities in Newport.

The Inspector also noted in her Report on the Examination of the Core Strategy DPD issued November 2007 that development of housing would “ultimately entail extensive use of greenfield sites.” This is relevant to this application because the proposal is directly competing against application proposal for retail development at Station Road and because the applicants to this proposal contend that their site is preferable as it involves development on a ‘brownfield’ site rather than on ‘greenfield’ land. Given that the Core Strategy ambitions for Newport suggest that the town should expand to fulfil its role as a market town serving the needs of its rural hinterland, and that such expansion for housing at least would need to occur on ‘greenfield’ sites, most probably on the edge of Newport, it would also be realistic to suggest that other commercial opportunities might also need to expand into these sites, provided the Council is satisfied that no other suitable sites exist elsewhere within the town.

Planning for Growth Statement March 2011

The Government’s statement, ‘Planning for Growth’ indicates that it expects support for development and that growth should generally be forthcoming except where this would compromise the key sustainable development principles set out in national planning policy. The Statement has set out clear expectations that local planning authorities should prioritise growth and jobs and do all it can to support growth. When deciding whether to grant planning permission, the advice to local planning authorities is very clear that they should support enterprise and facilitate housing, economic and other forms of sustainable development as an aid to economic recovery, while at the same time secure sustainable growth.

Retail Planning Considerations

The application is accompanied by a Retail Assessment. In order to best assist the Council in reaching an informed decision, retail planning consultants have been commissioned to undertake a Retail Study of applications coming forward at Newport. This Study prepared by White Young Green (WYG) is attached to this report and will be the principle thrust of the Council’s contention at appeal that the proposal should not go ahead. It provides an assessment of the Retail Impact Assessment(s) (RIA) submitted with the two Audley Avenue applications (and the competing application at Station Road before the Council) but also assesses the relative merits of both schemes. It is a standalone document and has been used as supporting information by officers in reaching their conclusions and the Head of Housing & Planning’s recommendation to Board.

The applications at Audley Avenue raises issues relating to retail planning policy and the need to protect the town centre as the primary focus for retail development. It is important to note that some of the objectors to the Audley Avenue scheme involve retailers in the town, including the two national food retailers. The stance adopted by these particular objectors is an important consideration for the Council as they represent important stakeholders in the

economy of the town centre despite both national retailers enjoying edge of centre locations (secondary shopping area). Waitrose in particular claim that they represent the 'anchor store' within the town centre and perform an important underpinning role for Newport's retail sector.

The main retail objections can be summarised as follows:

- The Council's Retail Study 2009 does not identify a need for a store of the size proposed;
- Compliance with the sequential test has not been demonstrated;
- The combined effects of other foodstore schemes has not been assessed;
- The proposed foodstore will result in significant adverse impact on Newport town centre;
- The foodstore is not accessible by a choice of transport modes.

The site enjoys planning permission for retailing purposes although this is restricted to non-food retail activities associated with retail warehousing (normally bulky goods). This planning permission comprises 3252 sq m of floorspace divided into one retail warehouse building of 1393 sq m gross and one retail building of 1858 sq m gross, which is also permitted to be subdivided into four smaller units of 465 sq m each. Thus five non-food retail units can be constructed at this location. In relation to the consideration of main town centre uses, including convenience shopping, the application site is clearly out-of-centre and will need to be assessed as such. PPS4 is a particularly important consideration as it represents Government's latest policy guidance and is a later document to the Council's suite of Development Plans.

PPS4 was published in December 2009 and sets out a policy framework requiring applications for town centre uses (i.e. retail) to be considered under two principal tests. Policy EC17 of PPS4 is the key decision making policy and has a number of clauses as set out below:

"Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where (inter alia):

c. the applicant has not demonstrated compliance with the sequential approach (EC15.1); or

d. there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.

Where no significant adverse impacts have been identified under policies EC10.2 and 16.1, planning applications should be determined by taking account of:

c) the positive and negative impacts of the proposal in terms of policies EC10.2 and 16.1 and any other material considerations; and

d) the likely cumulative effect of recent permissions, developments under construction and completed developments.

Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date). Recent local assessments of the health of town centres which take account of the vitality and viability indicators in Annex D of this policy statement and any other published local information (such as town centre or retail strategy), will also be relevant”

The application of this policy places primacy on the assessment of the sequential approach and impact tests on a range of criteria in Policies EC10.2 and EC16.1 in determining applications.

Although ‘need’ no longer features in PPS4 (as opposed to its predecessor PPS6), it is important to note that the sequential test is linked to the scale of need for additional retail facilities. PPS4 retains the commitment to supporting town centres and one clear means of ensuring this is to locate new town centre uses within existing centres through application of the ‘Sequential Test’.

This application has been promoted on the basis that it will provide a retail offer that currently does not exist in Newport and that it will reduce the need for Newport residents to travel further afield to satisfy their shopping needs. In this regard PPS4 states that:

“When considering ‘location specific’ needs, it is important to distinguish between cases where needs arise because of a gap or deficiency in the range, quality or choice of existing facilities, and where the commercial objectives of a specific developer or occupier are their consideration.”

WYG advise that in terms of capacity, there is potential for the new foodstore to clawback leaked expenditure from other shopping destinations i.e. there is evidence that confirms that Newport residents and that of its rural hinterland shop elsewhere and that Newport lacks consumer choice, particularly when undertaking a comprehensive ‘main food shop’. There is clear evidence that Newport loses significant trade to centres and stores elsewhere, including Donnington (a lower order centre in retail hierarchical terms in the CS), Stafford, Market Drayton and Telford. WYG acknowledges that a large foodstore would address qualitative deficiencies in Newport’s retail offer and would reduce the need to travel further afield to source certain items.

RETAIL TEST 1: THE SEQUENTIAL TEST

PPS4 includes a strong commitment to supporting town centres and using new types of development to reinforce their roles as service centres to local people and in the case of Newport, surrounding rural communities. One clear means of ensuring this is to locate new town centre uses – shops, entertainment facilities, offices etc. – within the existing centres. If this is not possible then edge of centre locations are the next best and only if no suitable sites can be found should out of centre locations be considered.

The proposal seeks to meet local needs of Newport and its rural hinterland. It is appropriate therefore for a sequential test to be one of the pre-determining factors to be considered. The applicants have demonstrated that Newport loses trade to centres and stores located elsewhere, including subordinate centres in the hierarchy (eg Donnington Asda) with shoppers being attracted to stores that offer a wider range and choice of goods. Officers accept this and it is considered appropriate for the applicants to limit their area of sequential search to Newport as the principal service centre. The following summarises the sequential assessment undertaken:

The starting point for the applicants is to undertake a sequential assessment having identified what they believe to be their baseline size of store that will meet the needs of Newport as it strives to act as a service centre for the wider rural hinterland. A sequential assessment should consider whether there are sites closer to the town centre that would provide the same retail offer or opportunity. The applicants argue that in order to provide the qualitative benefits and sustainability benefits that Newport needs - as it performs its role - the site should be capable of delivering a food store of approximately 2,797 sq.m net (5,085 sq m gross) with 319 car parking spaces and the necessary access arrangements, landscaping and servicing arrangements. This equates to 2.6 ha; however for the purposes of site selection, the applicants have considered sites of over 1.5 ha – anything less being unable to provide the size of retail store and retail offer range considered necessary to satisfy the needs of Newport.

The applicants have drawn officers' attention to the fact that planning permission has previously been granted consent for non-food retailing (W2009/0312) at this site and a sequential assessment undertaken at that time was accepted by the Council which revealed that there were no sequentially preferable sites in Newport capable of accommodating 1,400 sq m of comparison retail floorspace.

In applying the sequential test, PPS4 states that:

“if the LPA proposes to refuse an application involving town centre uses on the basis of the sequential approach, it should be on the basis that it considers there is, or maybe, a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet.”

Two sites are identified for further consideration by the applicants, these being:

- a) Site 1: Former Concrete Batching Plant, Avenue Road, Newport; and
- b) Site 2: Land between St Mary's Street and Water Lane, Newport.

In addition, given the apparent desire to redevelop the Station Road site, it will be necessary for the Council to explore whether that site would be sequentially preferable.

Site 1: Former Concrete Batching Plant, Avenue Road

The Council has resolved to grant outline permission subject to a s106 agreement (planning application reference W2008/0626) for the redevelopment of this site for residential development. Moreover, a full planning application (reference TWC/2011/0334), which seeks permission for the development of the site for 61 dwellings, was submitted in March 2011 but has not yet been determined. The site is some 1.5ha in size but is irregular in shape which would affect delivery of a superstore, although probably not a discount retail scheme. This site can reasonably be discounted but primarily due to the landowner's intention to deliver housing and the Council's advice that the additional retail floorspace might be better used to achieve clawback of leaked expenditure. In addition, the Council is faced with an application for a store that can provide a broad type of food retail development and if it accepts there to be benefits arising from such a store, then this site is unsuitable and should be discounted.

Site 2: Land between St Mary's Street and Water Lane

Site 2 comprises approximately 1.24 hectares and is in a variety of ownerships. The Royal Victoria Hotel which is owned by Marstons however effectively splits the site into two. The availability of the wider Water Lane site was considered at an appeal against the non-determination of an application to develop land adjacent to Mere Park Garden Centre for a discount foodstore (planning application reference W2009/1023). Whilst the Inspector found that the site was available in part and suitable to accommodate a discount foodstore, the Royal Victoria Hotel element of the site is not available and that this landholding is critical in assembling a site of sufficient size to accommodate development of the broad type proposed. The Council's officers conclude that this site at best is only partially available and could only at best provide the opportunity for a discount retail store, which would not help step leakage of retail expenditure..

Audley Avenue Site and its relationship with the Station Road Site

The application site is clearly available; however is it sequentially preferable now that an alternative site is subject to a current application at Station Road still under consideration by the Council? If the two sites considered in the previous two sections are unsuitable, the Council must proceed to compare the suitability of the application proposal and its competitor site at Station Road. The Station Road site is unlikely to be considered at this Plans Board meeting. So, the question that needs to be asked first is whether there is a reasonable prospect that the Station Road site is likely to come forward thereby meeting the same requirements as the application is intended to meet. Clearly the Station Road site is capable of accommodating the 5,084 sq m gross floorspace proposed in this application.

It is somewhat unfortunate that the Council is faced with having to defend a position at appeal that arguably has been lodged prematurely where consideration of the two competing applications remains ongoing. Although it is quite plausible that circumstances might change from now to the appeal hearing date, it is necessary to advise members of the likely prospects of the Station Road being available. Without prejudice to the consideration of the current Station Road proposal by Plans Board, it is the opinion of your officers that there is a real prospect that this site will be suitable in principle. Thus it is reasonable to proceed to compare the relative merits of each site in broad planning terms and to reach reasonable conclusions sufficient for the matter to be considered by the Inspector at appeal.

The appellants believe that the Station Road site should not be brought forward as it lies within the rural area and outside the extant settlement limits identified for Newport in the Wrekin Local Plan. Policy OL6 anticipates that open land that contributes to the character of the area should be retained for its intrinsic value or brought into beneficial use as part of a development proposal. The Plan defines the Borough's open land as "land which is not allocated for built development....land that helps to provide a pleasant setting around and within...Newport...as it provides recreational opportunities close to where people work and live".

That said, the Plan was prepared in the mid to late 1990's and the Proposals Map defined the settlement limits on the basis of the growth that was anticipated up to 2006 (coinciding with the end of the Plan period). The Proposals Map did not depict the A518 Newport By-pass, which was constructed at about this time. Arguably, the by-pass has changed the character of this part of Newport and although the site remains outside the development plan boundary, as the character of this site has altered, the relevance of Policy OL6 to this site has similarly depreciated. But with any development plan that is out of date, it is true to say that some policies have outlived their usefulness. It is therefore suggested that greater attention is given to the Core Strategy as the Council's up-to-date policy stance.

Moreover the appellants also believe that the Station Road site Core Strategy Policy CS7 should also apply. This Policy states:

CS7 Rural Area:

Development within the rural area will be limited to that necessary to meet the needs of the area. It will be focussed on the settlements of High Ercall, Tibberton and waters Upton. New housing development will be expected to deliver affordable housing to the level of 40% of all such development. Outside these settlements development will be limited and within the open countryside strictly controlled.

The location of this site adjoining Newport is within the Rural Area and as a "greenfield" site, outside any recognised settlement boundary, the appellants argue that Policy CS7 should apply. In the appellant's view a strict interpretation of this policy means that in applying the first element of the policy, which limits development outside the three settlements, the Council

should not allow built developments unless it is satisfied that there are special or extenuating circumstances to support exceptions being made to the policy.

However it is your officer's views that CS7 can not be read in isolation. In the absence of a spatial plan that accommodates the development vision envisaged for Newport in CS6, it is inevitable that development of greenfield sites will need to occur so that Newport can be supported in its role as a market town. Officers would conclude from this that urban fringe greenfield sites within the area contained by the by-pass would represent logical development locations and a strong case can be made that their development to meet local housing, employment and regeneration needs.

Whilst the Station Road site does constitute a departure from policy, it is clear that material considerations must also be considered when analysing the merits of any application proposal. Officers believe that development at this edge of settlement location at Station Road does represent a logical development location particularly as Newport meets adopted Core Strategy aspirations and fulfil its role as a market town serving a wide rural hinterland. This approach will need to be applied to meet Core Strategy housing growth targets, but will also be applied to support economic development and regeneration aspirations. In other words, greenfield sites may be the appropriate solution to accommodate growth of Newport.

Taking the argument to its logical conclusion, should the sequential assessment demonstrate that there are no suitable alternative sites to the Station Road site then this would represent a material planning consideration of sufficient weight to warrant the departure from Policy CS7.

The Audley Avenue site is out-of-centre for the purposes of PPS4 while the Station Road site is out-of-town. Members are advised that there is no differentiation between the two definitions for the purposes of the application of the sequential policy. However, despite this apparent differentiation, the Station Road site is located significantly closer to the defined Newport Primary Shopping Frontage boundary. It is estimated that the Station Road site is located approximately 1,000m on foot from the Primary Shopping Frontage, with the Audley Avenue site being approximately 1,500m away. Station Road is a ten minute walk away while Audley Avenue is a 15 minute walk. When the sites are compared in detail, there is a further impediment to the application site at Audley Avenue being accessed by car by a significant proportion of residents living in the north and east of the town who are prevented from travelling down Audley Avenue by the presence of a bus gate. This will remain irrespective that the appellants are offering to fund the provision of a new bus service to serve the site to and from residential areas of the town.

Interestingly the number of people within 5, 10 and 15 minutes walk from each site has been assessed (using Experian Micromarketer 3G). This indicates that just four people currently reside within a five minute walk of the proposed Audley Avenue store, compared to 1,161 people residing within five minutes of the Station Road store. Similarly, 474 people reside within a ten minute walk of the Audley Avenue store, compared to 3,889 people residing within

ten minutes of the Station Road proposal and 3,340 people residing within 15 minute walk of Audley Avenue and 7,524 from Station Road.

PPS4 Policy EC5.2 considers that preference will be given to sites that are or will be well served by a choice of means of transport and which are closest to the town centre and have a higher likelihood of forming links with the centre. Officers believe that the Station Road site when compared to the Audley Avenue proposal offers the best opportunity to maximise use of alternative means of travel, whether by foot or cycle and, in practice offers a better chance of linked shopping trips with the town centre.

Officers conclude that Audley Avenue is not sequentially preferable to the Station Road site. However, it must be recognised also that there does not appear to be a constraint to land assembly at the appeal site and thus the site is available, suitable and viable for development for food retail purposes within a 'reasonable timescale' advocated in PPS4. Moreover it is also acknowledged that Audley Avenue does have the additional benefit of being a 'brownfield' site, which must be balanced against the Station Road site which is 'greenfield'.

It is your Officers' opinion that given policy interpretation above, it is appropriate to allow the Station Road site to come forward as a suitable site to meet the needs of Newport and its rural hinterland and those officers are confident that it will also be available. The site's viability is not questioned. Station Road therefore can reasonably be considered for the purposes of the sequential test alongside this application site at Audley Avenue. Given that the Station Road is suitable and available, officers, in comparing the two sites (Audley Avenue and Station Road), have concluded that the application site does not meet the Sequential Test as there is a sequentially preferable site available, suitable and viable that would accommodate a store of the size proposed for the application site.

RETAIL TEST 2 – THE GENERAL (DEVELOPMENT MANAGEMENT) AND TOWN CENTRE IMPACTS

PPS4 sets out an impact test for town centre developments to ensure a wider spectrum of issues are understood in determining applications. Before considering these remaining impacts, attention is drawn to WYG's analysis of quantitative need for a store of this size and the "qualitative" benefits that could accrue from any proposal of this kind and size. In so doing they have reviewed the RIA information on the store's catchment, population growth over a 5 year period, expenditure growth rates in both convenience and comparison retailing and turnover of existing stores within the catchment (to ascertain whether they are trading over/under/at benchmark rates i.e. company averages) - most notably Co-op and Waitrose stores within Newport. The conclusion is that there is a shortfall of expenditure capacity within the catchment of Newport at the point of store opening of some £0.95m and that there will be a 18% trade draw from existing convenience stores, albeit that both the Co-op and Waitrose are located outside the town centre.

The advice from WYG is that both the edge of centre stores will continue to trade and that neither store will close.

PPS4 removes the requirement for applicants to satisfy a direct test of 'need' in justifying proposals for town centre uses. This means that the Council cannot refuse applications purely on grounds of need. But having said that, it is evident that need still informs the conclusions reached in terms of the second of the impact tests.

Turning back to the second impact test, WYG has prepared an extensive analysis of the majority of the impact tests as can be seen from their Study attached to this report. The results are summarised overleaf. Where there are potential impacts, or where WYG is silent on some issues - as this is a matter for your officers – a fuller assessment is given below.

Policy EC10.2.a - Limiting Carbon Dioxide Emissions and Minimising Vulnerability and Providing Resilience to Climate Change

The proposal sets out a number of sustainability measures to reduce associated CO2 emissions including incorporation of advanced construction techniques and materials specification, installation of high specification plant, refrigeration and ventilation equipment, the use of renewable technologies, low water consumption technologies and surface water management etc. It is clear too that a convenience store located here would reduce the need for travel by Newport and rural area shoppers who would be drawn to Stafford and Telford foodstores. As an outline application, there is not very much detail to properly assess the design aspects further as this has been reserved for future approval. The applicants believe that the key sustainability levels that will be encouraged should meet BREEAM "Very good" rating. For the purposes of this test, it is concluded that the proposal will accord with this Policy and have a positive impact.

Policy EC10.2.b – The Accessibility of the Proposal by a Choice of Means of Transport Including Walking, Cycling, Public Transport and the Car, and the Effect on Local Traffic Levels and Congestion.

The application only affords limited accessibility by a choice of transport, with the bus gate preventing direct access from the site to the town centre and to nearby residential areas by car. Instead the bus gate would require many of those approaching from the north-west to take a more circuitous route to the store using either the A41 or A518. The applicants commit to the provision of a new bus service to link the new foodstore with Newport Town Centre and residential areas. However the site is at the outer reaches of Newport, at around 500 m from the nearest dwelling and at around 800 m from a significant concentration of housing. Accordingly, it is considered that the site provides only limited opportunity to encourage trips on foot or bicycle with the vast majority of trips needing to be taken by car.

The issue of linked trips is intrinsically linked to the issue of impact upon the viability and vitality of Town Centres. In this case, the application site is a walking distance of 1500 metres to the edge of High Street. The route is

rather convoluted running past employment sites and the High School. It is not within reasonable walking distance from the town centre and it is therefore considered that the application site will become a destination in its own right, which is made worse by the fact that people will travel to the store mainly by car. If customers of the store were to visit the town centre, it is considered that such trips would be likely to be undertaken by separate car trips, which would be even more unsustainable.

For the purposes of this test, it is concluded that the proposal performs poorly with the first part of this Policy and will have a 'marginally negative impact'. The second element of the policy in terms of impact on local traffic levels and congestion is not considered to be a negative consideration, however, provided the applicants are willing to enter into a planning obligation to secure highway improvements.

Policy EC10.2.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. This issue has only been given the cursory of consideration as the proposal is expressed in outline only. The Design & Access Statement is a particularly weak document and is partly dependent on the allotment/wildlife area to provide a landscaped setting and ecological enhancement but, which no longer features as part of the overall scheme. A particularly poor feature of the scheme is the proposal to located the store's rear elevations and service yard backing on to the A518 Newport By-pass. For the purposes of this test, it is concluded that the proposal will perform fairly poorly with this Policy and it is concluded that the proposal for the purposes of this test will have 'no clear positive impact'.

Policy EC10.2.d – The Impact on Economic and Physical Regeneration in the Area Including the Impact on Deprived Areas and Social Inclusion Objectives; and,

Policy EC10.2.e – The Impact on Local Employment

These two impacts need to be considered together. The applicants consider that the proposed development will deliver investment and economic growth, while the development will reduce the need for people to shop elsewhere. The proposal will also deliver qualitative improvements to the retailing offer available. People will therefore have their shopping and other needs met in Newport. An increased customer demand will enhance business viability, encourage yet further investment and regeneration and employment opportunities. The proposal will directly generate 300-350 new full/part-time jobs who will be recruited from the local population. They also argue that despite the inability to find a sequentially preferable site closer to Newport, the development nevertheless will still create economic investment and employment opportunities.

For the purposes of these two interrelated tests, it is concluded that the proposal will fully accord with these two Policies and have a positive impact.

PPS4 Policy EC16 - Town Centre Impact Considerations

Six impact criteria set out in Policy EC16.1 have been considered in the WYG Study but only the two impacts below are given further consideration in this report as the remainder do not raise any relevant considerations. The two impacts are interrelated and are linked together for the purpose of this part of the report.

- a) Policy EC16.1.b – The Impact on Town Centre Vitality and Viability, Including Local Consumer Choice and,
- b) Policy EC16.1.d – The Impact of the Proposal on In-Centre Trade/Turnover and on Trade in the Wider Area

The applicants maintain that the health of the town centre is good with low vacancy rates (8.8%) and a good mix of retailers including national multiples including Boots, B&M, M&Co, the Co-op, Waitrose, Clarks and Subway. The centre too is has a unique and historic character with a good quality environment. WYG also believe that the centre is performing strongly and given the town's wide rural hinterland, it fulfils its role as a market town well. But leakage of retail expenditure does occur and the applicants maintain that the new foodstore will clawback this expenditure by delivering a modern foodstore that can meet the needs of shoppers closer to their home.

WYG then go on to assess the likely future impact should permission be granted for this development in isolation. WYG believes that 18% of the store's turnover will be diverted from within the catchment area comprising 15% from Waitrose, 2.25% from Co-op and 0.75% from other (smaller) stores. Both principal stores would trade below benchmark rates post-development of the Audley Avenue proposal. As there is some disparity in the data submitted by the two retail applicants at Station Road and Audley Avenue, WYG has undertaken a cumulative impact analysis. This is also considered important as there is currently a potential third retail opportunity at Mere Park following an appeal against the decision of the Council to refuse a Certificate of Lawfulness that would enable the Garden Centre to operate as an open ended A1 retailer. If successful, the garden centre could provide circa. 200 sq m of convenience floorspace,

Clearly should all three proposals (Audley Avenue/Station Road/Mere Park Garden centre) receive the 'green light' by the Council and the Planning Inspectorate as appropriate, in terms of trade draw, this would equate to just over 24% impact on the Co-op, over 42% impact on Waitrose and over 22% on other convenience stores in the town. WYG advise and officers agree that three additional foodstores would fail to comply with Policy EC16.1 of PPS4 as this combination would represent an unacceptable trade draw and impact on the town centre. The same would be true if both the Audley Avenue and Station Road proposals are approved.

If it is accepted for sake of argument that the Mere Park appeal is successful, the remaining question arises whether, in combination, the Mere Park potentially open-ended A1 scheme, together with this proposal would lead to unacceptable levels of trade draw. Under this scenario, the likely trade draw from Newport's existing stores would equate to just under 15% impact on the

Co-op, just under 28% on Waitrose and just under 15% on other stores. WYG opine and officers accept that although somewhat on the high side and which will have an adverse impact on the town centre as a whole (particularly given the contribution that the edge of centre sites make to effective linked shopping trips), the impact would not be at a 'significant level' that would require the Council to refuse permission on the basis of Policy EC16.1 test of impact. It is the view of your officers that the requirements of Policy EC16.1 is met if this scenario succeeds.

In conclusion, officers believe that in terms of retail policy, the scheme proposals cannot be supported on the basis that the competing Station Road foodstore proposal is sequentially preferable. The application site is clearly out-of-centre for the purposes of PPS4 and the applicants have failed to demonstrate that there are no other sequentially preferable sites. The proposal fails to meet the sequential test advocated in Policy EC15.1 of PPS4. Indeed it is your officers' opinion that the application is significantly in breach of PPS4 sequential test and will be likely to have a significant detrimental impact on the ability of Newport to perform its role as a market town contrary to CS 6 and CS 8 of the Council's adopted Core Strategy.

In terms of the other impacts test advocated in PPS4, the combinations of potentially three stores coming forward would represent an unacceptable significant impact on Newport Town Centre's vitality and viability. The same would be true if the Audley Avenue and Station Road schemes proceed. However, although at the upper end of what would be reasonable, officers conclude that the application proposal combined with the Mere Park site (which becomes the worst case scenario if Members accept that all three cannot be supported) can be supported on the basis of PPS4 Impact Tests.

HIGHWAY AND TRANSPORT CONSIDERATIONS

The site enjoys a frontage onto Audley Avenue which links the A518 into the centre of Newport. The A518 together with the A41 forms a by-pass around the southern and eastern sides of Newport. The A518 provides a connection south-west to Telford and to the east to Stafford, while the A41 provides a connection south towards Wolverhampton and north to Market Drayton. The proposed highway arrangements would allow for a new mini roundabout onto Audley Avenue, which will serve the proposed parking area to the store. A dedicated access is proposed directly to the service yard from the new roundabout at the site entrance. The development will connect to the by-pass via a new roundabout that will replace the existing priority junction.

A new 3m wide footway/cycleway is proposed along the western edge of the site providing cooection to the proposed extension of the Way for the Millennium cycle route and Newport town centre. Improvements are offered by the applicants to the footway and cycle ways into town from the site, although quite what form these improvements will take is open to conjecture at this time.

A full Transport Assessment (TA) has been submitted with the application. Existing traffic conditions were assessed together with an assessment of the capacity of various existing highways and junctions and provision of public

transport. The proposal includes provision for on-site and immediate off-site highway works contained in the application description. These do not raise any objections in principle.

The TA has been fully assessed by the Council's Highway Team at TWC along with a number of other schemes currently under consideration by the Council in Newport. The Highways Team have concerns about the capacity of the wider local highway network to accommodate all developments currently in the pipeline. Without prejudice, it has undertaken its own assessment of highway works that would be necessary to allay concerns of capacity and highway safety. It has provided preliminary designs for highway network improvements, costed these improvements and apportioned these costs pro rata to each of the developments in the pipeline. This approach has been used in Telford Town Centre and it is considered that this is the most appropriate approach incorporating the *developer-pays* principle. Clearly as Newport expands, if only to accommodate the development growth anticipated in the adopted Core Strategy, there will be a need for highway improvements.

The plans attached to this report depict the level of improvements that will be necessary. The costs have been apportioned between the developments based on the level of impact derived from the trip distribution put forward in the TAs prepared for each application. The trigger points for both implementation of the highways scheme together with payment of monies will be dependent on how quickly development comes forward in Newport. It is anticipated that developments will be phased and/or limited to accord with Core Strategy housing delivery rates. For the purposes of this application however, a sum of money has been identified and is detailed in the section on Planning Obligations later in the report.

For the purposes of assessment, it is advised that the scheme is acceptable in terms of highway including public rights of way and traffic impacts and subject to appropriate conditions and section 106 contributions towards strategic highway improvements and provision of financial contribution to the provision of public transport facilities, the scheme represents an acceptable development in highway terms.

ECOLOGICAL CONSIDERATIONS

The applicant's environmental and planning submissions made great play at the initial proposals to link the retail proposal with the adjoining land to the north, which would have provided opportunity to not only provide flood risk mitigation in a more natural way rather than relying on underground tank systems of flood water retention and management but would also have provided real opportunities to enhance biodiversity. This proposal has withered for a variety of reasons requiring the applicants to promote a different flood risk management strategy. However it has removed the opportunity for effective ecological enhancement and mitigation. The proposal has very limited opportunities with the retention of a few trees and a within site landscaping scheme representing the applicants proposals.

That said, the application site is a brownfield site containing large factory premises. The Planning Ecology Team is satisfied that the surveys provided on these buildings are robust and do not offer bat roost potential. The small area of vegetation on the site's northern boundary (proposed originally to provide a wildlife corridor link with the allotment/wildlife area) will be removed as part of the proposal. This is regrettable but is not sufficient to warrant a refusal of planning permission. Officers conclude that as a brownfield site, the landscaping proposals will provide enhancement opportunities, although limited in scale.

Flood Risk and Drainage Considerations

The application site is within Flood Zone 1 which means that the flood risk is minimal. As a site of over 1 ha, a Flood Risk Assessment (FRA) has been undertaken in accordance with the requirements of national policy as set out in PPS25. The original drainage strategy and FRA was predicated on both the application site and the adjoining proposed allotment/wildlife application going ahead together. This is no longer the case and the applicants have had to demonstrate that the site can be effectively drained without reliance on the adjoining land.

PLANNING OBLIGATIONS REQUIREMENTS

The applicant has provided the Council with Heads of Terms for any section 106 Obligation and these needs to be acknowledged.

Planning Obligations are secured by Agreement between the parties; they are required to secure community infrastructure to mitigate the impacts of new developments upon community facilities. They must also meet the tests set out in Government Circular 05/2005:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and,
- Reasonable in all other respects.

Although there appears to be support for the range of the planning obligations proposed, there have been only limited discussions between the Council and the developer over the monetary value of the obligations. Because of this, officers will be inviting the Inspector to consider the planning obligations requirements. This is particularly important in relation to the highways contributions as the applicants have not yet fully agreed the methodology that was used by the Council's highways consultants in respect of the highway improvements. It is possible that agreement could be reached between the parties prior to the appeal inquiry and it is appropriate to request that this matter be delegated to the Assistant Director – Planning Specialist in consultation with the Chair of Plans Board to agree appropriate levels of contributions.

The planning obligations should cover the following issues:

1. Highway Matters: The Council as both local planning authority and local highway authority intend to adopt a strategic approach to planning contributions towards highway infrastructure provision and this is considered to follow the Government's Community Infrastructure Levy approach. As described elsewhere, the approach that the Council would adopt in the event of permission is to apportion the costs of highway improvements required to the strategic network to each development coming forward over the forthcoming 5-year period (and beyond). The highway and transport infrastructure would also comprise provision of bus subsidies and public transport infrastructure. The Local Highway Authority has identified the following necessary contributions:

- a) Off site highway infrastructure - £240,831.
- b) Public transport service enhancements - £600,000.
- c) Public transport infrastructure - £10,000 (unless delivered through the S278 works).
- d) Travel Plan monitoring - £5,000.

2. Planning & Financial monitoring: a sum of £15,000 is recommended

3. Town Centre Impacts: While this development has been fully assessed against the "impacts tests" contained within PPS4 and found to be policy compliant, it is clear that the proposals will have an impact on the vitality and viability of Newport Town Centre. However, the proposals will not have a significant adverse impact that would warrant a refusal of permission. To help off-set the residual impacts, broad discussions have taken place with the developer who may be willing to contribute towards two initiatives detailed below. However, this needs to be considered by the Inspector at the appeal inquiry. The following areas will be subject to ongoing dialogue with the appellants and the Inspector will be invited to consider them further:

- a) Financial contribution to be determined so that the Council can operate a shopfront enhancement scheme to help further upgrade the physical environment of Newport Town Centre; and,
- b) Financial contribution to be determined for the employment a Town Centre Manager to assist in the promotion of Newport as a shopping destination and to work with town centre operators to achieve this objective.

CONCLUSIONS

It is considered that the appellant has failed to demonstrate compliance with the requirements of the sequential approach on the basis that there appears to be distinct prospect of a foodstore being delivered on the sequentially preferable Station Road site that would increase consumer choice and competition for convenience shopping in Newport and its surrounding hinterland.

Moreover the location of the application site and existing public transport provision are such that the proposal would not provide an adequate choice of modes of transport and would place greater reliance on the use of the private

motor car. The application site is considered to be located in an unsustainable location on the edge of the town and detached from the resident population of Newport. Consequently, the proposal would not allow linked trips to the town centre to take place as pedestrian access is not convenient. Even those residents living in the closest parts of Newport to the application site would need to travel further than they would to the store at the sequentially preferable site or the two stores in the town. It is likely that even the most local of residents would undertake their bulk food shopping by car. Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded a reasonable opportunity to access food shops. It also seeks to locate such facilities in existing centres in order to minimise the distance people travel and to make them accessible by public transport. Under the circumstances it is considered that the proposal would therefore cause significant harm to the viability and vitality of Newport town centre.

There is potential for the site to secure necessary improvements to the local highway network, subject to off-site highway provision and improvements while the applicants are willing to make financial contribution towards public transport provision. However this does not overcome the planning policy objections to the proposal.

RECOMMENDATION:

That the Inspector be informed that the Council would oppose the appeal proposals and invite that outline planning permission be withheld for the following Reasons:

1. It is considered that there is a sequentially preferable location which could accommodate the proposed development. Development in this out of centre location would be contrary to the Spatial Development Strategy for the Borough as set out in the Core Strategy and would seriously undermine the Council's efforts to strengthen the market town role of Newport and to strengthen the town's regeneration. The proposal conflicts with Policies CS6 and CS8 of the adopted Core Strategy and with the sequential assessment requirements of Policy EC15 of Planning Policy Statement 4: Planning for Sustainable Economic Growth.
2. In the opinion of the local planning authority the proposal involves development that cannot be reconciled with national planning policy guidance Planning Policy Statement 1, Planning Policy Guidance 13 and PPS4, Regional Spatial Strategy Policy T2 and Core Strategy Policy CS 9 in that the site is located in a relatively inaccessible out-of-centre location on the edge of the urban area of Newport and fails to make the best possible use of opportunities to reduce reliance on the private car. The failure to utilise alternative means of transport would result in an unacceptable increase in the number and length of car journeys to the detriment of the environment in the locality and would not allow linked trips to the town centre and would have a significantly detrimental impact on the vitality and viability of Newport Town Centre.

TWC/2012/0053 North Lynn Manor, Lynn, Newport, Shropshire, TF10 9BB
Erection of a 20kw wind turbine on a 20m high tower

APPLICANT

Mr Mark Davies

RECEIVED

04/01/2012

PARISH

Chetwynd Aston and Woodcote

WARD

Church Aston and Lilleshall

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Appearance, Siting, Visual Impact and Intrusion, Highway Safety, Noise, recent approval for the erection of two 20kw wind turbines on 20 metre high towers.

THE PROPOSAL:

This application relates to the erection of a single 20kw wind turbine on land at North Lynn Manor, Woodcote, Newport. The tri-bladed turbine will be mounted on a free-standing 20m high galvanised steel tower, with a 5 sq.m. reinforced concrete base, to a depth of 1m. Each of the three blades will be 6m long and have a blade swept diameter of 12.8m, and thus the total height of the turbines when the blades are fully extended in a vertical position, including the hub, would be 27 metres. The turbine can produce 20,000kW/hrs.

The proposed turbine would stand approximately 75m to the west existing 18 metre high wind turbine (W2010/0093).

Members will recall granting planning permission at Plans Board on 13^h July 2011 for 2 wind turbines (20m high towers). Due to a technical issue regarding an Environmental Impact Assessment (EIA) screening opinion, it was agreed that planning permission be quashed. Hence this is a new replacement application – it is not in addition to the previous application. This new application is for a single 20m high wind turbine tower, whereas the quashed application was for two 20m high turbine towers.

SITE AND SURROUNDINGS:

The site lies in the open countryside approximately 4 miles south east of Newport, one kilometre the east of the A41, and 250 metres North West of North Lynn Manor. The site forms part of the 384.5 hectare agricultural holding at North Lynn Manor.

The landscape here is fairly undulating and the turbine would be located perpendicular to the existing turbine, which is sited along an old field boundary on one of the lowest parts of the farm. The closest farm building at North Lynn Manor lies 200 metres away from the nearest proposed turbine, the farm house at North Lynn Manor lies approximately 300 metres away, and the nearest residential properties not owned by the applicant lie between

approximately 420 metres (Lynn Cottages) and 900m away to the south west of the proposed site . There is a mature hedge that runs along the southern and eastern boundaries of the field that would contain the new turbines.

BACKGROUND:

North Lynn Manor is an owner-occupied farm which extends to approximately 950 acres (384.5 hectares), being a combination of agricultural land, farm buildings, and farm house. The principal enterprise is arable cropping, being a combination of winter wheat, oil-seed rape and potatoes.

The total electricity demand on the farm is in the region of 130,000kW/hrs, equating to an annual cost of approximately £13,000. The main demand for electricity is providing a constant supply for the grain drying facilities and potato storage.

The existing wind turbine, which was granted planning permission in 2010 (TWC/2010/0093), has been running for almost 18months and is on target producing 22,000kW/hrs per annum. The new turbine would produce an annual production of 50,000kW/hrs, thus giving a total of around 72,000kW/hrs (approximately 55.4% of the farm's electricity demand).

The average wind speed at this site is 5.4 m/s at a height of 25 metres. The turbines will produce electricity at wind speeds as low as 2.2m/s.

The applicant states that this is not an exercise to make a profit but a way of seeking to control the cost of energy used by the business, whilst at the same time contributing to the Government policy in respect of providing a renewable energy source.

The principal objective of the wind turbines will be to reduce the applicant's need to purchase power. At times when electricity is not required on the property surplus energy will be exported to the national grid. This is unlikely to occur on a regular basis due to the farm's requirement to keep the potato store at a constant temperature, and use of the grain drying facilities in the summer months.

Planning application TWC/2011/ 0069 for the erection of two 20kw wind turbines on 20 metre high towers on land at North Lynn Manor, was approved by Members of Plans Board on 13th July 2011. Before members made their decision they carried out a site visit to the farm and stood beneath the existing turbine, stood in the garden of one of the objectors and drove the lanes around the site. The proposed development then comprised two turbines and had 3 blades, 6 metres long, and the maximum height of the turbines when the blades are fully extended in a vertical position, including the hub, was 27 metres. Each turbine was capable of producing 40,000kW/hrs. The two turbines would have stood alongside the existing 18 metre high wind turbine forming a line of three turbines. Planning permission was later quashed by the Court because of a technical issue regarding an EIA screening opinion.

An EIA screening opinion has been undertaken for this current application and it has been found that the development, alone and in combination with the existing turbine, will not have a significant effect on the environment and hence an EIA is not required.

PLANNING HISTORY:

W2009/0441 – Erection of a 15kw wind turbine on a 15 metre high tower – approved 29.7.09

W2010/0093 – Erection of 11kw wind turbine on an 18 metre high tower (amendment to application W2009/0441) – approved 8.4.10

TWC/2011/ 0069 - Erection of two 20kw wind turbines on 20 metre high towers – approved 15.7.11, but later quashed.

PLANNING POLICY CONTEXT:

National Planning Guidance

PPS7 – ‘Sustainable Development in Rural Areas’

PPS22 – ‘Renewable Energy’. PPS22 states that planning authorities should recognise the full range of renewable energy sources, and the wider environmental and economic benefits of renewable energy projects. “Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small”.

Saved Wrekin Local Plan Policies

Policy NR1 – ‘Location of Renewable Energy Developments’. The policy supports proposals for the generation of power from renewable energy sources within the District.

Policy NR2 – ‘Proposals for Wind Turbines’. The policy permits the development of schemes to generate energy from the wind provided that the visual impact on the landscape is minimised; sensitive skylines are avoided; there is no detrimental impact on wildlife habitats; and the turbines are located so as to minimise their impact on residential development and highways.

LDF Core Strategy

Policy CS7 – ‘Rural Area’

Policy CS13 – ‘Environmental Resources’. The policy promotes small and large scale renewable energy projects. “The production of energy from renewable sources will be supported where this is consistent with other policies and national guidance”.

CONSULTATION RESPONSES:

1 letter of support has been received which can be summarised as follows:-

- There is more noise from the A41 a mile away than from the rotating turbine
- The case of renewable energy is logical and sensible

- It is essential that we the members of the public retain a sense of balance and proportion when assessing these schemes.
- This is not a Wind Farm consisting of multiple towers of great height which we have seen can have a severe impact on the landscape.
- A further turbine to complement the one already at this farm will be scarcely visible from the surrounding countryside as they generally lie beneath the sight line of the horizon.
- It would be appropriate for the planning authority to approve this application.

30 letters of objection have been received, of these 20 are copies of a duplicate letter (4 from the occupiers of the same property and 2 from the same person) they are from residents in the surrounding area in including Newport, Priorslee and Sheriffhales) which can be summarised as follows:-

- The application lacks proper compliance with ETSU97-R regulations by not having an EIA.
- It does not conform to the Telford and Wrekin NR2 plan on wind turbines.
- lack of compliance with ETSU 97-R because of suspected and unevaluated noise and flicker effects on nearby residents who are in any case too close to the site.
- This device will produce more CO2 producing energy than it will save, once lifetime hot spinning reserve, construction, maintenance, and post life site restitution is properly offset. Thus this application is a dis-benefit which is a valid objection under planning regulations.
- It would be directly in my line of sight and detrimental to the beauty of the area- does the person applying intend to erect more and more turbines so he has a wind farm?
- It will be visible from my house and taller than the existing turbine,
- Why does he not site it in front of his own property so he can look at it as well?
- Safety of the bat population which we have in the area as I have heard turbines disrupt their ability to use their sonar hearing and can be a danger to them, and birds,
- Hazard to passing road users, noise pollution, shadow flicker, interference with telecommunications, no benefit to local community or environment.
- Solar panels are less intrusive and the applicant does not meet the criteria for wind turbines,
- Two Bills are progressing through Parliament to limit proximity of turbines to residential properties,
- MP's are asking for generous subsidies to be ended and making it easier for communities to object,
- No objection in principle to alternative energy sources,
- The photomontage is misleading, the turbine is not assimilated into the countryside, so how will two more look?
- The withdrawal of the previous approval is humiliating and costly to tax payers,

- Officer's refusal to allow removal of the hedgerow is intransigent stubbornness, the planning department has shown gross inconsistencies,
- Climate change has to be addressed and planning works best when communities are involved,
- This is the start of a wind farm,
- Health issues and wind turbine syndrome for which the applicant and the planning department will be accountable for,
- The acoustic report was done in Ireland,
- Mechanical failure could result in burning objects threatening nearby properties,
- Onshore turbines are the most inefficient provider of energy and national statistics show them to be only 12% -23% efficient and hardly provide any output in extreme cold conditions when it is most needed or when there is no wind or too much wind.
- They are very expensive compared to other forms of "green energy", such as solar or biomass which are also much less obtrusive and the only reason they are constructed is because of the huge subsidies paid by the taxpayer and energy users. At a time of austerity I do not want to contribute to these subsidies to line the pockets of developers.
- In the third quarter of 2011, £7m was paid to wind farm operators to shut down their turbines as the grid was unable to take the electricity generated.
- With sites approved at Rodbaston, the A5 at Stretton, proposed at King Street, Brineton, a turbine already at Lynn the whole area from Penkridge to the Wrekin will be soon be covered with these monstrosities.

1 letter has been received which is objecting to an application for a turbine at Walton Grange Farm which is in Staffordshire.

The Parish Council has not commented.

The Ministry of Defence has no objections to the application.

The National Farmers Union previously supported the application. It was considered that the existing turbine blends in discreetly against the tree-lined backdrop and that a similar turbine that will be sympathetically sited in the same area. "This small scale operation allows electricity production without disrupting the landscape. The enterprises carried out on the farm will allow much of this electricity production to be used on site with any surplus then being exported in the national grid for other local users to benefit from a green energy source. By generating electricity from the wind turbines Mr Davies will be able to lower his carbon footprint by generating electricity from wind rather than conventional sources. This enterprise in investing in renewable energy sources on a small local scale should be encouraged".

The Council's Sustainability Officer has no objections to the application. She states that Planning Policy Statement 22 encourages planning authorities to

support the use of renewable energy. She advises that any adverse impacts should be addressed satisfactorily, but should not preclude the development of specific renewable technologies other than in the most exceptional circumstances. Planning permission should only be refused where the concern relates to a heritage asset protected by an international or national designation and the impact would cause material harm, or removal of significance in relation, to the asset and this is not outweighed by the proposal's wider social, economic and environmental benefits. Council's should give significant weight to the wider environmental, social and economic benefits of renewable projects whatever their scale.

The Council's Ecologist has no objections to the application. She notes that the turbine is being located almost 75m from habitat features (hedgerows, woodland, water etc.) so the risk of harming any protected species is extremely low.

There is a risk of bird and bat collision with the turbines but this is very small given the number of turbines and their position in the landscape.

The Council's Environmental Health Officer has advised that overall noise level should not be an issue, in particular due to the relatively low noise levels generated by the equipment. At higher wind speeds levels will increase but this is likely masked by the general noise from the wind.

The Council's Highways and Geotechnical Engineers have no objections to the application.

PLANNING CONSIDERATIONS:

This application is for a single 20kw 20m high wind turbine tower with 3 blades each 6m long and would reach a maximum height, when blades in vertical position, of 27m. It would stand near to the existing 18m high wind turbine, resulting in 2 turbines on the farm.

The applicant has previously stated that he looked at all the possible locations for these wind turbines on his land, taking into account the direction of the prevailing wind, obstructions, personal preferences, planning considerations, and the distance from the distribution board. The application site meets all the requirements.

However, in an attempt to appease his neighbours the applicant has reduced the proposal from 2 turbines to a single turbine. This takes the wind turbine development a further 50m away from the objector's property which members visited on the site visit.

The possibility of using solar energy in preference to wind turbines has also been explored. However, the applicant states that photovoltaic cells are not ideally suited to this holding, given the amount of roof space available, and the costs involved. The capital investment would be double, with the same output as one turbine. This would not be enough to meet the electricity needs of the farm.

The site lies in the open countryside, but does not lie within an area which has been given any special designation in relation to its countryside, amenity, or wildlife value. It is not within an Area of Outstanding Natural Beauty or an Area of Special Landscape Character, and neither is it a Site of Special Scientific Interest or a nature reserve.

The turbine would be located over 400 metres from the nearest residential property not owned by the applicant, and there are six other properties within approximately a 400 metre radius, two of which are owned by the applicant. Only five dwellings would see the entire turbines – two of which are approximately 900 metres away and the others over 400 metres away. The existing turbine is 18 metres high and it is considered that the proposed 20m high turbine would not appear significantly dominant when viewed from the nearest cottages that lie over 400 metres away. A series of photographs, with the proposed turbines superimposed on them, have been submitted with the application, and these have helped in the visual assessment of the proposal to demonstrate that the turbine will have a minimal impact on the surrounding landscape.

As previously with the approved application TWC/2011/0059 for 2 turbines, Officers consider that 1 turbine would not have a detrimental impact on the character and appearance of the landscape in the vicinity of the site. The most prominent point from which the turbine will be seen would be from the A41, one kilometre to the west, from where long views of the turbines would be glimpsed. However, even from here the turbine would be difficult to detect as it would be below the horizon, and a backdrop of mature woodland would help to assimilate it within the landscape.

The nearest public highway to the proposed site – the one that runs through Lynn - is approximately 300 metres away and the high hedge that borders this road will effectively screen the turbine to a considerable extent from most of the road users. The natural galvanised or light grey colour of the turbines will also help to minimise their visual impact on the landscape.

The Council's Highways Engineer has no objections to the application. He does not believe that the rotation of the turbine blades would distract drivers of vehicles on local roads to any significant extent. Neither does he feel that any light flicker off the turbine would pose a danger to passing traffic.

The principal source of noise emitted by the turbine would originate from the rotation of the blades. However, the applicants have submitted an acoustic report in respect of the proposed turbine which states that even at a distance of 60 metres from the turbine the maximum noise level would only be a modest 40dBA. Such a noise level comes within Category A of the Noise Exposure Categories contained in PPG24 (Planning and Noise) where such noise is not considered to be an issue when determining planning applications. At distances of over 400 metres from the turbine the noise levels would be well below existing ambient background noise levels. Therefore, the Council's Environmental Health Officer has advised that noise is unlikely to be a nuisance to those residents living in the nearest dwellings to

the site.

Additionally the agent has provided further calculations of the cumulative effect of the existing turbine, together with the proposed turbine. The SPL (Sound Pressure Levels) or dBA levels have been calculated at the nearest dwelling, being 450m from the proposed turbine.

At wind speeds of 10m/s, it shows that the cumulative effect of both turbines gives a reading of 34.9 dBA. This sound level is equivalent to a quiet library. It should also be noted that the sites average wind speed is only 5.4m/s at 25m high. Accordingly, it is deemed that the result of two turbines on the site will not adversely impact upon residential amenity of the residents living in the locality.

The Council's Ecologist has no objections to the application. The siting of the proposed turbine follows good practice by being located more than 75 metres from habitat features such as hedgerows and woodland which could be used as foraging and commuting routes for bats and birds, and away from buildings where bats may be roosting. Therefore, there is a very low risk of harm being done to any wildlife.

It is acknowledged that this application has met with a considerable amount of local opposition from people living in East Shropshire and West Staffordshire. However, after careful deliberation of the issues and for the explanations stated above, it is considered that the proposal is acceptable.

It is considered that the proposed wind turbine would be acceptable. It is deemed that their simple design and sympathetic siting will not have an adverse impact on the character and appearance of the countryside in the vicinity of the site, even when considering the cumulative impact of 2 turbines. (Members previously considered that 3 turbines on the site were acceptable when they approved the application TWC/2011/0069 at Plans Board on 13.07.11). The profile of the land and the backdrop of the existing mature trees ensure that there are very few locations from where the whole turbine will be seen from, and very few people will see them above a skyline.

The turbine will not appear overly dominant or intrusive in the landscape, even when viewed from the nearest residential property, and will not have a detrimental impact on the prevailing visual amenities of the surrounding area. The turbine will not distract drivers' attention to any significant extent, or pose a danger to existing wildlife in the area. The scheme will provide a limited but valuable source of renewable energy for the farm that will play its part in reducing greenhouse gas emissions and our carbon footprint.

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

1. A04 Time limit
2. C38 Development in accordance with submitted plans

REASON FOR APPROVAL:

The simple design and sympathetic siting of the turbine will not have an adverse impact on the character and appearance of the countryside in the vicinity of the site. The profile of the land and the existing mature trees mean that there are very few locations from where the whole turbine will be seen from, and very few people will see it above a skyline.

The turbine will not appear overly dominant or intrusive in the landscape, even when viewed from the nearest residential property, and they will not have a detrimental impact on the prevailing visual amenities of the surrounding area. The turbine will not distract drivers' attention to any significant extent, or pose a danger to existing wildlife in the area. The scheme will provide a limited but valuable source of renewable energy for the farm that will play its part in reducing greenhouse gas emissions and our carbon footprint.

TWC/2012/0069 Ercall Wood Technology College, Golf Links Lane,
Wellington, Telford, Shropshire, TF1 2DT
Demolition of the existing Ercall Wood Technology College and the erection of
a 900 place secondary school, community sports facilities, 130 dwellings and
associated access, car parking and works

APPLICANT

Mr James Dunn

RECEIVED

19/01/2012

PARISH

Wellington

WARD

Arleston, Ercall

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Green Network, Highways and
Access, Playing Pitches and Open Space,

PROPOSAL: This is an outline application for the redevelopment of land at
and adjacent to the Ercall Wood Technology College, Wellington to create a
new 900 place secondary school, community sports facility, two sites for
residential development for approx 130 dwellings, associated accesses, car
parking and works.

This proposal would also involve the demolition of the existing school
buildings on the site in a phased development, as well as engineering
operation to level out the land adjacent to the existing school for new sports
pitches. This is an outline application for the principle of development with
consideration of access alone, all other matters are reserved.

Key elements of this application are:

Purpose built modern secondary school;
Demolition and re-landscaping of existing school buildings to form new
playing fields/sport pitches;
New and enhanced sports pitches with community access;
Change of use of the existing school sports playing fields and the adjoining
open land to residential use to form two separate residential development
plots, referred to as Golf Links Lane residential (site A) and Limekiln Lane
residential (site B). Dwellings on site A would a maximum of 2 and half
storeys and on site B would be 2 storeys high;
New vehicular access point from Golf Links Lane to serve the Golf Links Lane
residential site A;
New vehicular access point from Limekiln Lane opposite the junction with
Mount Gilbert Road;
Enhancement of the green space next to the cricket pitch to provide children's
play area (under 11's - LEAP) and public allotments; and
Retained and improved ecology space and memorial site to the south west
(adjacent to Golf Links Lane).

SITE AND SURROUNDINGS

The application site is 13.22 hectares of land, located at the southern edge of Wellington, to the south of Holyhead Road, north of the M54 and between Golf Links Lane to the west and Limekiln Lane to the east.

The existing school building occupies the south west corner of the application site adjacent to residential properties in Golf Links Lane. The playing fields and tennis court are on the north west section of land. There is a formal cricket pitch and informal grass land located in the centre of the site, between Ercall Wood School and Shortwood Primary school (to the west of Limekiln Lane), although the cricket ground is not in the application boundary. The south east of the site is an open field and includes a small brook that flows northwards into the residential development of Cherry Tree Close and to the pool at centre of Shortwood Primary School.

Beyond the north of the site lies a residential development that fronts Holyhead Road, which consists of predominantly two storey detached dwellings in substantial plots of low/medium density. The western boundary is large formed of residential properties, again predominantly two storey detached dwellings set in substantial garden plots. The residential properties to the north east are recently built large detached houses within Cherry Tree Close, with a drainage water feature at the centre of the development. Opposite the site down Limekiln Lane there are new dwellings under construction, again large detached two storey dwellings. There are also two storey semi detached dwellings in Mount Gilbert and Bailey Road

The site currently comprises the existing school buildings and grounds and green space which is made up of existing sports playing fields and privately owned land. To the south west of the site there is an existing ecology space. The site has an extensive number of trees that are to be retained and the motorway which is to the south has a steep embankment that is heavily landscaped for screening.

The sole vehicular access to the college is provided off Golf Links Lane, which lies to the south of the B5061 Holyhead Road. All local roads are single carriageway, lighted and subject to a 30mph speed limit.

Pedestrian access to the site is provided at two points. To the west, access is via Golf Links Lane and to the east; there is a gated access footpath across the fields accessed off Limekiln Lane, which runs adjacent to Shortwood Primary School. Footways are provided on both sides of Golf Links Lane. However, there are currently no dedicated pedestrian crossings along this route. The nearest crossing facilities are provided at Holyhead Road adjacent to Golf Links Lane.

Bus stops are located a short walk from the school on either side of B5061 Holyhead Road and along the Dawley Road, to the east of the site.

BACKGROUND:

The existing school site is located on the outskirts of Wellington and serves both the urban area and surrounding rural area. The large catchment area includes Arleston and then extends to encompass small settlements and villages either side of the Wrekin.

Regeneration in social, educational, environmental and economic terms is essential to help the community thrive in the future. The building of the new Ercall Wood Technology College will enable the school to challenge some of the existing barriers of low self-esteem, low aspirations and a lack of value placed on education. The school is determined to help overcome the significant external barriers to learning and community cohesion. The school is committed to the concept of a Sport and Learning Community as part of Telford & Wrekin's vision to transform Telford from a New Town to a modern Learning City by 2026.

The Comprehensive Spending Review 2010 determined that Building Schools for the Future (BSF) legacy projects, including proposals for sports and learning communities, must be subjected to a strategic review with the aim of identifying cost savings. A proposed efficiency saving of under 30%, (£43m) was submitted to Partnership for Schools (PfS) for consideration on 26th November 2010, 10% less than the saving target initially set by PfS. On the 18th December 2010 the Secretary of State confirmed that projects can continue in accordance with the outcome of the Strategic Review.

The BSF funding that was allocated to this project had been for the refurbishment of the existing technology college buildings, however, it was determined that refurbishment of the existing buildings would not be sufficient to provide a modern, fit for purpose learning environment and meet the objectives of the BSF and Sports and Learning Community (SLC) programmes. Also this option would be too expensive and not good value for money and would also take up to four years to complete with considerable disruption to the school community. A strategic decision was therefore taken by the Council which concluded that a new school would be required. Following viability studies it was concluded that the additional funding was required for a new build school and that this funding gap could be sourced from a receipt of residential land sale on land within or adjacent to the school.

Built in the 1940's Ercall Wood Technology College (formally known as Wellington Grammar School) was originally designed to accommodate approximately 300 students. Whilst it was extensively extended in the 1960s, much of the general teaching accommodation is provided in demountable class bases. A new single storey block containing four general teaching rooms was opened in 2000 and a new-build block containing two science laboratories and ICT facilities was opened in 2004 to address shortfalls in accommodation. Student numbers have increased there is currently approximately 750 student, but the school role has reach up to 878 in recent years and therefore the school buildings are not adequate to accommodate this number of students with many of the features designed to accommodate

a much lower intake. There is also a lack of appropriate rooms for specialist subjects like Art, Music, Maths and PE and students have no social environments to use in unstructured time.

The existing schools sports areas which are located to the north of the existing College buildings are also insufficient to meet current demand and potential need under the extended school agenda. The current parking regime is particularly congested given it wasn't designed for the amount of traffic that the College currently experiences. As a result, staff also often struggle to find parking spaces. These factors combined mean that the current building's layout is inefficient and as such does not fulfil the requirements of a 21st century learning environment.

It was decided that the new school should be built on land adjacent to the existing College site to limit student disruption and ensure the school is able to function as a community resource.

The two sites that are identified for residential development have been identified as having potential for residential development through the Telford and Wrekin Strategic Housing Land Availability Assessment (SHLAA) which was updated in April 2010. In the assessment the residential area off Golf Links Lane (site A) is considered to have capacity for 100 dwellings. The residential area off Limekiln Lane (residential site B) is considered to have capacity for 157 dwellings but this includes the area which would be used as sports fields for the new school under these proposals. Furthermore, both of these sites were identified as being available and suitable for development, the only noted constraint being that both sites are identified as forming part of the Green Network.

RELEVANT PLANNING HISTORY:

TWC/2011/0847: Demolition of the existing Ercall Wood Technology College and the erection of a 750 place secondary school, community sports facilities, 130 dwellings and associated access, car parking and works: Withdrawn

W2008/1094: Siting Of A 3 Bay Demountable Classroom, Full Granted, 31/10/2008

W2007/1268: Construction Of Access, Footpath/Cycleway, Full Granted 12/11/2007

W2006/0026: Provision Of A Cycle Shelter, Full Granted, 23/02/2006

W2003/0399: Erection Of A Two Storey Science And Technology Block, Full Granted, 28/05/2003

W2002/0601: Provision Of 2no. Single Storey Demountables On The Existing Field Area, Full Granted, 10/09/2002

W2000/0678: Revised Arrangements For Floodlighting To Existing Four Hard Tennis Courts Approved On Planning Permission W99/0403, Full Granted, 22/09/2000

W99/0403: Construction Of Four New Hard Surface Tennis Courts With Perimeter Fencing, 6 Floodlights And Related External Works, Full Granted, 20/07/1999

W99/0489: Proposed Single Storey Detached Teaching Block, Full Granted, 08/09/1999

W98/0233: Erection Of 2 Detached Double-Demountable Classrooms, Full Granted, 15/05/1998,

W96/0461: Siting Of A Demountable Classroom, Full Granted, 16/07/1996

W95/0222: Change Of Use Of Existing Tennis Courts To Residential Development And The Construction Of A Private Footpath For Pupils And Staff From Golf Links Lane And Relocation Of Tennis Courts To The Rear Of The School, Outline Refused

W94/0410: Demolish And Rebuild The Existing Roof To The Sports Hall, Full Granted, 09/06/1994,

W93/0486: Erection Of Extension To Provide New Administrative Store. Full Granted, 02/07/1993

W91/0976: Erection Of A Single Storey Science Laboratory Extension, Approved, 15/11/1991

W90/0494: Erection Of Two Mobile Classrooms, Approved, 13/06/1990

W80/0638,: Use Of Agricultural Land For Residential Development,: Land Fronting, Limekiln Lane, Outline Refused, 06/11/1980

RELEVANT PLANNING POLICY:

Telford & Wrekin Core Strategy:

CS1: Homes

CS8: Regeneration

CS9: Accessibility and Social Inclusion

CS10: Community Facilities

CS11: Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15: Urban Design

Wrekin Local Plan (saved policies):

EH7: Contaminated Land

EH8: Remedial Action on Contaminated Land

UD2: Design Criteria

UD3: Urban Design Assessments
UD4: Landscape Design
H6: Windfall sites in Telford
H22: Community Facilities
H23: Affordable Housing
T4: Development Principles
T22: Planning Obligations
OL3: Green Network
OL4: Development in the Green Network
OL5: Extensions and Redevelopment in the Green Network
OL11: Woodlands and Trees
OL12: Open Land and Landscape: Contributions from New Development
OL13: Maintenance of Open Space
LR1: Provision of Community Facilities
LR4: Outdoor Recreational Open Space
LR6: Developers contributions to outdoor recreational open space provision within new residential developments

National Planning Policy Guidance:

PPS1: Delivering Sustainable Development – including climate change supplement; sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system and complement other guidance. Sustainable development is a core principle underpinning planning, and is a simple idea of ensuring a better quality of life for everyone, now and for future generations.

Planning should facilitate and promote sustainable and inclusive urban development by:

Making suitable land available

Contributing to sustainable economic development

Protecting and enhancing the natural and historic environment,

Ensuring high quality design, and

Ensuring development supports existing communities, with good access to jobs and key services.

Good design ensures attractive usable, durable and adaptable places and is a key element to achieving sustainable development. Good design should contribute positively to making places better for people. High quality and inclusive design with well planned public spaces will bring people together.

PPS3: Housing

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPS23: Planning and Pollution Control

PPG24: Planning and Noise

PPS25: Development and Flood Risk

Emerging national planning policy, draft National Planning Policy Framework:

The application will need to be assessed against both Local and National Planning policies. Indeed at the national level, it is clear that the present Government intends to reform the planning system but in advance of these reforms, there have been a number of Ministerial Statements that have been published that advocate a desire for "Growth":

'The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would comprise the key sustainable development principles set out in national planning policy.'

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) CONSIDERATIONS:

This outline proposal was considered against Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. It was considered that an EIA was not required as although there will clearly be an impact on the neighbouring residential areas, the playing fields, the local biodiversity, the highway network and land drainage capacity, these matters are not seen as being of significant magnitude to warrant closer examination through the EIA regulations and can satisfactorily be addressed through consultation and standard planning application procedures. Given the existing uses of the land and no known history of contamination or pollution there are no significant environmental issues to be addressed in the form of an Environmental Impact Assessment (EIA).

CONSULTATION RESPONSES:

TWC Drainage:

There is a significant amount of detail to be submitted as part of the reserved matters application. This includes modelling of the upstream and downstream systems, and sizing of the attenuation features. The most important condition however is that the feature is designed to adoptable standards.

Educational Area C and Housing Area A:

Details on the existing culvert crossing the site have been provided. This has been shown to be serving the School building only. For this reason this culvert can be removed as part of the development. Although the point of discharge should be maintained for all surface water flows produced by Housing Area A. No objections subject to the following conditions which can be condensed under the following headings: Retention of culvert discharge point;
Surface water disposal details
Discharge to Greenfield run-off rate

Housing Area B:

A revised Flood Risk Assessment (FRA) has been submitted for the proposed development of Housing Area B. Although the principals set out in the FRA are acceptable, a large amount of further design work will be required as part of the reserved matters application, no objections subject to the following conditions which can be condensed under the following headings:

Surface water disposal details;
Discharge to Greenfield run-off rate;
Design and maintenance of attenuation feature.
Informative: An investigation is required as part of the reserved matters application into the possibility of rearranging this system to take the inlet out of private ownership to allow appropriate maintenance.

TWC Environmental Health (Contaminated Land):
Given the sensitivity of the proposed development, recommend that a standard land contamination condition be imposed.

TWC Arboricultural:
There was an Oak (T2543) which featured in the tree survey this was growing within proposed Residential Site B. It was felled to the dismay and annoyance of the local residents. The tree could have easily been retained within any development proposal. It had historic significance appearing on the 1881 Ordnance Survey Map. We would seek a replacement tree within any development proposal.
Additionally, the proposed site plan shows a potential attenuation pond within an existing group of trees in the North West corner of Residential Site B, given that these are the only remaining mature trees within this part of the site due to the loss of the Oak, the pond should be moved so that it does not affect these existing trees.
Furthermore, there are a number self set young Oaks from local seed & provenance within the proposed sports pitches area of the site, before this area is landscaped and graded & these trees are lost. Thought should be given to transplanting them so they can be used elsewhere within the proposal.
If consent is granted then the following conditions should be imposed;
B121 Landscaping Design.
B124 Planting Before a Boundary Treatment;
B125 Details of Earthworks.
B126 & B128 Landscape Management & Maintenance Plan,
B130 Tree protective Fencing
B132 Trees No Dig Method,
C70 Trees No Burning.
C71 Trees Soil Levels.
C72 Tree Materials Storage.
C76 Landscape Implementation Hard & Soft

TWC Sustainability:
How does the school development meet the revised sustainability principles developed for the BSF programme?
The developer needs to state how the development meets the sustainability principles developed for the BSF programme have been met. The principles have been provided below for reference.
Energy
Resource Lean –a limit of 15 kWh/m²/yr for heating
Super insulated –Walls to be U-value below 0.15 W/m²/K. Ceilings and floors to be 0.1 W/m²/k.

Air tight – minimal air permeability value of less than 3m³/hr/m² @ 50 Pa)
SFP 1.5W/L/S for Controlled ventilation.

Heat recovery – the major part of the warmth from exhaust air is fed again to the fresh air supply with a heat recovery rate above 80 per cent with air being moved from high occupancy spaces to low occupancy ones.

Hand dryers – drying times of less than 10 seconds.

Exclusion of refrigerant based cooling systems.

Transport

Include safe and secure cycling racks

Waste

Dedicated facilities for the storage and collection of recyclable wastes

Ecology

Undertake full ecological surveys using a suitably qualified and competent Ecologist. Subsequently provide a report which assesses the impact of the development on biodiversity and measures to compensate, mitigate and enhance the site. The mitigation measures must be directly related to the proposed density, design and layout of the development.

Operational

Prepare a Building User Guide so that the buildings are utilised at the most efficient level.

TWC Ecology:

Bats There is evidence of bats within the existing school building although during Activity surveys no bats were seen to emerge from or enter any of the buildings. The ecologist believes that bats are roosting close to the site in its south-western corner as bats were recorded here soon after sunset as well as close to dawn.

Existing College Buildings 1 and 3 contain non-maternity summer roosts for low numbers of pipistrelle species and Building 5 contains a brown long-eared bat feeding perch. These roosts are going to be destroyed, so a Natural England development licence would be required. A bat method statement has been written for the licence application which contains mitigation and enhancements for bats. Because of the time delay between the surveys and the commencement of works, further surveys will be required prior to the onset of works.

Trees Three trees on site were considered to have potential to support roosting bats. Tree 1 is a dead tree located immediately outside the front entrance of the existing school. No evidence of bats was found and no bats were seen to exit or enter any of the tree's features during the activity surveys. Tree 2, a mature oak located within third party land to the east of the proposed new school site, may need to be felled to provide access during construction. Tree 3 is also a mature oak, located close to Pond B. No evidence of bats was found in either tree. Despite the lack of evidence, these three trees have the potential to be used by roosting bats.

Due to the time delay, an evening emergence survey and a dawn swarming survey should be carried out on each tree the night before it is due to be felled. The trees should also be section felled under the supervision of a

licensed bat ecologist. If any bats are seen to be using any features on the trees during the bat activity surveys, the tree felling will need to be delayed while appropriate mitigation is put in place and a licence applied for.

Badgers During the Phase 1 Habitat Survey a badger latrine was found in the south west. The roadside verges on either side of Limekiln Lane show evidence of badger use, e.g. trails, gaps on both sides of the road and hairs on the wire boundary fence along Limekiln Lane. A badger sett was found in the south west corner of the existing school site during the Extended Phase 1 Habitat Survey. During the badger survey this hole appeared to be disused. The evidence suggests that badgers forage in the area, and the sites provide potential for sett digging, therefore a survey should be carried out immediately prior to the works beginning to ensure that badgers are not harmed during the development. If badger evidence is found then appropriate mitigation will be needed, and licences may be required if a sett is found within 30m of the site boundary.

Reptiles The habitat on site provides good opportunities for foraging and/or hibernating reptiles. Reptile surveys were carried out to ascertain their presence. No evidence of reptiles was found, but common toads were found. As reptiles are highly mobile species, there is the potential for them to colonise the areas of suitable habitat in the future. Because of the time delay between the surveys and the commencement of works, the habitats should be re-assessed for their potential to support reptiles prior to the onset of work.

Amphibians Surveys of the ponds found no evidence of great crested newts. Smooth newts and palmate newts were found in Pond A and a single smooth newt was seen in Pond B. Common frog tadpoles were found in both ponds. Because of the time delay between the surveys and the commencement of works, a further inspection of the ponds will be required prior to the onset of works. This will have to take place in the spring immediately prior to works beginning. If the ponds are to be directly affected by the works, new ponds should be constructed and the smooth and palmate newts translocated into the new ponds.

Birds An old house martin nest was seen on the exterior of College Building B15, on the eastern side. The mature trees, scrub and hedgerows provide potential bird nesting habitat, although specific bird surveys were not carried out. Apart from common species, house sparrows (a BAP species and red list species of conservation concern) were recorded during the surveys. Works should be timed to avoid nesting bird season.

Habitats The proposals should seek to retain the habitat features, particularly hedgerows H1, H2 and H3, the mature trees, the stream and the ponds. The woodland areas should ideally be maintained and enhanced with additional tree, shrub and ground flora planting.

If any hedgerows, or sections of hedgerow, are removed then these should be replaced wherever possible. If they cannot be retained, then the structure and

function of the hedgerow as a commuting route should be maintained by the provision of new planting.

Any tree removed should be replaced on a two for one basis. The planting scheme should include native species of local provenance, berry-producing shrubs and nectar-rich flowers, as these are generally of greatest value to wildlife.

Procedures should be put in place to prevent pollution of the stream and the ponds. This includes avoiding crossing the water bodies with heavy machinery, preventing sediment and other contaminants from entering the water, preventing erosion and compaction of the banks and avoiding the use of plant within 10m of the watercourse. The Environment Agency Pollution Prevention Guidelines PPG05 'Works in, near or liable to affect watercourses' should be followed.

Mitigation, compensation and enhancements

A mitigation strategy/management plan should be written and included as part of the reserved matters application.

A lighting strategy should also be produced to ensure that potential foraging/commuting routes are not adversely affected.

These should be secured through conditions and include an informative on the need for a licence.

TWC Geotechnical engineers:

Earthworks Specification

The documentation indicates that earthworks will need to take place across the site. This needs to be controlled by a condition for additional reprofiling details.

Urban Design:

There are concerns with regards to the potential densities over the two residential sites. The quantum for the two sites as follows;

Site A Minimum 25 dph (68 units) and maximum of 32 dph (86 units)
(medium)

Site B Minimum 40 dph (48 units) and maximum of 50 dph (60 units) (high)

However, as stated in the application the sites collectively will deliver a maximum of 130 dwellings.

Adjacent residential development approved 149 dwellings for a 3.72 ha site which is equivalent to a density of 40 dph, thus a scheme that proposed a higher density for Site B would be at odds with its surroundings. Consequently it is proposed that site B is limited to a maximum of 40 dph.

The principle issue from an urban design perspective is "place making", the site and context analysis is a vital piece of work that should underpin the design principles for the reserved matters. Although the issues of layout and

appearance are detailed ones to be determined later, the indicative proposals for site B already highlight principles that are not as well aligned as they could or need to be. Consequently the site evaluation and/or the original brief needs to be revisited to address these issues and create a more responsive scheme, thereby responding to the principles of PPS 3 and PPS1, UD1 and UD2.

In terms of site B, the key issues that need to be adhered to in any subsequent detailed design;

To use the existing context, soft landscaping, watercourse and views to and from the open space more positively.

There is a need for frontage onto Lime Kiln Lane in spite of there being no direct access. (This reflects the design principle applied to the David Wilson's residential development adjacent).

Reflect the character and the density of the existing place more closely to integrate the development more successfully and create the sense of place that is currently missing.

TWC Highways

With reference to the above consultation, there are no objections on Highways grounds subject to the following conditions being included on any approval: -

Prior to the occupation of the new School, the existing vehicular/pedestrian access widened;

Site Environmental Management Plan;

The internal school pedestrian and vehicular access, parking, drop-off/pick-up and circulation facilities, to be provided before the school is first occupied;

The access point to Limekiln Lane as indicated on the submitted Drawing No. P-012 shall be relocated approximately 30 metres to the south, and shall constitute the only vehicular access to Residential site B.

Reserved matters consents of development of either Residential Site A or B shall include the following details -

For residential site B only, full details of the reconstruction of Limekiln Lane, including street lighting and drainage/outfall, signage and road markings,

For both sites individually, the layout and disposition of all buildings, roads and footways/footpaths,

For both sites individually, full road construction and drainage details (including outfall) along with street lighting, signage and road markings,

Within 12 months of the occupation of the new school, the School Travel Plan (STP) shall be updated and re-submitted to the Local Planning Authority.

Planning obligation: To provide funding to promote and implement new and amended Traffic Regulation Orders (TRO's) comprising: -

Waiting restrictions during the morning and afternoon school peak traffic periods along Golf Links Lane and Christine Avenue,

The review and, if necessary, amendment to the existing Weight Restrictions in the vicinity of Lime Kiln Lane, Mount Gilbert and Bayley Road,

All necessary signage, lighting and road markings associated with (i) and (ii) above.

TWC Environmental Health (Public Protection)

Air Quality: There are no grounds for objection as regards Air Quality.

Noise: There are no grounds for objection as regards Residential Site A and the proposed School provided that the measures outlined in the applicant's submission are incorporated by condition in any approval Plans Board are minded to grant.

There are significant Noise issues relating to Residential Site B (Limekiln Lane). This is due to the proximity of the site to the M54 and the resultant Traffic Noise. These Noise issues will require a comprehensive scheme of Noise Attenuation to be designed into the Proposed Development in order to meet the required standards for noise levels in both the gardens and the internal rooms of the proposed dwellings.

It will therefore be necessary to incorporate into any approval Plans Board a condition for noise attenuation measures scheme to be submitted.

TWC Development Delivery Officer (Viability matters)

Having reviewed the available viability data in principle that the assessments are satisfactory. Indeed when evaluating against the findings of the Three Dragons Affordable Housing Viability Study in Dec 2009, the offer of 15% affordable housing is reasonable given the statement from that report below for sites in Telford;

'If the prospect of securing grant funding appears uncertain generally, a more realistic affordable housing target would be 10% or 15%.'

There are a couple of minor errors on Site B viability affecting the land value but not of any significance to make an overall difference.

TWC Housing Policy and enabling Officer

In terms of tenure mix, both residential sites have a combination of 15% affordable and social rent houses proposed in the viabilities split between 2, 3 and 4 bedroom properties. Since the application is only outline I assume these detailed matters can be addressed in the S106.

Parks and Opens Spaces

The developer of Residential site A is to build the allotments to an agreed standard (e.g. fencing / car park / water supply etc) to an agreed timescale, to be confirm though conditions.

The developer of Residential site A is to build an equipped area for children's play to an agreed LEAP standard and the buffer zone open space to an agreed design around the play area to an agreed timescale. The play area is to be built prior to any sale / occupation of any overlooking housing. This is to be covered through conditions.

Planning obligations the commuted sum for the council to adopt and maintain the open space and children's play area in perpetuity will be £45k plus any legal costs and is to be transferred within 3 months of the practical completion of the play area RoSPA post installation inspection report and risk assessment (with any issues arising from the report and snags on the POS rectified before transfer).

The developer of residential site B can investigate and implement a private management company to maintain the proposed Public Open Space, on the basis that they provide an agreed long term management plan which highlights who and how they are to maintain the facility and that the site remains as publically accessible open space in perpetuity. I understand that such a proposal will need the developer to provide a covenant upon each sale of property which will then provide a sum for the approved landscape company to pay for the ongoing maintenance in perpetuity. The covenant is important to agree at this stage or a bond would need to be provided if this is not instigated to indemnify the council in case of insolvency.

Highways Agency: Has no objections to the proposal subject to condition to ensure errant balls from the relocated sports pitches do not stray onto the M54.

Environment Agency

In relation to the revised Flood Risk Assessment the Agency comment that this involves the creation of an attenuation basin along the proposed development site that will restrict the amount of flow passing downstream in the Lime Kiln Brook. The proposed attenuation scheme will ensure no more than 1.7m³/s of water will pass downstream of the development site through the Lime Kiln Brook. This would provide an overall reduction in flood risk downstream of the site by reducing the flow in the watercourse. However, the success of such flood mitigation measures is dependent on the scheme being appropriately designed and assessed, along with ensuring an adequate management plan.

The following areas will need to be addressed – pass forward flows downstream, upstream arrangements and the ground floor levels of the proposed dwellings. Whilst preferable that more detailed modelling is carried out prior to any approval to ensure viability of the scheme, if the Council are minded to grant outline permission then we recommend that the current FRA needs to be amended to acknowledge and address the above concerns and should accompanied by conditions to mitigate increased flood risk off site and to the development itself. The Agency's suggested conditions cover the same points covered by the TWC Drainage Engineer.

Natural England

The ecological survey in support of the application is in accordance with standard guidelines and also supported by targeted species works reports. The final landscaping proposal for the site should be in accordance with the ecological surveys to maximise the biodiversity values of the site post development. The stream should be retained and enhanced. The existing hedgerows should be retained. Enhancement and expansion of the existing wildlife area is supported.

Any site clearance should be outside the bird nesting season. Bats, the survey and mitigation reports are satisfactory, however, repeat surveys are necessary given the time delay between these and when the site will be developed, to be controlled through conditions. The mitigation is for the

provision of an alternative roost with a dedicated bat loft incorporating bat bricks. Great crested newts – no newts were recorded on site, however an updated survey should be undertaken. In summary the ecological assessment work is welcomed, and sets out detailed and comprehensive surveys, bat activity surveys have been submitted in support of this application which we previously sought and mitigation measures have been outlined. As such Natural England has no objections to the proposal on protected species grounds.

Sport England:

Whilst the development principles appear to be the similar to the previous scheme, the increased proposed intake of the school may generate increased sporting demand to be accommodated at the site. We have considered the application in the light of our playing fields policy. The aim of this policy is to ensure that there is an adequate supply of playing fields and playing pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field unless, in the judgement of Sport England, one of the specific circumstances applies.

These specific circumstances are incorporated in national Planning Policy Guidance note 17, Paragraph 15 and are set out in brief below;

E1 – A proven excess of playing field provision in the catchment area and it demonstrated that the site has no special significance for sport;

E2 – The proposed development is ancillary to the playing field (i.e. – new changing provision);

E3 – The area affected is incapable of forming part of pitch or associated run-off areas;

E4 – Replacement provision will be provided, equivalent or better with regard to quantity, quality and accessibility;

E5 – The development is for a new sports facility, of sufficient benefit to sport to outweigh the likely detriment which would occur from the loss of playing field.

The mixed use proposal includes the redevelopment of the existing Ercall Wood Technology College site to deliver a new build college with external sporting provision and residential development with associated public open space.

As indicated on the Proposed Site Plan, the application proposes residential development on the main area of the college's existing playing field. In addition to the expanse of grassed area which is understood to be used for a range of winter and summer sport, the playing field also includes a fenced hard court area. It appears that this has markings for tennis and netball use. The application also proposes the new college buildings on an additional area of playing field directly adjacent to the current college. It is noted that the existing floodlit tennis provision is to be retained in the existing location.

To replace the playing field provision lost to the development proposals, two new areas are proposed. The larger area lies to the south east of the site on an existing field which is understood to have no current sporting use. A further playing field area is proposed on the footprint of the current college buildings.

According to the revised planning statement, the combined area of the new playing field to be delivered is at least equivalent in size to the area lost to the proposed works. How these areas are to be utilised for different sports and pitch sizes needs to be led by the anticipated programme of use but at this outline planning stage, it does seem that in purely quantitative terms, the external playing field provision would replicate the same opportunities for winter and summer pitch sports that currently exist. In addition, we note from the planning application that the proposed playing field area is consistent with the building bulletins guidelines for a secondary school of this pupil size.

There would however be an overall reduction in the amount of hard court area available for use. From the additional information provided by the applicant, it is understood that the existing area off Golf Links Lane has been unused for some time and that is considered the proposed resurfacing of the retained 4 tennis courts will be sufficient to meet both curricular and community need. Sport England welcome the Council's proposed discussions with Wrekin Tennis Club to discuss arrangements for the continued use of this facility.

The application references that an important aspect of the new college will be the availability of facilities for use by the local community. With regard to sporting provision, this is welcomed by Sport England. However, it does mean that the grass playing field provision must be of sufficient quality to withstand curricular and community use and be the subject of a robust maintenance regime.

We note within the planning statement that a desk based study regarding ground conditions has been undertaken to inform this outline application and the report recommends a targeted ground investigation to identify pertinent matters in need of addressing. We request that this assessment includes the area proposed for the playing field areas and that the reserved matters application includes a detailed scheme to ensure the playing fields will be provided to an acceptable quality.

Subject to the quality of the new playing fields being secured and community access arrangements agreed, we consider that in principle, the impact of the proposals on the external playing field provision is consistent with exception E4 of our policy in that the playing field lost to alternative development would be appropriately replaced. It will important that the phasing of the whole development ensures that the new playing field is created and available for use before any loss of the existing provision.

In addition to seeking the appropriate replacement of existing playing field provision, the proposed new college offers significant opportunities to enhance and extend the sporting offer at the site for both the college students and the local community. Sport England has prepared a design note entitled 'Designing for sport on school sites' which discusses some of the generic

design issues regarding providing accessible sporting provision at education sites and it is envisaged that this can assist in developing the detailed design of the school site and especially the internal sporting provision and changing facilities.

Clearly, the general principles should be applied to the nature of this specific site. For example, we anticipate that the commitment to community access at the site will be reflected through appropriate design features to facilitate ease of use of the facilities, including the tennis provision utilised by Wrekin Tennis Club.

In summary, Sport England is satisfied that the principle of the development proposed can be consistent with exception E4 of our playing fields policy and we do not object to the granting of outline planning consent subject a condition regarding additional information on sports provision.

Shropshire Fire Service:

No objections subject to informatives on Access for Emergency Fire Service Vehicles; Water Supplies for Fire fighting; Recommended Minimum Flow Rates and Location of Fire Hydrants; Sprinkler Systems – Schools

Wellington Town Council

No objection - the Committee hope that Telford & Wrekin Council still look to improve traffic issues, especially to extend the parking inside the school site.

Shropshire Playing Field Association:

Objects as the proposals do not adequately meet the physical education, sporting and play needs of the children attending he school in future years. The proposal leads to a reduction of 50% of grass sports pitches, 50% loss of tennis courts, 100% loss of playground, and 80% of informal recreational space. There is no robust playing pitch assessment. The proposals suggest a community use of sports facilities, but there is insufficient space to a sustainable level of community use. There is no proposed provision of play facilities, and the proposal results in loss of existing facilities. The development also results in the formalisation of recreation on land informally used and therefore there is an overall loss of space and facilities. It is considered that the proposal is contrary to E4 of paragraph 15 of PPG17.

Councillor McClements:

Supports the proposal and makes the following comments represents one the largest catchment areas of pupils who currently attend Ercall Wood School and this proposed new development is very much welcomed by the parents whose pupils who attend Ercall Wood

Many of the buildings are not fit for purpose and in need of continuous maintenance and upkeep. There is a need to create a better educational environment for the future, in line with other schools across the Borough Proposed new school site will be closer to Shortwood School and will provide extra recreational space. This will ensure that the school can be more proactive to community needs

Recognises there are traffic issues, as at many schools in the Borough. More active promotion of car sharing and walking to school, alongside a workable

traffic management strategy should be encouraged. Requests that the Highways Department looks at the traffic management issues on Limekiln Lane/Bailey Road/John Broad Avenue, which will need to be considered should the planning application be approved
Strongly urges the Plans Board to accept this planning application, which will undoubtedly provide the children of my ward with a brand new learning facility which they all deserve and can be proud of.

Neighbour Consultation Responses

68 objection letters and 17 petition letters, principally objecting to the new housing development, rather than the school building. Grounds of objection include:

Policy

Loss of Green Network – no clear justification – contrary to Policy OL3 of Wrekin Local Plan

Core Strategy – Council should seek to protect countryside, open space, natural resources and flood-risk areas

Development should be on brownfield rather than Greenfield sites

Strategic Housing Land Availability Assessment/ Local Development

Framework – site is not available, suitable or achievable

Need to take account of PPS25 Development and Flood Risk

Reference to Field in Trust

Need

Is there a need for additional housing in this locality, and of this type?

More suitable and desirable locations for such development

Number of vacant properties on estates across Telford

Development is financially motivated - Not about need for housing nor enhancing community, but for revenue

Need for replacement of school building, given the majority of the existing buildings are in good condition

Grant funding from Government to refurbish school. New build would constitute £2m shortfall. Telford & Wrekin Council should reapply for further Government funding to make up the shortfall

Is it necessary to build on the playing field?

Application appears to be a fait accompli

Highways

Highways safety issues on Golf Links Lane, which is only a lane

Existing road system cannot accommodate extra traffic

Exiting on to Holyhead Road from Golf Links Lane and Christine Avenue already difficult and will be made worse by extra traffic from the proposed residential properties

Increase in pupil numbers from 750 to 900 constitutes 20% increase in school traffic on top of 100% increase in local traffic through new residential development

Existing traffic congestion will be exacerbated – problems for emergency vehicles and refuse vehicles accessing site and surrounding roads

Speeding traffic

Concern over pedestrian safety, especially to school pupils – accidents waiting to happen
The school, Council and Police have been ineffective in dealing with current parking/traffic problems
New school has no provision for overspill parking
Parking spaces inadequate in quantity and ease of access
School pick-up and drop-off measures have not worked at Shortwood School
Impact of construction traffic
Yellow lines to prevent parking will be ignored and make little difference
Omissions in Transport Assessment/Travel Plan
Refusals of development in vicinity, such as tennis courts alone, on highways grounds

Drainage

Flood risk

Previous flooding problems in 1990s on fields proposed for housing, combined with blocked drains along highway
Area would not support soakaway or surface water drainage
Impact of additional properties on existing drainage/sewerage system
Size of pipes in highway inadequate and operating near capacity
Impact on culvert and requirement to have no structures or buildings within 8m of the culvert would take out 17 units from the development

Capacity in Schools

Insufficient space at Shortwood Primary to accommodate the number of new families
Will Ercall Wood require future expansion?
Increase in school pupil numbers requires more rather than less playing field provision
Loss of school playing fields – one multi-use pitch, play area and netball court - especially when society encourages youngsters to partake in greater sporting activity, and in 2012 London Olympics year
Insufficient recreational space for pupils – well-being of the children should be paramount in planning a new school
New provision of playing fields is smaller than the existing area, and the information has been misleading for Sport England

Lack of infrastructure

No facilities (local shop, park etc.) and improvements to bus services to accompany housing
Will Wellington redevelopment provide sufficient amenities and employment
Community involvement at new school is to be encouraged; however the local community once used school field at Barn Farm School until residential development was built
Intention that Arlestone community could use Shortwood School's swimming pool has not come to fruition, and Wellington pool has been closed for a year

Character

Established inter-war properties with substantial gardens and mature trees – “garden suburb”

Proposed housing development out of keeping with the character of the area
Overdevelopment with modern higher-density housing scheme
Loss of Green network and green space
Impact on visual amenity
Buffer zone of trees – maintained by whom?
Views of Ercall Wood (wood) could be lost
Existing school building has more character and heritage value than a new-build – the loss of the building will be a huge loss to the history of the town

Nature

Wildlife surveys short and inaccurate
Impact on woodland corridor
Adverse impact on endangered species
Trees on the edge of the old tennis courts should be retained

Impact on residential amenity

Overlooking, especially from 3-storey properties
Overbearing and overshadowing impact on existing properties
Loss of light
Loss of privacy
Noise nuisance and disturbance
Landscaped buffer will have limited impact in short or medium term
No community benefit to local residents
Proximity of new dwellings to motorway

Agricultural Land

Loss of former Grade 1 agricultural land for future sports pitches and housing (referred to as informal green space/open land)
A Bill presented to Parliament to prevent development on Grade 1 land is likely to be incorporated into national planning policy

Environmental Impact

Need to establish the impact of new build against refurbishment in terms of CO₂ emissions, with regard to production of materials and transportation, and disposal of existing building
In this instance, refurbishment would also cost less financially
Pollution from increase in vehicles and congestion

Other matters

Errors and discrepancies in information submitted with the application
Planning Statement suggests 'the investment... is likely to encourage existing homeowners to invest in their property.' – Local residents have invested greatly in their properties
Impact on property value/ ability to sell existing properties – should have reduction in Council tax
Practical issues – other clubs (such as Wrekin Tennis Club) gaining access to the school site

PLANNING CONSIDERATIONS:

Principle and Green Network issues

In order to assess the development against policies, it is important to understand the interrelationship between the elements of the proposal, which are a new school, residential development and open space. Whilst the council was successful in securing funding as part of the BSF new secondary school programme following budget cuts there is a necessity for sourcing additional monies.

In the case of Ercall Wood Technology College, the original budget was for refurbishment, but on reflection the Council considers that a rebuild is more appropriate. The delivery of the residential elements, are therefore critical in realising this ambition. Site A provides capital gap funding to deliver the College and associated community and environmental benefits (improved sports pitches, LEAP and ecology area). Whilst site B does not directly provide capital funding, it is an essential part of the overall viability of the site, as it allows the required level of capital funding to be achieved through Site A and the provision of the sports pitches for the school. Delivery of site B also includes an area of informal open space.

The application site is predominantly designated as Green Network with the exception of the existing school building and its immediate surroundings. The green network is an inter-linked system of open land and landscape within the Town, which has collective value for ecology and nature conservation, recreation, access and visual quality and it is intertwined with built up areas.

Although there is a presumption against development on the green network, Policy OL4 sets out the circumstances in which development on green network land would be acceptable. This requires a demonstration that:

- a) There are exceptional circumstances;
- b) Development contributes or is complementary to the aims of the Green Network;
- c) Environmental and community benefits are an integral part of the proposal

Policy OL4 also states that if it can be demonstrated that environmental and community benefits are an integral part of a proposal, then this could, alongside the other criteria of this policy, provide justification for development in the Green Network being considered acceptable. This is reiterated in Core Strategy Policy CS11, which makes it clear that development on open space will only be permitted when significant community and environmental benefits are delivered.

Policy OL5 also relates to the extension and redevelopment of existing uses within the green network, providing that works do not significantly affect the function of the green network, the scale is compatible with the long term aims of the green network, there are other environmental benefits and ecological, geological or archaeological sites are not adversely affected.

In order to assess the impact on the green network it is important to identify what functions the site currently performs against the 6 aims within the Wrekin Local Plan.

Officers consider that the site:

Contributes to the creation of a high quality environment

Provides accessible green space

Open land for recreational purposes

Protects and maintains ecological habitats; and

Provides linkages and an ecological corridor.

Officers consider that whilst the proposal whilst resulting more built development, with sensitively design layouts and integral landscaping will continue to contribute to the high quality environment in the area. The site still retains a high proportion of green land and offers improved accessibility. Enhances and provides more formal recreational uses, including a LEAP. The existing ecological wildlife area is to be expanded and enhanced; through retention of existing planting and enhancement with additional planting maintain the ecological corridor to the wider green network. Furthermore, there will be increased accessibility to the site.

The fundamental planning policy consideration is the facilitation of a new to serve its community as more than just a learning environment. Ercall Wood Technology College is located on the outskirts of Wellington and the catchment area for the school includes Arleston, which is classified as one of the top 10% most deprived areas in England on account of poor attainment, skills and income deprivation. As a result of the site performs an important regeneration role.

The draft National Planning Policy Framework confirms, the Government's objective is to create strong, vibrant and healthy communities, by creating a good quality built environment, with accessible local services that reflect community needs and support well-being. In order to achieve this objective, it is recognised that amongst other community facilities and local services, schools must be delivered which meet local needs. Government's presumption in favour of the development of schools, and states that permission should only be refused for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area.

In conclusion, it is therefore considered that the provision of a new school and associated residential development does constitute exceptional circumstances in relation to the community and regeneration benefits created by the new school, which is appropriate redevelopment of the existing site. Coupled with environmental benefits thorough the expansion and enhancement of the wildlife area. As demonstrated above the proposed development will continue to support the aims of the green network pertinent to this site. Officers therefore consider that the development accords with policies OL3, OL4 and OL5 of the Wrekin Local Plan. Given compliance with green network exceptions and the presumption in favour of school

development and the inter relationship of the residential site in providing the new school it is considered that the development is acceptable in principle.

Highways and access

The proposed development is for outline consent, with only access being decided at this time. The development proposed two new vehicular access points to serve the new residential development and alterations to the school access.

A detailed transport assessment has been prepared to fully assess the traffic implications of the proposed development, including the impact of increased vehicular traffic and the new access arrangements. To assess the impact on the wider highway network a junction capacity assessment up to 2021 concluded that the surrounding road network would comfortably accommodate the proposed redevelopment traffic.

The existing school access is of Golf Links Lane and there are major issues of congestion around this road. One of the opportunities of the redevelopment of the school is to address this issue. The proposed layout will continue to utilise the existing access, but this will be widened to improve manoeuvrability. Currently the school has parking provision for 64 spaces which is inadequate for the demands of the school. The proposed layout will provide for a total of 102 car parking spaces, which will be adequate to serve the school and community functions. In addition the layout will allow for the school drop off/collection point to move within the site to assist in alleviating issues of congestion on Golf Links lane and neighbouring street. Furthermore, arrival by car is to be discouraged as part of a School Travel Plan.

Whilst the detailed site layout is not known, principles such as clear pedestrian and cycle movement for pupils have been demonstrated to ensure there is no conflict with traffic on site and officers can have confidence that at reserved matters stages such issues can be adequately accommodated. Furthermore, the existing pedestrian link to residential area to the east of the site is to be retained to ensure safe routes to school continue to be provided. Secure cycle storage facilities will also be accommodated on site to encourage pupils to cycle to school.

The site and in particular the college is in a location well served by public transport with links to Telford and Shrewsbury and bus stops located a short walk from the site. As such, this location is considered to be of good accessibility which therefore accords with the policy requirements nationally, regionally and locally.

A travel plan for the school has been prepared which specifies a package of practical measures to increase the number of students and staff that walk, cycle, car share or use public transport. The travel plan will in turn help to reduce traffic and parking problems outside the college, reduce environmental pollution and establish safer walking and cycling routes. Officers therefore consider that the proposal complies with Core Strategy policy CS9.

For residential site A, a single new junction will be required off Golf Links Lane. This will be positioned at the location of the existing tennis courts enclosure. Whilst there will be an increase in traffic movement associated with residential development, the improved management of the school traffic onto the site through a significant improved and enhanced arrangement of its current entrance and parking /drop off would minimise conflict and congestion on Golf Links Lane.

A further single new junction will be provided off Limekiln Lane to serve residential site B. This access would be delivered off an existing quiet road with limited adjacent access on the edge of an existing residential neighbourhood. Limekiln Lane will also be upgraded and built to an adoptable standard upon the development of Site B. The submitted plans show the location of this access opposite Mount Gilbert Road, but the Councils Highways Engineers have raised concerns with this siting and consider that the proposed single access to the site should be located 30metres south from that indicated. This can be addressed though the imposition of conditions.

Drainage

PPS25 requires that developers undertake a Flood Risk Assessment (FRA) to demonstrate; whether a proposed development is likely to be affected by current or future flooding; the development is safe and where possible reduced flood risk; whether it will increase flood risk; and the measures proposed to deal with these effects and risk.

Core Strategy Policy CS13: Environmental Resources requires that development will avoid increasing the risk of flooding. Where appropriate and consistent with the policies of the Development Plan and local strategies, development will integrate measures for sustainable water management.

This application is supported by a Flood Risk Assessment, which confirms that the site is within Flood Zone 1. However, there is an unnamed watercourse which crosses the eastern part of site. The FRA has assessed the level of flood risk posed by this source to each of the development phases, and issues of surface water drainage.

Development proposals are set to significantly increase the total impermeable footprint of the site and the increase in surface water runoff. Sustainable Drainage Systems (SuDS) such as pervious surfaces be considered to provide source control treatment and betterment in terms of runoff attenuation. The level of information provided sets out the strategy for drainage of the site, but significant additional detail is required to accompany any reserved matters application to determine the precise nature and design of any attenuation features, supported by full calculations to ensure that the drainage system will achieve the required Greenfield run of rates and prevent issues of flooding. If the mitigation measures are implemented within the detailed design of the site, it is considered that the risk of flooding to the site

and adjacent land will be minimal and has been accepted in principle by the Environment Agency.

Following initial officer concern in relation to site B a revised FRA has been submitted. Whilst officers are now satisfied that the principle issues of drainage and flooding, as set out in the FRA are acceptable; again a significant amount of detail will be required as part of the reserved matters application(s), including modelling of the upstream and downstream systems, and sizing of the attenuation features. The imposition of conditions to ensure that additional information accompanies the reserved matters is considered appropriate. These conditions will also include the need for an agreement on the future maintenance of the attenuation feature that will be required. Accordingly, with the inclusion of such conditions the development accords with Policy CS13 of the Core Strategy and PPS25.

Ground Conditions

A geotechnical desk based study accompanies the application the site is not within the coal mining area. Following a review of the historical usage of the site, the geotechnical report confirms that there are no previous uses that would give rise to significant contamination.

In order to further quantify the identified ground constraints, the report recommends that a targeted ground investigation is undertaken to determine the exact nature of the near surface geology and aid the design of the foundations. It should also include ground gas monitoring across the site.

Ecology

Core Strategy Policy CS12: Natural Environment requires that biodiversity, including habitats, and geodiversity will be protected from development. An Extended Phase 1 Habitat Survey supports this application and is accompanied by specific species reports. These reports confirmed that the habitats within the site boundary comprised buildings, hard standing, amenity grassland, ornamental planting, hedgerows, semi-mature trees, a wildlife area and two ponds. Officers are satisfied with the level of ecological survey work undertaken on support of the application.

There is evidence of bats within the existing school building although during activity surveys no bats were seen to emerge from or enter any of the buildings. The applicant's ecologist believes that bats are roosting close to the site in its south-western corner as bats were recorded here soon after sunset as well as close to dawn. The demolition of the school building will result in the loss of bat roosts, so a Natural England development licence is required. A bat method statement has been written for the licence application which contains mitigation and enhancements for bats, which is satisfactory. However, due to the time delay between the surveys and the commencement of works, further surveys will be required prior to the onset of works.

Three trees on site were considered to have potential to support roosting bats. Despite the lack of evidence of current use, these three trees continue to have the potential to be used by roosting bats, and again due to delay between the surveys and commencement of works further surveys should be undertaken prior to any felling.

During the Phase 1 Habitat Survey a badger latrine was found in the south west part of the site. The roadside verges on either side of Limekiln Lane show evidence of badger use. A disused badger sett was found in the south west corner of the existing College site. The evidence suggests that badgers forage in the area, and the sites provide potential for sett digging, therefore a survey should be carried out immediately prior to the works beginning to ensure that badgers are not harmed during the development. If badger evidence is found then appropriate mitigation will be needed, and licences may be required if a sett is found within 30m of the site boundary.

The habitat on site provides good opportunities for foraging and/or hibernating reptiles. Reptile surveys were carried out to ascertain their presence. No evidence of reptiles was found, but common toads were found. As reptiles are highly mobile species, there is the potential for them to colonise the areas of suitable habitat in the future. Because of the time delay between the surveys and the commencement of works, the habitats should be re-assessed for their potential to support reptiles prior to the onset of work.

Surveys of the ponds found no evidence of great crested newts. Smooth newts and palmate newts were found in Pond A and a single smooth newt was seen in Pond B. Common frog tadpoles were found in both ponds. Because of the time delay between the surveys and the commencement of works, a further inspection of the ponds will be required prior to the onset of works. This will have to take place in the spring immediately prior to works beginning. If the ponds are to be directly affected by the works, new ponds should be constructed and the smooth and palmate newts translocated into the new ponds.

An old house martin nest was seen on the exterior of College Building B15, on the eastern side. The mature trees, scrub and hedgerows provide potential bird nesting habitat, although specific bird surveys were not carried out. Apart from common species, house sparrows (a BAP species and red list species of conservation concern) were recorded during the surveys. Works should be timed to avoid nesting bird season.

The proposals should seek to retain the habitat features, particularly hedgerows H1, H2 and H3, the mature trees, the stream and the ponds. The woodland areas should ideally be maintained and enhanced with additional tree, shrub and ground flora planting. If any hedgerows, or sections of hedgerow, are removed then these should be replaced wherever possible. If they cannot be retained, then the structure and function of the hedgerow as a commuting route should be maintained by the provision of new planting. Any tree removed should be replaced on a two for one basis. The planting scheme

should include native species of local provenance, berry-producing shrubs and nectar-rich flowers, as these are generally of greatest value to wildlife.

Procedures should be put in place to prevent pollution of the stream and the ponds. This includes avoiding crossing the water bodies with heavy machinery, preventing sediment and other contaminants from entering the water, preventing erosion and compaction of the banks and avoiding the use of plant within 10m of the watercourse. The Environment Agency Pollution Prevention Guidelines PPG05 'Works in, near or liable to affect watercourses' should be followed.

Under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010, competent authorities must have regard to the Habitats Directive in the exercise of its functions. The recent Woolley and Morge cases have clarified the legal duty of a LPA when determining a planning application for a development which may impact on a European Protected Species (EPS). It must be shown that the LPA has considered the Habitats Directive and whether a Natural England EPS development licence is likely to be granted.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and disturbance of an EPS. The likely offence cannot be avoided through mitigation measures secured through planning conditions, as the buildings are going to be demolished. Therefore need to consider if works are likely to secure a natural England development Licence.

A bat method statement has been written as part of the Natural England licence application. This would be sufficient to ensure the continuing maintenance of the local bat populations at favourable conservation status. Mitigation, compensation and enhancement measures would include timing constraints, a pre-commencement survey, the creation of a bat loft, the erection of bat boxes, the retention of foraging/commuting routes and not illuminating access points and linear features. Plans Board should note that Natural England have seen all the supporting documentation and have raised no objection to the proposal.

In conclusion, it is considered by officers that ecological issues have been satisfactorily considered; the development through the demolition of the existing school will have an impact on bats, and however this can be mitigated through a number of measures including the creation of a bat loft in the extended wildlife area part of the site. The mitigation and management plan for this can be secured through conditions; this is to be supplemented by a lighting strategy to ensure that potential foraging/commuting routes are not adversely affected. An informative on the need for a licence is also required. The development therefore accords with guidance in PPS9 and Core Strategy Policy CS12.

Trees and hedgerows

Policy OL11: Woodland and Trees of the Wrekin Local Plan states that the Council will resist development proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape. A separate arboricultural survey and constraints report was undertaken.

The trees located to the south of the school form a buffer with the motorway. These along planting on the motorway embankment act as a noise buffer. The trees are visually prominent in the landscape.

The site also has a number of specimen trees including the linear group of pine located adjacent to the car park, the linear group of poplar located on the playing pitch boundary and the beech located in the small parcel of land adjacent to the cricket pitch. The trees are visually prominent specimens and worth of retention, indicative layouts demonstrate that this can occur.

Forming the northern boundary site B is a linear group of poplar with other trees growing amongst, which as a group is considered to have moderate visual amenity, the overall height would give some scale and screening to any potential development. In the south east corner of the application site stands a fully mature oak tree. Due to their location, the existing trees on site have a moderate / high visual amenity value and will be incorporated into the development to add an element of scale and maturity.

The site is crossed by a number of mature hedgerows, whilst they are species-poor; they have value to wildlife, particularly as nesting habitat and commuting routes. The tree lines also present high potential as commuting routes. The retention of these mature trees and hedgerows will enable the habitat features to be retained and will therefore comply with policy OL11 of the Wrekin Local Plan

There are a number of self set young Oaks within the proposed sports pitches area of the site. Before this area is landscaped and graded and the trees lost, thought should be given to transplanting them so they can be used elsewhere within the development, this issue should be covered under the landscaping element of any subsequent reserved matters.

The proposal also includes the provision of a number of new trees, the function of these trees will be primarily to provide screening between adjacent land uses to the north and west and serve as an acoustic buffer. This planting will be undertaken as part of the school redevelopment in order to provide sufficient time for the planting to be more established before the residential sites are subsequently built out. This landscape buffer should assist in alleviating local residents issues relating to loss of privacy, and overlooking generated by the new development and can be controlled though conditions.

Pollution control

Air Quality: As recognised in PPS23, planning decisions can have a significant impact on the quality of air and can therefore affect the environment. Core Strategy Policy CS13: Environmental Resources states

that development which has a detrimental impact on the environment, including the quality of air, will be resisted if satisfactory mitigation cannot be achieved. An Air Quality Assessment was prepared to support the planning application. This document confirmed that the proposed development will be compliant with the National Air Quality Objectives and Limit Values and as such, there are no air quality reasons to prevent the planning authority from granting planning permission. In terms of the construction phase, the estimated magnitude of impacts associated with this phase of the proposed development, assuming the mitigation measures recommended are put in place, range from minor to negligible. The results of the air quality assessment therefore confirm that the development will comply with the objectives of PPS23 and policy CS13.

Officers considered that the overall air quality impacts of the proposed development can be adequately assessed and mitigated through appropriate conditions. During the construction phases, it will be necessary to impose a further condition to minimise dust emissions. The development is therefore considered to comply with the policy requirements of CS13 of the Core Strategy and guidance in PPS23.

Noise: A Site Environmental Noise Assessment was undertaken to support the planning application. This assessment confirmed that the site would fall into noise exposure category (NEC) B during the day and night. For sites that fall into NEC B noise should be considered when determining planning applications. The Council's Environmental Health Officer states there are significant Noise issues relating to Residential site B (Lime Kiln Lane). This is due to the proximity of the site to the M54 and the resultant Traffic Noise. Further advice is given that these noise issues will require a comprehensive scheme of Noise Attenuation to be designed into the proposed development in order to meet the required standards for noise levels in both the gardens and the internal rooms of the proposed dwellings.

Also to assist in reducing noise levels associated with the M54 and to improve the visual amenity for residents on residential site B, the existing tree lined landscaped buffer will be retained along the site's boundary with the M54. The existing trees to the north of the proposed sport pitches will also be retained to minimise any potential conflict with the cricket ground.

Officers consider that this level of mitigation of the demolition and construction phase is acceptable and can be controlled through a suitable condition. It is therefore concluded that the proposal is in compliance with guidance in PPG24.

Play facilities and Open Space

The increased proposed intake of the school may generate increased sporting demand to be accommodated at the site. The application needs to be considered in the light of Sport England's playing fields policy. The aim of this policy is to ensure that there is an adequate supply of playing fields and

playing pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

National Planning Policy Guidance note 17, Paragraph 15 sets out the criteria for assessing playing pitch provision

E1 – A proven excess of playing field provision in the catchment area and it demonstrated that the site has no special significance for sport

E2 – The proposed development is ancillary to the playing field (i.e. – new changing provision)

E3 – The area affected is incapable of forming part of pitch or associated run off areas

E4 – Replacement provision will be provided, equivalent or better with regard to quantity, quality and accessibility

E5 – The development is for a new sports facility, of sufficient benefit to sport to outweigh the likely detriment which would occur from the loss of playing field

The mixed use proposal includes the redevelopment of the existing Ercall Wood Technology College site to deliver a new build college with external sporting provision and residential development with associated public open space.

As indicated on the Proposed Site Plan, the application proposes residential development on the main area of the college's existing playing field. In addition to the expanse of grassed area which is understood to be used for a range of winter and summer sport, the playing field also includes a fenced hard court area. It appears that this has markings for tennis and netball use. The application also proposes the new college buildings on an additional area of playing field directly adjacent to the current college buildings. It is noted that the existing floodlit tennis provision is to be retained in the existing location.

To replace the playing field provision lost to the development proposals, two new areas are proposed. The larger area lies to the south east of the site on an existing field which has no current sporting use. A further playing field area is proposed on the footprint of the current college buildings. The combined area of the new playing field is at least equivalent in size to the area lost to the proposed works. How these areas are to be utilised for different sports and pitch sizes needs to be led by the anticipated programme of use but at this outline planning stage, it does seem that in purely quantitative terms, the external playing field provision would replicate the same opportunities for winter and summer pitch sports that currently exist.

There would however be an overall reduction in the amount of hard court area available for use. However, since the courts adjacent to Golf Link Lane have been unused for some time, it is considered that the resurfacing of the 4 retained courts is sufficient to meet both curricular and community need.

An important aspect of the new college will be the availability of facilities for use by the local community. With regard to sporting provision, this is welcomed by Sport England. However, it does mean that the grass playing field provision must be of sufficient quality to withstand curricular and community use and be the subject of a robust maintenance regime.

Subject to the quality of the new playing fields being secured and community access arrangements agreed, Sport England consider that in principle, the impact of the proposals on the external playing field provision is consistent with exception E4 of our policy in that the playing field lost to alternative development would be appropriately replaced. It will be important that the phasing of the whole development ensures that the new playing field is created and available for use before loss of the existing provision. Officers consider that the phasing plan condition is sufficient to secure this.

On the existing field area in the south east of the site, changes in ground levels are required to create ground levels suitable for the new sports pitches. It is anticipated that this can be undertaken as a cut and fill exercise the full details of which can be submitted with the reserved matters for the school.

Officers consider that the level of playing pitch replacement is acceptable and the development accords with guidance in PPG17.

The proposed residential development will also generate a demand for recreational open space. The development includes the creation of a children's play area (LEAP) and community allotments. Policy LR6 sets out the requirements for equipped play provision and officers consider that the provision of a LEAP is proportionate to the demand generated by the maximum of 130 new dwellings and the proposal therefore accords with this policy.

There is a high demand and a shortage of provision of allotments within the Wellington area and the incorporation of this element into the scheme is welcomed to providing recreational facilities for a mix of generations. Furthermore, this is a community benefit in relation to the green network policies and is consistent with the aims of the green network and therefore accords with policies OL3, OL4 and LR6 of the Wrekin Local Plan.

Design and Density

The importance of good design is central to planning policy and contributes to social and environmental regeneration. PPS1 places renewed emphasis on the importance of good design and states that high quality and inclusive design should be the aim of all those involved in the development process.

Core Strategy Policy CS15: Urban Design also provides an overarching framework to the design of development and states that the design of

development should assist in creating and sustaining places, strengthening local identity and projecting a positive local image.

Within the Wrekin Local Plan there are a series of relevant policies that relate to the design of the proposal. Central to this is Policy UD2 which sets out design criteria for all new development. As the design progresses through to reserved matters stage, it will be important that that these design considerations are taken into account.

Whilst the application is in outline form supporting documentation has been provided which considered the principle issues of design and place making. The Design and Access Statement provides indicative layouts for the site and the parameter plans indicate the areas for residential development, school development and open land, play faculties etc.

The new school is to be centrally located on the site, this siting is largely having consideration to allowing the existing school to function during the build, and still retain some outdoor facilities. The location of the new school is further away from existing residential properties and new proposed properties to ensure no issues of overlooking, loss of privacy and to limit impact of noise and light pollution. The maximum scale of the building at three storeys is appropriate for this location.

Residential Site A would have a screened landscape buffer to the north and western boundaries to assist in minimising the visual impact for existing residential neighbours. The density of development in this location is appropriate to the character and appearance of the surrounding area. Whilst the precise details will be considered at reserved matters stage, there is sufficient information to demonstrate that that level of development can be accommodated on the site, and be of sufficient quality to comply with national and local policies.

The residential area Site B has been amended to reflect the constraints of the site in terms of noise, ground conditions and flooding. The developable area is now 1 ha and will be surrounding by informal open space and potentially subject to design and Sustainable Urban Drainage feature to be in keeping with character of the adjacent residential development in Cherry Tree Close to the north.

Planning obligations

Given that site has three distinct areas of development, planning obligations can be split amongst the separate elements. The new school building is a replacement community facility and there is no need for any additional planning contributions. Other than to provide funding to promote and implement new and amended Traffic Regulation Orders (TRO's) comprising: -

Waiting restrictions during the morning and afternoon school peak traffic periods along Golf Links Lane and Christine Avenue,

The review and, if necessary, amendment to the existing Weight Restrictions in the vicinity of Lime Kiln Lane, Mount Gilbert and Bayley Road, All necessary signage, lighting and road markings associated with (i) and (ii) above.

New residential development has an impact on existing facilities and services which need to be mitigated either with on site provision or financial contributions. Policy H22 of the Wrekin Local Plan seeks contributions for primary education facilities in connection with major residential developments. This contribution may either be in the form of land a financial contribution or both. For this application the adjacent Shortwood Primary School will benefit from additional land to be developed to create school garden wildlife and allotment area as part of the Forest Schools Programme. Officers consider that these meet the policy requirements of Policy H22.

Residential Site A

This is a housing site for a maximum of 85 dwellings and includes the provision of a LEAP and allotments. This level of provision is at an acceptable level sufficient to mitigate for the demand on play requirements from both the residential development areas (sites A and B). Both the LEAP and allotments will require ongoing maintenance and there will be a requirement for a commuted sum, with figures to be agreed at detailed design stage, and with payment prior to commencement of development.

The level of development also requires the provision of affordable housing on site. Local Plan Planning policy requires 38% of properties to be affordable. However, in the current economic climate issues of viability have arisen with many sites. In this case, documentation has been provided with regards to financial viability and coupled with the requirement for cross funding of the school development; it is considered that the 15% offer of affordable housing is appropriate and justifiable. This level of affordable housing is to be a 50/50 split of social rented and intermediate tenure properties to create good mix to meet local housing demands and create a sustainable community.

As the Council is landowner for this site, it can not enter into a S106 agreement, and this planning contribution shall be secured through a memorandum of understanding to undertake to make the required payments at the time of sale, or commencement of development. If the land is to be sold for others to develop, and its contributions are not paid from sale monies, the land will be bound by a S106 agreement between the LPA and the new developer.

Residential Site B

There will be an obligation to provide 15% affordable dwellings with a 50/50 split between social rented and intermediate tenure properties. As this is third party land these planning obligations can be secured through a S106 agreement.

CONCLUSION :

The proposed redevelopment has been fully considered and assessed to be in accordance with guidance in PPS1, the Core Strategy policies and Wrekin Local Plan policies. Moreover, the proposal will meet the aspirations contained in the Draft National Planning Policy Framework.

The provision of a new school and associated residential development does constitute exceptional circumstances to green network policies in relation to the community and regeneration benefits created by the new school, which is appropriate redevelopment of the existing site. Coupled with environmental benefits through the expansion and enhancement of the wildlife area and provision of allotments. The proposed development will continue to support the aims of the green network pertinent to this site.

The traffic movements generated by the development can be accommodated without detriment to highways safety. There is adequate parking provision for the new school and the travel plan will promote sustainable modes of transport to the site. There would be an improvement to the existing parking problems experienced on Golf Links Lane

Ecological issues have been satisfactorily considered; the development through the demolition of the existing school will have an impact on bats, and however this can be mitigated through a number of measures including the creation of a bat loft in the extended wildlife area part of the site.

Issues of ground conditions, flooding, drainage, 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 requirements, which can be adequately mitigated through planning obligation contributions.

The Local Planning Authority considers that on balance the site is a longstanding community facility with established links to the wider transport network and therefore the principle of a similar type of development within the site is acceptable. The residential development is interlinked to the provision of school through cross funding and can not be considered separately. The proposed facilities and associated measures will significantly enhance the social and community provision.

RECOMMENDATION: that subject to the signing of a S106 agreement for 15% affordable housing and Council as landowner agreeing to provide a Memorandum signed by the Assistant Director Development Business and Housing agreeing that the Council as landowner will provide 15% affordable housing and will pay the commuted sums for maintenance of LEAP, allotments and TRO works, either upon the sale of any of the development land or upon commencement of the development whichever is the sooner then **DELEGATED AUTHORITY** be granted to the Assistant Director Planning Specialist to **GRANT PLANNING PERMISSION** subject to the following conditions:

Overall conditions:

1. A01 – Time Limit Outline
2. A03 – Sub of Reserved Matters
3. B02 – Standard Outline Some Matters Reserved, Land Contamination
4. B121 – Landscape Design
5. Ecology Mitigation Strategy
6. Lighting Strategy (Ecology)
7. Wildlife Enhancement Scheme
8. Hedgerow Retention
9. C76 – Nesting birds (vegetation)
10. Phasing plan including landscape phasing.
11. Maximum of 130 dwellings between site A and B with no more than 50 dwellings on site B
12. C70 – Protected or priority species
13. C71 – Ecology survey update (including priority species)
14. C72 – Ecology watching brief
15. B56 – Soil gas monitoring

Site A Conditions

16. Landscape Buffer to north of site – 1st Planting Season following commencement
17. Retention of culvert discharge point for surface water flows.
18. B75 - Surface water discharge to Greenfield run-off rate
19. B62 – Surface water drainage .
20. Site Environmental Management Plan – for construction activities
21. Full road details
22. B124 – Planting before a boundary treatment
23. B125 – Details of Earthworks
24. B126 – Landscape Management Plan
25. B128 – Landscape Maintenance
26. B130 – Trees Protective Fencing
27. B132 – Trees No Dig Method
28. BCustom – Details of allotments and parking area
29. B155 - LEAP details
30. BCustom. The play area is to be built prior to any sale / occupation of any overlooking housing.
31. CCustom – noise mitigation in accordance with report

Site B Conditions

32. Landscape Management Plan
33. Max 50 Dwelling Condition
34. The access point to Limekiln Lane as shall be relocated approximately 30 metres to the south, and shall constitute the only vehicular access to Residential site B.
35. B33 – Road design to include full details of the reconstruction of Limekiln Lane,

36. Noise Attenuation scheme as per Environmental Health recommendation
37. B62 – Surface water drainage
38. BCustom - Design and maintenance of attenuation feature
39. B75 Greenfield run-off rates
40. Replacement Trees
41. B124 – Planting before a boundary treatment
42. B125 – Details of Earthworks
43. B126 – Landscape Management Plan
44. B128 – Landscape and Open Space Maintenance
45. B130 – Trees Protective Fencing
46. B132 – Trees No Dig Method
47. B150 - Site Environmental Management Plan – for construction activities

School Conditions:

48. Bat Roost – Construction preceding demolition
49. Landscape Management Plan
50. Retention of culvert discharge point for surface water flows.
51. B75 - Surface water discharge to Greenfield run-off rate
52. B62 – Surface water drainage
53. Transplant Trees
54. Within 12 months of the occupation of the new school, the School Travel Plan (STP) shall be updated.
55. B125 – Details of Earthworks
56. B126 – Landscape Management Plan
57. B128 – Landscape Maintenance
58. B130 – Trees Protective Fencing
59. B132 – Trees No Dig Method
60. 81. CCustom – noise mitigation in accordance with report
61. Prior to the occupation of the new School, the existing vehicular/pedestrian access to be widened
62. The internal school pedestrian and vehicular access, parking, drop-off/pick-up and circulation facilities, to be provided before the school is first occupied
63. Reserved matters to include specific sports provision details including pitch construction details
64. B150 - Site Environmental Management Plan – for construction and demolition activities
65. Highways Agency – Sports Pitches (balls)
66. Community Use Agreement

Informatives

- I106 – Section 106 agreements
- I16 - Sustainable Urban Drainage
- Informative: Culvert.
- I32 - Shropshire Fire Service
- Licence in respect of protected species
- EA informatives
- I40 - Conditions

I44 - Reasons for approval

Reason for approval

The proposed redevelopment has been fully considered and assessed to be in accordance with guidance in PPS1, the Core Strategy policies and Wrekin Local Plan policies. Moreover, the proposal will meet the aspirations contained in the Draft National Planning Policy Framework.

The provision of a new school and associated residential development does constitute exceptional circumstances to green network policies in relation to the community and regeneration benefits created by the new school, which is appropriate redevelopment of the existing site. Coupled with environmental benefits through the expansion and enhancement of the wildlife area and provision of allotments. The proposed development will continue to support the aims of the green network pertinent to this site.

The traffic movements generated by the development can be accommodated without detriment to highways safety. There is adequate parking provision for the new school and the travel plan will promote sustainable modes of transport to the site. There would be an improvement to the existing parking problems experienced on Golf Links Lane

Ecological issues have been satisfactorily considered; the development through the demolition of the existing school will have an impact on bats, and however this can be mitigated through a number of measures including the creation of a bat loft in the extended wildlife area part of the site.

Issues of ground conditions, flooding, drainage, 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 requirements, which can be adequately mitigated through planning obligation contributions.

TWC/2012/0081 Overdale Playing Field, Rock Road, Overdale, Shropshire, TF3 5BX

Refurbishment of an existing Neighbourhood Equipped Area of Play, new fencing and floodlighting for the ball court and new space net

APPLICANT

Derek Owen

RECEIVED

25/01/2012

PARISH

Lawley and Overdale

WARD

Lawley and Overdale

OBJECTIONS RECEIVED: NO

MAIN ISSUES: Character and appearance of the area, residential amenity, Green Network.

PROPOSAL:

The proposal is for a replacement children's equipped play facility (designed to Fields In Trust, Local Equipped Area of Play standard) to be used by local children (predominately aged between 3 -15). This will incorporate an equipped children's fenced play area, a separate unfenced 'space (climbing) net' (specifically requested by the local children), a new replacement ball court with increased height fencing (including overhang) to increase ball retention in the court and recreational floodlighting to increase usage in early evenings in winter.

The equipment will be in a variety of colours. The existing play area will be removed and returned to amenity grass, as will the existing BMX track. New 1.2m high powder coated green bow top fencing around the play area, yellow gates and litter bins are also proposed.

The development also includes two formalised pedestrian access points which will address the issue of potential bullying by way of increasing exit points. Currently there is only one.

Funding for this refurbishment has now secured via S106 contributions and the Borough Council.

SITE AND SURROUNDINGS:

The site is roughly triangular in shape and is located on the north eastern side of Overdale Road. The east and southern boundaries back on the rear gardens of the dwellings in Blackbird Close and Ercall View which are situated on higher ground and screened by 1.8m timber panel fencing. The northern boundary comprises palisade fencing and a motorway embankment with the M54 beyond. On the opposite side of Overdale Road is a large area of undeveloped land and horse grazing paddocks. The western boundary has post and rail fencing and wire mesh.

The site has been recreational land (an informal open space with an equipped play area) for a significant time. The site is within land designated as Green Network within the Wrekin Local Plan. The whole site is owned by Telford &

Wrekin Council as Public Open Space which currently contains a very basic children's equipped play area including a climbing frame, slide and swings, a multi use games area (MUGA), an old style BMX track and a 5 a side football grassed pitch.

PLANNING POLICY CONTEXT

National guidance:

PPS1 Delivering Sustainable Development.

PPS17 Planning for Open Space, Sport and Recreation.

National design guidelines (Fields In Trust – formally the National Playing Fields Association - NPFA)

LDF Core Strategy:

CS9 Accessibility and Social Inclusion,

CS10 Community Facilities,

CS11 Open Space,

CS15 Urban Design.

Saved Wrekin Local Plan Policies

UD2 Design Criteria,

LR4 Outdoor recreational open space,

OL3 Green Network,

OL4 Development in the Green Network,

OL5 Extensions and Redevelopment in the Green Network,

OL6 Open Land.

CONSULTATION RESPONSES

A site notice and 15 direct neighbour letters publicised the application. No representations have been received from

Cllr Jayne Greenaway fully supports the application and welcomes any improvements to enhance the current play provision, as at present the equipment looks dated and un-inviting although the ball court is well used in summer months. She considers that the most important aspect of this application is the proposed floodlighting. She believes that it will extend the use of the ball court as at present it is a no-go area after dusk. She welcomes the suggested lighting timer system as this will encourage play but also safeguard residents from disturbance. It will also offer security to children's play on the area, as the site is visible from properties. The retention of the recreational open space is also an important factor in this application, as locally this is used to engage hard to reach young people, and she particularly welcomes the work that has taken place to locate facilities with-in the site to maximise and protect this area. She wishes to endorse this application and hopes that it can be approved.

Lawley & Overdale Parish Council have no objections

The Council's Geotechnical Engineer supports the proposal and suggests informatives I17 & I20.

The Council's Drainage Engineer has no objections.

The Council's Highway Engineer has no objections.

The Council's Ecologist has no adverse comments.

Sport England has no objection

PLANNING CONSIDERATIONS:

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. Policy LR4 seeks to achieve National Playing Fields Association minimum targets for outdoor recreational open space including both formal playing pitches and children's play areas. Policies OL3, OL4, OL5 & OL6 state that the Council will protect open land (Green Network) that has a value as recreational importance and allow development which has community benefits.

Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access recreation and open space and sports facilities. 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. Policy CS11 seeks to protect and enhance areas of formal and informal open space. 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.

PPG17 acknowledges that open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives.

Fields in Trust (FIT) is the only independent UK wide organisation dedicated to protecting and improving outdoor sports and play spaces. Through their work they have been improving the health and well-being of millions of people nationwide and strengthening communities since 1925. Fields in Trust was founded in 1925 as the National Playing Fields Association by King George V who was dismayed by the poor sport and play facilities available to children.

The provision for a NEAP to serve this area has been identified in the Council's adopted play strategy. A local community Group raised funds in partnership with the council to provide a multi use games area (MUGA) in

1995. The group are still active and use the facilities at the site. Most recently, the council received a signed petition by 500 people requesting that the ball court area is floodlit.

There is limited play value in what is currently being provided as a children's equipped play area and the equipment is now very dated. Whilst not unsafe, some equipment does not conform to current national European standards. The existing play area is used by the general community for informal recreation purposes. Usage levels are unknown but are estimated to be relatively low for the play area but high for the ball court even though the facilities require modernising. Current hours of access are dawn to dusk.

The project is mainly a replacement of the existing facilities. The new location for the equipped play area is proposed to be set slightly further away from overlooking properties in Blackbird Close. Consideration was given to locating the new facilities in other locations within the site. However, the Royal Society of Prevention of Accidents (RoSPA) advised against locating on the bottom section of the field near to Rock Road / MUGA as it would increase the hazard to children from the potential hazard of being hit by wayward footballs from the ball court.

Another potential location investigated for the equipped play area was on the current grass 5-a-side area, but the user group wished to retain this function. Another option considered was the existing location, however RoSPA again advised against this location for the same reason as above. Additionally, national design guidelines by Fields In Trust (FIT) in relation to children's play (LEAP) require a minimal set distance of 20m from the edge of a proposed facility to the curtilage of residential properties; the existing location would therefore not comply. The unfenced space net is proposed to be located separately to the fenced equipped play area and is to be located in the corner of the open space to again remove the potential hazard of being hit by wayward footballs, (from the grass 5 a side area). The play provision location reflects an area which is an acceptable distance (according to FIT guidelines) from residents and is also overlooked by some properties, acceptable to RoSPA.

The location for the multi use games area refurbishment is set by its current template. The modern replacement ball court will be the same size as the existing facility and will not be extended from the current template. The floodlighting columns will be integrated into the fence posts to ensure the proposed facilities remain within the existing footprint. The proposed ball court layout will replicate the existing layout but will have increased height on the fencing to enhance ball retention in the court area. It should be noted that the existing height of the ball court fencing currently drops to 1m and is a constant complaint of users (who have to collect their ball from outside of the court) or from other users of the open space who complain about the potential of being hit by wayward footballs.

The floodlight columns are integrated into the proposed fencing posts to minimise extensions into the open space. The proposed 'recreational' lighting

is significantly less bright than it would be for competitive 'sports' usage which require high lux levels for competitive events to comply with the sport's governing body requirements. Proposed lighting levels are similar to the street lighting levels which are sufficient to provide safe recreational activity on the court. Lighting will be timed to go off at a specific time (9.00pm) and contain a sensor to ensure the lighting does not switch on until dusk whenever time this may be. The ball court is a sufficient distance from housing which will not be affected by any lighting overspill and limited to areas within the open space.

The layout of the play area has been agreed by the potential users of the facility (local children). The play facilities will be located on a slightly sloping, existing grass area. The levels of the play area require a 1:100 – 1: 80 fall so a small amount of cut and fill is required, however, there are no known services (sewers) in this area and the proposed works to ground levels are minimal. The proposed play area surface is predominately porous wetpour safer surfacing and the space net will be safer surfaced with play bark (again porous). The ball court proposal is using the existing tarmac surface of the existing facility.

The surrounding land around the northern perimeter of the play area contains numerous mature trees screening the play area from view which currently acts as a buffer to the proposed location. Moreover, the ambient background noise is relatively high due to the nearness of the elevated section of the adjacent M54. Accordingly, there will be no adverse impact upon the residential amenity of the dwellings which back onto the site. The proposal is similar to existing recreational areas in the Borough (e.g. Ketley, Woodside, Leegomery and Dawley Bank) and will not look out of character in the context of the area or adversely impact upon the streetscene.

There is no wildlife designation or wildlife value of this amenity grass which is mown 12 times a year and no trees or hedges are affected by this proposal, and the community use accords with the objections of the Green Network.

In conclusion the proposed development is considered to be acceptable and will have a positive impact on the amenity of the community and the facilities provided. There will be no adverse impact on residential amenity or the character and appearance of the area or the streetscene.

With the above in mind, it is considered that the refurbishment of the existing facilities for local children and young people in the Overdale area should be supported as the proposed development accords with both local and national policy stated above, and is therefore recommended for approval.

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

1. A04 - Full with no reserved matters.
2. C38 - Compliance with approved plans.
3. Dcustom lights off at 9:00p.m.
4. I17 – Minerals

5. I20 – Contaminated land
6. I40 - Informative - Conditions.
7. I41 - Informative - Reasons for the grant of planning permission.

REASON FOR APPROVAL:

The facilities will improve the outdoor sports and play spaces for local children and young people in the Overdale and have no adverse impact upon the character and appearance of the area or residential amenity.

TWC/2012/0085 Telford Ice Rink, St Quentin Gate, Telford, Shropshire, TF3 4JQ

Refurbishment of Telford Ice Rink including extensions to front and side to accommodate a new soft play area, rear extension for the future energy centre and new front entrance to the Ice Rink restaurant. Erection of a new restaurant adjacent to the front of the existing bowling/bingo building and associated public realm works.

APPLICANT

Telford & Wrekin Council

RECEIVED

25/01/2012

PARISH

Great Dawley

WARD

Malinslee

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES:

Regeneration, impacts on Town Centre, scale, mass and design, and public realm and landscape.

THE PROPOSAL:

The application is for the refurbishment and extension of the existing Telford ice Rink building to be a mixed use facility and erection of a new single storey restaurant/bar building in front of the existing Bowling and Bingo premises.

- Telford ice rink
- a new soft play area (extension to east of building), which is a double height space of 400 sq.m. floor area on the lower ground floor, with a small plant room. This is an ancillary facility to the ice rink and will provide a new entrance to the facility with associated toilet and catering facilities.
 - rear (northern) extension to provide space to accommodate an energy centre. The energy centre is created through the extension of the existing plant room associated with the Ice rink and ground and first floor levels. In due course the plant will be installed to provide energy for developments within Southwater. The plant can be either, a combined heat and power engine or biomass boiler. It is anticipated at the energy centre will reduce carbon dioxide emissions from the new hotel and cinema by approx 20%.
 - new 20 sq.m. entrance on front elevation in western corner to access a new restaurant to be installed on the ground level of the existing building.

Bowling & Bingo – new 303 sq.m. Restaurant/bar building (Use Class A3/A4) to the site adjacent to the front (southern) elevation.

BACKGROUND:

Outline planning permission was granted for a mixed use development on the wider Southwater Masterplan Area in June 2010. The application site is located within the north-western area of the wider Southwater area. The masterplan agreed on the outline application split the area into 12 Development Zones with a specified mix of uses within each zone and parameters for maximum building sizes in terms of footprint and height.

The application site includes land within zone 3 of the masterplan. As the design of the scheme has progressed, there have been a number of modifications made to the layout, land use and design principles from that detailed and approved at outline stage, due to policy changes with the adoption of CTAAP and following market testing to ensure deliverability of the scheme. Whilst the design, and land uses are broadly in accordance with the overall masterplan, the proposal does not conform to the parameters plan agreed at outline. The main changes are the location of the land uses. All the proposed uses, energy centre, soft play area and restaurant/bar formed part of the land uses within the masterplan. However, the energy centre has been relocated and the soft play area has been extended further to the side of the building. Therefore, this proposal needs to be considered as a full planning application.

This application is the second of three to be submitted this year for the Southwater scheme. The first full application for the new cinema, hotel, restaurants and bars and Multi Storey Car Park (TWC/2012/0008) was approved by plans board at last meeting. The third detailed application which is due for submission in April is for a community focussed building (the Community Hub) and will comprise a replacement Library, the Council's First Point facility, tourist information point and bars/restaurants. The scheme will also include public realm and landscaping works to create Southwater Lake, Main Street and International Square.

Telford Ice Rink opened in 1985 and is one of only 56 ice rinks within the UK and is therefore a facility of regional importance. The site is currently utilising the existing plant to operate and the improvement of this is a key element of the refurbishment programme. It is considered that this facility will remain a key element in the wider leisure activities for Southwater and improvements will lead to increases in visitor numbers.

SITE AND SURROUNDINGS:

The application site is 0.33 hectares, and is split with 2545 sqm to the south of the existing Ice rink and Bowling and bingo buildings and 761 sqm to the north of the ice rink building, and is located in central Telford, south of Telford shopping centre.

The two buildings are substantial in size of miss-matched materials are very functional in form and offer limited interaction with the adjacent public realm.

The site is designated as the Town Centre Character Area within the Central Telford Area Action Plan (CTAAP). The site lies within the Town Centre core. To the north/west of the site is the main shopping area, which is accessed through an enclosed bridge link, and also forms part of the shopping centre. The bus station is also located to the North West of the site, further along Coach Central. Immediately to the east of the site is the recently extended Telford International Centre, (works undertaken in accordance with the outline masterplan). To the south of the site is the former Southwater lake which has been drained and engineering works have been undertaken, along with part of the site in preparation of development within Southwater; beyond that is Telford Town Park, with more formal garden, play facilities and new visitor centre as the closest facilities to the site. To the west are meeting point house, library and fairshare building (site subject to redevelopment for the cinema/hotel and MSCP) beyond that there are two substantial retail units, and the former Toybox crèche, (which was subject to an application for a new retail unit approved recently at Plans Board). Beyond these retail units is the Brown Elm surface car park.

Vehicle access to the site is gained from St Quentin's Gate via a traffic signalled junction, opposite the Cherry Pink Car Park. There is a pedestrian access in a east/west pathway which connects TIC and the shopping centre and Brown Elm Car Park.

RELEVANT PLANNING HISTORY:

W2009/0914 - Outline planning application with means of access (part) for a mixed use development comprising Offices and Civic offices (B1a/sui generis); Residential (C3) (up to 330 units); Retail, Cafes/Restaurants, Financial and Professional Services, Drinking Establishments (A1,A2,A3,A4); Learning and Media Centre (to include the replacement of Meeting Point House), Leisure Pool, Cinema, Hotels, Energy Centres, Conference and Event facilities including outdoor events space and a Medical Centre (C1, D1, D2 and sui generis); associated landscape improvements to the public realm, replacement and construction of Southwater Lake, boundary treatment and new and reconfigured access; construction of basement, undercroft, surface and multi storey car parking; and all associated and ancillary works. Retention, refurbishment and extension of the existing ice rink building and extension to bowling and bingo building. Retention of existing hotels (the Holiday Inn and International Hotel) and Event Centre, Outline Granted, 17/06/2010.

TWC/2010/0446 - Engineering operations comprising foul and surface water drainage works and the draining of Southwater lake, earthworks to facilitate a Main Street and new Southwater lake, demolition of Spout Farm House and the Town Park Ranger Base, Highways improvements to existing and reconfigured accesses, replacement and creation of surface car parking, landscaping, retaining structures and all associated and ancillary works, Full Granted, 28/10/2010.

TWC/2011/0037 - Provision of public realm improvements to facilitate a new main street, new public squares and access to include street furniture, CCTV, lighting, flagpoles, boundary treatments, landscape improvements and water features and associated and ancillary works, Full Granted, 10/03/2011.

TWC/2012/0008 - Demolition of existing buildings and the redevelopment of the site to provide a hotel, cinema, class A3/A4 floorspace, multi storey car park, class A1/A2/A3/B1 unit within the multi storey car park, replacement surface car park, public realm improvements and associated works including highway works full Granted 08/03/12.

PLANNING POLICY CONTEXT:

National Planning Guidance

PPS1 – Delivering Sustainable Development; sets out the Governments overarching planning policies on the delivery of sustainable development through the planning system and complement other guidance. Sustainable development is a core principle underpinning planning, and is a simple idea of ensuring a better quality of life for everyone, now and for future generations.

Planning should facilitate and promote sustainable and inclusive urban development by:

- Making suitable land available
- Contributing to sustainable economic development
- Protecting and enhancing the natural and historic environment,
- Ensuring high quality design, and
- Ensuring development supports existing communities, with good access to jobs and key services.

It needs to be recognised that the economic development can deliver environmental and social benefits. The LPA needs to ensure that leisure and tourism proposals are in suitable locations so the economy can prosper, and provide for improved choice and competition, whilst actively promoting and facilitating good quality development.

Good design ensures attractive usable, durable and adaptable places and is a key element to achieving sustainable development. Good design should contribute positively to making places better for people. High quality and inclusive design with well planned public spaces will bring people together.

PPS4 - Planning for Sustainable Economic Growth – This main town centre uses which this PPS apply to include leisure and recreational uses such as cinemas, restaurants and bars. To help achieve sustainable economic growth development needs to promote the vitality and viability of town centres as important places for communities by new economic development of main town centre uses in existing centres, offering a wide range of services in an attractive and safe environment, competition between retailers and enhance customer choice and provide a sense of place and focus for community and civic activity.

Local Planning authorities should manage the evening and night time economy, by encouraging a diverse range of complementary uses which appeal to a wide range of age and social groups, making provision for activities such as restaurants and bars.

With regards to parking provision, developments need to encourage access to development for those without use of a car and promote sustainable transport choices, including cycling and walking. Furthermore, the provision of adequate levels of good quality secure parking is needed to encourage investment and maintain town centre vitality and viability, whilst encouraging the shared use of parking.

PPS9 – Biodiversity and Geological Conservation
PPG13 - Transport
PPS23 - Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

Emerging national planning policy, draft National Planning Policy Framework: The application will need to be assessed against both Local and National Planning policies. Indeed at the national level, it is clear that the present Government intends to reform the planning system but in advance of these reforms, there have been a number of Ministerial Statements that have been published that advocate a desire for “Growth”:

‘The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would comprise the key sustainable development principles set out in national planning policy.’

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant (and consistent with their statutory obligations) authorities should:

- Consider fully the importance of national planning policies aimed at fostering economic growth and employment;
- Take into account the need to maintain a flexible and responsive supply of land;
- Consider the range of economic, environmental and social benefits of proposals including the long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies;
- Be sensitive to the fact that economies are subject to change; and
- Ensure that they do not impose unnecessary burdens on development.

Further Statements have been published since including the introduction of a “presumption in favour of sustainable development”. There is an inference that developments that accord with an up-to-date Development Plan should be approved while planning permission should also be granted where the plan

is absent, silent, indeterminate, or where policies are out of date, unless the adverse impacts of permitting developments would significantly and demonstrably outweigh the benefits.

A Draft National Planning Policy Framework (NPPF) was issued in July 2011 with the intention that it will replace Planning Policy Statements; the NPPF echoes the Ministerial Statements described in the preceding two paragraphs. The NPPF advocates a “town centre first” approach to retail and leisure development and a requirement for planning applications for town centre uses to demonstrate a sequential approach to site selection, with town centre uses preferably being located within the town centre itself.

The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2001 (adopted 2002)

This represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains “saved” policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

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

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

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

Relevant Saved Wrekin Local Plan Policies

EH7 – Land Contamination

EH8 – Remedial Action on Contaminated Land

UD2 – Design Criteria

UD4 – Landscape Design

UD5 – Public Art

Local Development Framework Core Strategy (CS)

Telford Core Strategy -The Core Strategy Development Plan Document

(DPD) was adopted in December 2007 and is the key strategic LDF document

that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

CS2 – Jobs
CS3 – Telford
CS4 – Central Telford
CS8 – Regeneration
CS9 – Accessibility and Social Inclusion
CS10 – Community Facilities
CS12 – Natural Environment
CS13 – Environmental Resources
CS14 – Cultural, Historic and Built Environment
CS15 – Urban Design

LDF Central Telford Area Action Plan:

TC1 – Town Centre Core
SA2 – Southwater
CT1 – Mixed Use
CT2 – Retail
CT3 – Employment
CT6a – Leisure, Culture and Tourism
CT6b – Establishing the Evening and Night time economy
CT6c – Managing the Evening and Night-time Economy
CT7 – Greyhound Link
CT8 – Box Road
CT9 – Other Highway Network Improvements
CT10 – Parking
CT12 – Public Transport
CT14 – Environmentally sustainable buildings
CT15 - Design
CT17 – Public Realm
CT18 – Storey Heights and Tall Buildings
CT19 – Biodiversity
CT20 – Landscaping
CT23 – Developer Contributions for Delivering Infrastructure

SPD Design for Community Safety.

CONSULTATION RESPONSES:

Pollution Control: No objections subject to the statements made in the noise and air quality sections of the report being adhered to, controlled through appropriate conditions

Highways Section: In terms of parking the extant uses do not have any dedicated spaces. The pay and display adjacent to the Ice Rink has been sold, in part. Parking will therefore need to be taken up by the existing parking in the area or the new multi-storey car park. This has not been specifically considered in the TA but I am satisfied that there will be sufficient capacity. In terms of this new development, the parking requirements for this

have been considered as being accommodated within the new multi-storey car park (TWC/2012/0008). There is capacity for this but the facility will need to be available prior to occupation.

The total new trips for the proposal are 26. The CTAAP figure is £1740.37 per trip. Therefore the CTAAP contribution is £45,249.62, this will need to be secured by S106. Monitoring of the Travel Plan(s) will require a contribution of £5,000. Again this will need to be secured by S106.

Great Dawley Parish Council: The Parish Council has no objections. However, the Parish Council stated that in connection with the proposed biomass energy centre that a request is made to be notified that source products would be locally sourced together with information as to the types of products that would be used.

Drainage – The proposals include only small extension and therefore a condition for details of foul and surface water drainage is required.

Shropshire Fire Service: No objections subject to informatives

Geotechnical Engineers: Support subject to conditions for foundation design and. Informatives on land contamination and Minerals Area.

Ecology: No comment

Third Party representation from Tenpin (bowling): The proposal totally obscures our frontage when viewed from the east. There is limited scope for our customers to find / see us as it is - This is not acceptable. Our only service entrance to the rear of the bowling lanes is now obstructed, the only way to replace the pin-setter machines is via our south facing double doors, these are replaced using a fork lift provision to turn through 90 degree ,with sufficient space for access/egress to external areas needs to be provided.

PLANNING CONSIDERATIONS:

Principle of redevelopment

The Core Strategy's long term development vision will see the transformation of Telford's centre into an 18 hour, seven days a week focal point for recreation, leisure, and cultural services and facilities. It will provide new jobs, new opportunities and new wealth, to transform the image and perceptions of Telford. This is supported by policy CS 4, which states that Central Telford area will be the main focus for major housing, employment, retail, recreation, leisure service and mixed development by creating more shops, offices, cafes and restaurants, sports, recreation and leisure. Accommodating a mix of uses to encourage people into the town at different times of night and day, making the area an easier, safer and more pleasant place to walk and reduce impact of the car and enhance the role of the Town Park is a key feature of this scheme and is fully compliant with Core Strategy policies.

The Central Telford Area Action Plan expands this vision and policies of the Core Strategy for the Town Centre, where the vision has been refined and bolstered so that the town centre and notably the Southwater area provides a vibrant, sustainable, commercial and cultural heart for the town that looks, feels and functions like an identifiable Town Centre, rather than the present indoor shopping centre focus.

The application site is a vital component to delivering this vision as it is located within the Town Centre core. Any scheme here is important to establishing a heart to the town – in terms of ambitions, it is clear that development is expected to be characterised by more intense, mixed use activity.

The proposal is for a refurbishment of existing leisure uses (ice rink, bingo and bowling) to be complemented by a new soft play facility, bars and restaurants and supported through the create of space to accommodate an energy centre. The proposal is in accordance with the uses allocated within Policy SA2 of CTAAP. Specifically, developments at Central Southwater are expected to demonstrate that they will create an area of vibrant mixed uses, establish a high quality public square and improve visual and physical connections with the Town Park, Telford International Centre and existing shopping centre. This proposal includes the creation of new frontages, in the southern elevation to link to the public realm created by 'Main Street', which links Southwater Way and St Quentin's Gate.

The scale and quantum of development is in accordance with the outline masterplan for the large Southwater development which secured outline planning permission in June 2010. This proposal represents the redevelopment of a predominantly brownfield site, within an urban area, with good access to public transportation. The land is currently under utilised and the proposal provides the opportunity to create a vibrant mixed used scheme in accordance with PPS1

The town centre location of the development site meets the aspirations of both the Development Plan (including the Wrekin Local Plan and Core Strategy) and PPS4 which promote the town centre first approach for mixed use development schemes such as this.

In terms of accessibility the town centre location is ideal for this type of development providing the design of the scheme contributes to the creation of the strategic linkages as set out in CTAAP. In terms of uses, the proposals are leisure focused in line with the allocation (SA2) for the site within CTAAP. The proposed uses support Policy CS14 of the Core Strategy which identifies the need to develop a 'cultural quarter' within Telford town centre to improve the night time economy. In addition, the supporting text to Policy CS9 of the Core Strategy recognises that leisure, sport and recreation infrastructure will be an important resource for the development of the town centre.

CTAAP aims to establish an evening and night-time economy, through Policy CT6b, and the Southwater location is suitable for this as long as no leisure

use creates an unacceptable impact on neighbouring uses. This development will introduce a lot more people into this area in the evening and it is essential this is managed effectively as set out in Policy CT6c. It is considered that the scheme has, as best it can, designed out the potential for crime, particularly with the closing of an alley way between the existing buildings. There is good surveillance from buildings, well integrated footway network with a well lit environment and protected by CCTV measures.

It is considered that the principle of redevelopment of this site for a mixed use centre is in accordance with planning policies and guidance in PPS1 and 4, the Wrekin Local Plan, Core Strategy and CTAAP.

Layout, scale and design

The proposal intends to create frontage development which actively responds to the creation of a new road 'Main Street' which is located to the south of the existing buildings and will link Southwater Way and St Quentin's Gate. Currently, the existing building present significant areas of blank inactive walls to public area, and given the scale of the buildings are overbearing on the adjacent paths and dominant on views of the site from within the park.

The proposals include a re-animation of the ice rink building, though internal alterations to create a restaurant on the ground level (slightly raised in relation to footpath and accessed by an internal stairway on western corner of building), with significant areas of glazing on front elevation and opportunity for outside seating. A two storey extension on the eastern corner of the building will create a new glazed entrance to the ice rink (at grade, exploiting the level changes across the site) as well as the new soft play area. . Furthermore, the soft play area extension creates a frontage to International Square and link to the TIC and proposed future development in this location.

The layout of the proposal seeks to create a unified and animated façade along Main Street, to encourage the creation of place with a positive local image. This is being complemented with the re-cladding of Ice Rink (on southern elevation and part of eastern and western elevations). The design of the separate restaurant/bar has significant glazing incorporated to link with the proposed hotel to the west of the building, which continues this frontage to Main Street. The materials are contemporary and reflect material proposed for other development within Southwater to assist in the creation of a place with a distinct identity. It is considered that the alteration to the front elevation of the ice rink building and new restaurant/ bar building creates an attractive and distinctive design, with the use of contemporary architecture and is fit for purpose. The development will create an attractive and well connected street, which is lively, safe and accessible to all. The development therefore accords with policy CT15 of CTAAP.

The rear extension is to incorporate the improved plant for the existing ice rink and an energy centre for the wider Southwater development. This is a sustainable location for the centre as it can be linked to space being provided for the new plant equipment for the ice rink. The new energy centre is to be a

feature of the development and includes chimneys, which create significant features on the roof, with contemporary design, and feature lighting to highlight the sustainability credentials of the development. The overall height is below the maximum parameters considered acceptable in the overall master plan are considered acceptable and to accord with policy 18 of CTAAP.

The operators of the bowling alley have objected to the proposal with concerns about the location of the access to there building and consider that they will have a lack of presence within the new development. The layout of the site creates a new pedestrian access to link the multi storey car park to Main Street. This new link is adjacent to the existing bowling and bingo and the new buildings (hotel and restaurant). The layout offers good permeability of the wider Southwater development and will lead to increase visitor numbers in the area to boost trade at existing facilities. The existing entrances will be visible form the new public realm and signage can be utilised to reinforce this. It is therefore considered that the proposed development will not adversely impact on access to the existing bowling/bingo building.

In conclusion, the development creates a vibrant mixed use area, with an appropriate density of development. The design and appearance of the development is in keeping with Policy CT15 of CTAAP, as it creates an attractive, distinctive and recognisable place within the Town Centre. The use of high quality and contemporary materials and architecture, is fit for purpose and officers consider that they are attractive and create attractive and well connected streets and squares. Moreover, the building heights create a distinctive appearance and skyline, which create a clear and recognisable Town Centre, in accordance with policy CT18 of CTAAP. The proposed development will help support the Council's ambitions to create a "rich cultural fabric" through the creation of a vibrant quarter and night time economy in Telford Town Centre. In addition, the design assists in creating and sustaining safe places, which strengthen local identity and is likely to have a positive influence on the local environment in accordance with policies CS14 and CS15 of the Core Strategy and UD2 of the Wrekin Local Plan and guidance in SPD Design for Community Safety.

Public realm and landscaping

Development must conform to the principles set out in the CT17 Public Realm. Following the grant of outline planning permission for the Southwater Masterplan, there was a full application submitted for the public realm works to create Southwater Square, and Lake together with the introduction of a 'Main Street'. A part of the ongoing review of the proposals, and given the changes to the locations of building and associated uses, it was considered appropriate to review the design of the public realm and landscaping. A design guide was drafted to accord with the Council's vision to create a contemporary, flexible and functional urban space at the heart of Southwater, with accessibility for all users and robust palette of materials which are contemporary, high quality and low maintenance, to create a suitable transition to the Town Park.

This proposal seeks to retain the design principles stated in the supporting documents for the previous applications. The planning boundary is fairly tight to the built form of development, and there is little public realm constituting part of this application. There is a new paving to the south of the proposed buildings, but 'Main Street' public realm details are forming part of the community hub submission. There is an overall general arrangement plan, which does indicate how all the developments interact with each other and the public realm for clarity.

There are ground level differences along the run of 'Main Street' highest at western end and lower at eastern end. This change in levels has been carefully considered in the design of the building and associated public realm, with the creation of two pavements, one at grade with the road and a second which relates to the building and is linked with the highways with steps and separated by a modest retaining wall, maximum of 1.4m in height. This frontage area will have a consistent palette of materials to the wider public realm and includes opportunity for outdoor seating to add vibrancy to the area.

The scheme has been designed around pedestrian movements, to ensure safe and easy access, with clearly defined links to surrounding uses. In terms of night time atmosphere, the development incorporates good quality lighting to create an interesting and dynamic night scene.

A landscape management plan is being prepared for the wider Southwater area, to ensure effective management; the applicants are preparing to submit this with the Southwater community hub application. A condition on this application is considered sufficient to ensure that long term management is undertaken and the scheme accords with policy CT20 of CTAAP.

In conclusion it is considered that the design of the public realm conforms with policies CT17, CT19, CT6c of CTAAP, policy CS9 of the Core Strategy, policy UD2 of the Wrekin Local Plan and guidance in SPD Design for Community Safety, by supporting pedestrian priority streets, providing attractive streets and spaces which are integral of the development design, of good high quality, with good lighting and public art.

Highways

A parking accumulation exercise has been undertaken to ensure that the proposed multi storey car park will meet the needs required by the scale of the proposed development. The Council's Highways Engineer is satisfied that this level of parking provision is acceptable for the amount of development proposed by this scheme; however, the parking calculation accompanying this submission is slightly confusing and an independent exercise has been undertaken to verify the adequacy of parking proposed. This issue will need further review in future phases. However, this is not considered to be an impediment to approval as the matter can be subject to ongoing monitoring and review and adequately dealt with in future phases as developments come

forward. It is therefore considered that the parking and cycle standards contained within Policy CT10 of CTAAP have been complied with.

The application site clearly has good links to the existing bus station and long term access to public transport will be further improved, with bus routes proposed to use Main Street. The proposal is therefore considered to conform with policy CT12 as the scheme includes measures to improve bus journey times and additional bus stops.

The site also has good pedestrian access east-west and improved north-south access with a new proposed link to Coach Central as part of the Southwater leisure hub approval. The proposal is therefore considered to conform to CT13 of CTAAP, with improved access to and from the Town Centre and a high quality pedestrian and cycle network are to be created. The proposed wider development area contains secure cycle parking provision adequate to cater for this proposal within the public realm and multi storey car park to conform to policy CT13 of CTAAP.

In terms of accessibility a travel plan is required as set out in Policy CT9, which this application presents and the continued monitoring of this Plan can be achieved through a planning obligation.

Ground Conditions:

A geotechnical inspection report was undertaken as part of the engineering works application (TWC/2010/0446). This identified no significant levels of contamination and reported no mining activities close to the site. The Council's Geotechnical officer has raised no issues .

It is considered that the development complies with policies EH14 in the Wrekin Local Plan and CS13 in the Core Strategy.

Drainage

The site is classified within Flood Zone 1 and PPS25 states that there is no restriction on the types of development that can occur within this zone.

The enabling works included a drainage solution for the wider Southwater area and the drainage solution for this development will be implemented in accordance with the 'as built' drainage. This means there is no individual attenuation within each plot, but an overall attenuation scheme. The Council's Drainage Engineer has no objections to the proposal, subject to a condition for details of the drainage connections to the as-built solution. The development is therefore considered to comply with guidance in PPS25 and policy CS13 in the Core Strategy.

Ecology:

Following extensive ecological surveys as part of the outline planning submission for the wider Southwater Masterplan, it was identified there was a

need for an Ecological Mitigation Strategy. This was conditioned and details supplied and agreed in November 2011.

The Strategy established guiding principles for appropriate mitigation and enhancement in relation to each development Zone, as identified in the outline consent. This work included the identification of specific impact and appropriate on and off site measures for implementation to mitigate and provide enhancement. Many of the mitigation recommendations have been triggered by the commencement of the engineering works application which resulted in the loss of many trees and including the draining of Southwater Lake. The mitigation to off-set this impact has already been implemented.

Noise

The Council's Environmental Health team previously developed a noise model for Southwater and require that data from each individual developments coming forward should be inputted into the overall noise model. The main issue with this proposal relates to the noise emissions from the proposed energy centre. At this stage the level of equipment is not known and therefore an accurate survey can not be undertaken. The applicants are however prepared to adhere to maximum parameters to accord with the Southwater noise model and will protect residential amenities for nearby residential properties. It is acknowledged that in the future there might be some noise increase, however, this is negligible and within acceptable tolerances.

To ensure that the completed development cumulatively is acceptable, all tenants will be provided with noise limiting criteria for operational noise break out and plant noise emissions. Officers consider that the development is therefore in compliance with policy CT6b of CTAAP, which requires leisure uses to not create an unacceptable impact on neighbouring uses.

During the construction and demolition phases there will be temporary issues with noise and vibrations, however, these are not sufficient to warrant refusal of a scheme and can be minimised through careful mitigation, including

- Selection of working methods and programme
- Positioning equipment behind physical barriers
- Restricting hours of site operation, and
- Using regularly maintained and silenced equipment

Officers consider that this level of mitigation of the demolition and construction phase is acceptable and can be controlled though a suitable condition. It is therefore concluded that the proposal is in compliance with guidance in PPG24.

Air Quality

Existing conditions within the study area show good air quality, well below the air quality objectives. The only source of significant emissions will be from the plant within the Energy Centre, however precise details will not be known until equipment details have been finalised. The chimney height is based on the

most likely scenario for the potential plant. A full Air Quality assessment will be produced for agreement prior to installation of any plant associated with the energy centre. This can be controlled through the imposition of conditions,

Officers considered that as the overall air quality impacts of the proposed development can be adequately assessed and mitigated through appropriate conditions. During the construction phases it will be necessary to impose a further condition to minimise dust emissions. The development is therefore considered to comply with the policy requirements of CS13 of the Core Strategy and guidance in PPS23.

Lighting

The proposed lighting has been designed to create feature frontages at night time and maintain a safe environment. In addition the new glazed areas within the restaurants and ice rink frontage will allow light to spill onto the street to create a well lit street scene,

Officers therefore conclude that the lighting scheme for the is appropriate to create a safe and active night time environment, whilst minimising the impact on neighbouring properties and biodiversity and is in accordance with policies CT17, CT6b, CT6c and CT20 of CTAAP.

Planning Obligations

Policy CT23 of CTAAP requires development proposal in Central Telford to provide for the delivery of infrastructure which arises from the new development, including both site related and strategic demands.

This proposal will result in an increase in traffic movements and will be required to contribute to a series of highways improvements. The contribution is based on the number of new trip generated by the development. For this proposal a contribution of £45,249.62 is required. The development also includes a travel plan and there is a requirement for a financial contribution of £5,000 to monitor this in the future.

The policy also considers other issues such as public realm and art, which would be relevant to this scale and type of development, however, this is being provided as part of the Community Hub proposal so a financial contribution is not required as part of this development. This is acceptable.

The proposal is therefore considered to be in compliance with policy CT23 of CTAAP. As the land owner for the site is the Council, the Council cannot enter into a Section 106 agreement (mechanism for securing planning obligations) with itself, so a memorandum of understanding is undertaken to secure obligations and if the land is sold, a clause in the sale will require the new developer to enter into a S106 agreement, if financial contributions have not been met as part of the sale proceeds.

Economic and regeneration benefits

The redevelopment of Southwater represents a substantial construction cost, which will aid regeneration and bring further investment to the area. It creates a much needed leisure hub, and will greatly improve the night-time economy with the Town centre in accordance with the Council's overall vision for the Town. The design of the building and public realm is high quality and inclusive, which will improve the character and quality of the area.

The development represents economic development for the area and will lead to some 29 new direct jobs for the local area, as well as supporting the construction industry during the development.

The proposal will result in a significant increase in customer choice for eating and drinking, and provide more opportunities for activities within Telford during the evening, which is currently the biggest issue with the function of the existing Town Centre. The increased night-time and leisure opportunities is welcomed by the public as evidenced by responses to public exhibitions on the proposals and included in the statement of community involvement.

This sustainable development is considered to accord with the underling principles of the emerging government guidance in the draft National Planning Policy Framework, which urges local planning authorities to 'attach significant weight to the benefits of economic growth'

Conclusion

The principle of development of this site was established by the outline masterplan for the wider Southwater area, which was granted in June 2010 for mixed use development, including leisure uses and public realm. Whilst this scheme has resulted in a change to the location of land uses from areas agreed at the outline stage, the quantum of development has not changed nor the guiding principles to develop the site. It was always envisaged and accepted by officers that the basics of the outline permission would adapt. Although there was flexibility in-built into the outline permission to accept changes that better reflected changing economic conditions, the development zones contained parameters and quantum of development envisaged for each zone. However the proposals as submitted meet the aspirations and vision for Southwater and there is no planning requirement or merit in strictly adhering to the original outline permission.

The proposal will deliver much needed leisure uses, whilst supporting existing leisure uses and will improve the night-time economy, in line with policies within CTAAP. In addition to meeting policy requirements the development will bring regeneration benefits through the redevelopment of this underutilised brownfield site, employment benefits, sustainability benefits and customer benefits through increased choice and competition.

The proposed redevelopment has been fully considered and assessed to be in accordance with guidance in PPS4, the RSS, the Core Strategy policies

and Wrekin Local Plan policies. Moreover, the proposal will meet the aspirations contained in the Draft National Planning Policy Framework.

The proposed buildings are of suitable scale, mass and design, which respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy. The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to the highway safety. A financial contribution is necessary to support long term objectives of highways improvements in the CTAAP area.

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 requirements, which can be adequately mitigated through planning obligation contributions.

RECOMMENDATION: that subject to the Council as landowner agreeing to provide a Memorandum signed by the Assistant Director Development Business and Housing agreeing that the Council as landowner will pay the sums detailed in the report namely £ of £45,269.62 for highway works and £5,000 for Travel Plan monitoring either upon the sale of any of the development land or upon commencement of the development in respect of the highway sums or occupation in respect of the other sums whichever is the sooner then **DELEGATED AUTHORITY** be granted to the Assistant Director Planning Specialist to **GRANT PLANNING PERMISSION** subject to the following conditions:

1. A04 Time Limit Full
2. B10 Details of materials
3. B12 Samples brick panel of materials
4. B19 Details of windows and doors
5. B30 Means of access
6. B45 Travel Plan
7. B59Custom Retaining walls
8. BCustom Foundation Design
9. B62 Surface water drainage – amended
10. B87 Fume extraction for A3, A4 and A5 uses
11. B123 Landscaping to be Phased
12. B121 Landscape Design
13. B126 Landscape Management Plan
14. B130 Trees- Protective Fencing
15. B150 Site Environmental Management Plan
16. C13 Parking, loading, unloading and turning
17. C38 Development in accordance with deposited plans
18. CCustom Details of energy centre plant and equipment
19. CCustom Air quality assessment

- 20. CCustom Noise assessment
- 21. D11 Hours of work general

Informatives

- I06 Section 106 agreement
- I35 Definition of development
- I22 Protected Species
- I25n Lighting
- I32 Fire Authority
- I17 Minerals Area
- I20 Land contamination
- I40 Conditions
- I41 Reason for grant of permission

REASON FOR GRANT OF PERMISSION

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