

TELFORD & WREKIN COUNCIL

PLANS BOARD

01/05/2013

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TWC/2013/0059

18 Eyton Road, Dawley, Telford, Shropshire, TF4 2DN

Change of use from A1 (Retail) to A1 (Retail) and A5 (Hot Food Takeaway) and external alterations to include extraction fan

APPLICANT

M Singh

RECEIVED

23/01/2013

PARISH

Great Dawley

WARD

Malinslee

OFFICER

Matthew Thomas

THIS APPLICATION WAS DEFFERED FOR A SITE VISIT BY MEMBERS OF PLANS BOARD ON THE 10TH APRIL 2013.

Since preparation of the last plans board report, a petition of support has been submitted to the local authority with approximately 600 signatures of support. This petition provides names from the Wider Dawley area, Madeley, Priorslee, Sturchley, Woodside, Oakengates and Wolverhampton.

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Impact on residential amenity, Environmental Health matters, Highways & Parking

THE PROPOSAL:

This full planning application relates to the change of use from A1 (Retail) to part A1 (Retail) and part A5 (Hot Food Takeaway) and external alterations to include an extractor fan at Eyton Stores in Dawley.

The premise is currently run as a convenience store serving the local community. In January 2012 planning permission was granted for an extension to the shop which has now been constructed. The applicant is seeking permission to change the use of this recently built extension to open a traditional Fish & Chip shop. It is proposed for the takeaway to be open from 1100 hours to 2130 hours and to employ 3 full time members of staff.

SITE AND SURROUNDINGS:

The site is situated within the centre of established housing to the north of Dawley District Centre. It is currently used as a general store with a residential element above. The property appears to have originally been a semi-detached dormer type house which was extended for use as a shop. In 1990 planning permission was given for a shop storeroom and garage.

The external materials of white upvc windows and doors match those of the attached residential semi which from the street is similar in design. The frontage is laid with tarmac and the front elevation has a central entrance door with two large side windows either side. These windows are covered with advertising and have roller shutters installed above. Over these windows is a large fascia sign with down lights. There are three dormer type windows within the roof line, two above the shop and one above the attached residential element. An extension to the shop has recently been erected to the north side of the building. Beyond this area high fencing provides privacy from the highway and the adjacent footpath. An attached double length garage runs along the rear (east) of the site where there is limited amenity space. Opposite (west) are residential properties.

The store is on Eyton Road which has a bus route into Dawley and transport links around the district. Dawley centre is within walking distance of the store which is a historic market town with buildings of character and includes various retail/commercial uses.

PLANNING HISTORY:

W87/0809 - Erection of extension to shop - Full Granted (14/12/1987)

W88/0935 - Erection of extension to provide additional living accommodation over shop - Full Granted (21/10/1988)

W90/0085 - Erection of shop storeroom and domestic garage and construction of new vehicular access - Full Granted (05/04/1990)

W92/0309 - Change of use of part of existing supermarket into hot food take-away - Full Refused (19/06/1992)

TWC/2011/1038 - Erection of a side extension to existing retail unit - Full Granted (27/01/2012)

PLANNING POLICY CONTEXT:

LDF Core Strategy:

CS2 Jobs

CS5 District and Local Centres in Telford

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

National planning guidance:
National Planning Policy Framework

CONSULTATION RESPONSES:

Great Dawley Parish Council: Comment

The Parish Council raises concerns over potential parking issues with increased traffic as well as potential increased litter

Highways: No Objection

The Council's Environmental Health Officer objects and recommends the application be refused for the following reasons:

- Lack on information relating to installation of new ventilation/odour abatement system
- Impact of exterior noise on surrounding residential dwellings

9 letters of objection and 27 letters of support were received following the consultation period.

Support:

- Take-away will be a good addition for local community
- Within walking distance for many local people – better on environment
- Will benefit elderly/less-able bodied people
- Area needs such establishments
- Local residents don't like walking to Dawley town centre at night and this take-away would be more convenient/safer
- Take-away will have a positive impact for local area
- Most customers walk to the shop and therefore there will be no significant impact on highway safety/parking
- 2 litter bins are already in place within 100m of the shop and therefore litter shouldn't be a big problem

Objections:

- Likely increase in litter – may attract vermin
- Lack of parking to accommodate extra vehicles
- Environmental Health issues from proposed extractor fan
- Disruption from noise, smells, general increase in disturbance
- Unsuitable location for a take-away, being a predominantly residential area
- Elderly/retired do not need any further disturbance
- Existing disturbance from delivery vans –proposal will exacerbate this problem
- Dawley does not need any more takeaways
- Likely to encourage gathering of groups – intimidating to local residents

- Devaluation of local properties

PLANNING CONSIDERATIONS:

This full planning application relates to the change of use from A1 (Retail) to part A1 (Retail) and part A5 (Hot Food Takeaway) and external alterations to include an extractor fan at Eyton Stores in Dawley.

The premise is currently run as a convenience store serving the local community. In January 2012 planning permission was granted for an extension to the shop which has now been constructed. The applicant is seeking permission to change the use of this recently built extension to open a traditional Fish & Chip shop. It is proposed for the takeaway to be open from 1100 hours to 2130 hours and to employ 3 full time members of staff.

The premise is located in an established residential area, surrounded with residential development. Despite a recently approved extension, the existing store is relatively small and is considered to be a low key operation with a steady flow of customers throughout the day. Parking is very limited with only a small area of hardstanding to the front of the shop for up to three or four vehicles, however it would appear that the majority of customers arriving by vehicle park on the road. The applicant notes that the majority of customers walk to the shop given it is located in the centre of the wider residential area.

Once completed, the recently approved extension will provide space for the proposed takeaway and the existing retail unit will remain largely unaltered. Matters of design were considered in the previous application and the only change in external appearance will be the erection of an extraction flue which is proposed to be erected off the north side elevation. The proposed flue will be approximately 5m tall and will stand just beneath eaves height of the existing building and will therefore be clearly visible in the street scene and from nearby neighbouring dwellings.

Officers consider the location of the proposed hot food takeaway, being in a densely populated area, to be unsuitable and likely to have an adverse impact on the residential amenities presently enjoyed by the neighbouring dwellings. The proposal introduces a new element to the existing business which is considered to be more suited to local and district centres rather than residential areas such as this one. The proposed hot food takeaway would mean a significant increase in footfall to the premise including a rise in the number of vehicles arriving and the associated noise from car engines, opening and closing of doors, car radios and so forth. The pattern of customers will be different to that of the existing shop by way of being more frequent, more intense, especially at certain times of the day and with the proposed opening hours to be up to 2130 hours, officers are concerned the residential amenities of nearby dwellings will be seriously affected. There are also concerns

relating to the proposed opening hours and what control the planning authority would have on any future application to extend these hours.

Officers share the concerns raised by the Council's Environmental Health Officer with regards to the odour and noise which will be generated from the proposed business. There is a general lack of information with regards to the proposed ventilation and odour abatement system which is a key factor given the closeness of the proposed takeaway to neighbouring dwellings. The proposed flue will be located approximately 10m from the nearest neighbouring dwelling, No.20 Eyton Road. Further supporting information would be required in order to assess the impact on adjacent properties. There is also a lack of information with regards to the provision for adequate refuse storage and collection.

Officers have considered representations received from nearby neighbours and the Parish Council. Whilst many of the concerns raised have been addressed above, concerns relating to potential increase in litter could be alleviated by condition of further litter bins. Matters relating to devaluation of property are not a material planning consideration. Officers have also noted that many of the letters of support received are from residential dwellings further afield and whilst the Local Authority welcomes all representations; these dwellings may not be directly affected by the proposed development.

To conclude, officers consider the proposed development will have an adverse impact on the residential amenities of the nearby neighbouring dwellings by virtue of disruption from undue noise and odours which would be generated from the proposed new business. Eyton Road is centrally located amongst a wider established residential area and the Local Planning Authority does not consider this to be a suitable area to locate a hot food takeaway. Furthermore, there is a lack of information supporting the application relating to the proposed ventilation and odour abatement systems which are important factors in assessing the impact the scheme will have on neighbouring dwellings. As such, the proposal fails to comply with local policy and is therefore recommended for refusal.

Reasons for Refusal

1. The proposed development will have an adverse impact on the residential amenities presently enjoyed by neighbouring dwellings by virtue of unacceptable levels of disruption from noise and odour which will be generated from the proposed development. Furthermore, officers consider that this established residential area is unsuitable for such businesses which are more suited to local and district centres. Accordingly the proposal is contrary to policy CS5, CS13 of the Core Strategy, and the NPPF
2. The application lacks in supporting information relating to the proposed ventilation and odour abatement systems. The Local Planning Authority is

unable to fully assess the impact of the proposed scheme on neighbouring dwellings as a result of this lack of information, in conflict with the NPPF

TWC/2013/0190

Park Inn, Ironbridge Road, Madeley, Telford, Shropshire, TF7 5JU

Erection of 7no. two-bedroomed terraced houses following demolition of existing public house

APPLICANT

Mr John Kuschnir

RECEIVED

06/03/2013

PARISH

Madeley

WARD

Madeley

OFFICER

Matthew Thomas

COUNCILLOR GILL GREEN HAS REQUESTED THIS APPLICATION BE DETERMINED AT PLANS BOARD.

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:

Loss of community facility Impact on street scene, residential amenity, Highways (access, parking and visibility splays) and loss of a public house

PROPOSAL

This is a full planning application for the erection of 7no. 2 bed dwellings on land currently occupied by 'The Park Inn' off Ironbridge Road in Madeley following the demolition of the existing public house and outbuildings.

The applicant is seeking permission to erect a terrace of three two storey dwellings and a terrace of four two storey dwellings. The terrace of four will be set back slightly from the terrace of three by approximately 2.5m. Access to the proposed four unit terrace will be off Ironbridge Road and access to the proposed three unit terrace will be to the rear off Park Lane Avenue. 8 car parking spaces are proposed in total. Private amenity for each dwelling will be provided to the rear with each dwelling have a private gated entrance to the rear gardens from Park Lane Avenue. Pedestrian access is proposed in the middle of the site leading from Ironbridge Road to Park Lane Avenue.

The proposed dwellings have a relatively traditional design being set beneath pitched roof with a red brick finishing, plain grey roof tiles, brick corbelling, feature brick window heads, brick window cills, white upvc windows and black, timber stained upvc doors. The proposed dwelling on the corner plot at the junction with Ironbridge Road and Park Lane Avenue will have a feature side elevation with a feature first floor window and a cottage-style stud door at ground level. There is a wish to retain the existing boundary wall with as little disruption as possible.

Each dwelling will provide comfortable ground floor living space with a kitchen and a living/dining room with two bedrooms and a bathroom at first floor level.

SITE AND SURROUNDINGS

The application site lies on the junction with Ironbridge Road and Park Lane Avenue situated to the west of Madeley town centre. The site comprises a detached, two storey public house and a sizeable tarmac car park to the side. The public house has been closed for over a year and windows and doors have since been boarded up and the building is becoming in need of renovation works. The building is finished in painted render with a tiled pitched roof. The public house has been previously extended and its original windows replaced with white upvc framed windows.

Boundary treatments consist of a traditional brick wall to the rear boundary along Park Lane Avenue which wraps around to the front of the site abutting Ironbridge Road. There is an existing secondary gated access to the rear off Park Lane Avenue however it appears this access has not been used by vehicles for a number of years. Close boarded timber fencing runs along the western boundary with the neighbouring residential dwelling. To the rear of the site are a small outbuilding and a detached garage.

The site slopes west to east with the main building elevated, especially at the junction with Ironbridge Road and Park Lane Avenue with the brick wall acting as a retaining structure. The immediate surrounding area is residential comprising predominantly two storey detached and semi-detached dwellings. Ironbridge Road is a central bus route with links to Madeley town centre, Wellington, Telford and further afield. This is a sustainable site which is in walking distance from supermarkets and other public amenities.

SUMMARISED CONSULTATIONS

Standard consultation responses

Madeley Town Council: Support subject to conditions

- PPG3 requires local planning authorities to ensure that developments make efficient use of land however there is a need to determine the acceptable density
- The proposed scheme exceeds site density guidelines as recommending in PPG3 guidelines and this will therefore alter the character of the local area
- The scheme is a cramped form of development which provides inadequate amenity space and inadequate provision for off-road parking, adding to traffic congestion and visibility concerns
- Madeley Town Council would support a reduced residential proposal as the site is no longer commercially sustainable for Use Class A4 however it should

be subject to S106 contribution to provide for financial contribution to traffic calming measures on Ironbridge Road (unless applicant contests viability)

Drainage: Comment, no objections subject to the following conditions:

- Scheme for foul & surface water drainage
- Scheme for surface water drainage

Highways: Object

- The provision of 7 parking spaces for 7 two-bedroomed houses is too low and would therefore increase the likelihood of highway danger due to vehicles being parked on the public highway which also has no footway along this boundary
- Scheme fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to reverse into oncoming traffic. This is further exacerbated by the close proximity of the junction on to Ironbridge Road where the visibility is restricted due to existing boundary wall

Environmental Health: Support subject to conditions

- Land Contamination condition

Ecology: Initial bat survey required

Shropshire Fire Service: Add Fire Authority Informative

Cllr Gill Green: Comment

- Welcomes investment in the area and retention of historic boundary wall
- Design of the properties blend in with the existing terrace on Ironbridge Rd
- Park Lane Avenue, Bridle Road and Ironbridge Road form a difficult triple junction with poor visibility – proposed development is likely to increase existing highway problems
- Proposed scheme has a lack of on site parking which will lead to people parking on the road which will exacerbate existing highway problems
- Scheme should be modified to reduce number of properties to accommodate increased parking provision

Neighbour consultation responses

Following consultation 2 neighbour letters of objection were received and two neighbour letters of recommendations were received and are summarised below:

- Overdevelopment of the site

- Lack of private amenity space which may lead to houses not being sold
- Lack of on site parking
- Existing highway concerns
- Brick wall should be repositioned to help improve visibility
- Double yellow lines should be introduced to avoid off site parking
- Number of houses should be reduced to 5 and increased parking spaces

RELEVANT HISTORY

No relevant history.

This application was submitted following pre-consultation with the Local Planning Authority.

RELEVANT POLICIES

National Planning Policy Framework (NPPF)

Core Strategy:

CS1 Homes

CS9 Accessibility & Social Inclusion

CS10 Community Facilities

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall Sites in Telford and Newport

EH7 Contaminated Land

PLANNING CONSIDERATIONS

Principle of Development

The Park Inn is located on Ironbridge Road, a main thoroughfare in to Madeley. The public house has been closed since February 2012 as the business became unviable and the site has been left unkempt and the main building is becoming in need of renovation. Policy CS10 seeks to retain community facilities, a public house is recognised as one of these facilities which form part of the fabric of a community. Having tested this policy on appeal it is considered this is more important within the rural area, and being located in a sustainable area, on a very prominent approach in both directions from Ironbridge Road and to other residential roads which branch off from Park Lane Avenue. The application site is located in a highly sustainable location with good links to public transport as well as being in walking distance to shops, services and other public facilities. Whilst the proposed scheme results in the loss of a public house there remains a good choice of establishments within walking and easy travel distance in Madeley and Ironbridge. Eleven are within a mile from the site, seven are within half a mile and one is within 200m for the site (Red Lion,

Park Street). Consequently the loss of this use in this location is considered acceptable, and will not result in the loss of an essential community facility. There is an increasing need for the site to be redeveloped and the Local Planning Authority welcomes this scheme for residential development.

The site outlined for development is allocated as 'white land' in the Wrekin Local Plan; subsequently the site can be considered for residential development in accordance with Policy H6 of the WLP. The National Planning Policy Framework (NPPF) advises that '*housing applications should be considered in the context of the presumption in favour of sustainable development*' with an emphasis on developing brownfield sites first. Ironbridge Road is a main thoroughfare in to Madeley with good transport links and easy access to public facilities with local convenience shops around 400m from the site. It has been demonstrated that the existing use as a public house is no longer a viable option and officers are therefore satisfied that this is a sustainable location suitable for residential development.

Design

The design of the proposed residential development was discussed between the Local Planning Authority and the applicant during pre-application stage and the design is one of traditional character with detailing to include a red brick finishing, plain grey roof tiles, brick corbelling, feature brick window heads, brick window cills, white upvc windows and black, timber stained upvc doors. The proposed dwelling on the corner plot at the junction with Ironbridge Road and Park Lane Avenue will have a feature side elevation with a feature first floor window and a cottage-style stud door at ground level.

The proposed dwellings will be constructed beneath pitched roofs which will match those to the east on Ironbridge Road and to the north on Park Lane Avenue. The dwellings will have a uniform appearance from the street scene and officers are satisfied that the design is acceptable and respectful to the character of the immediate area.

It is considered that there are sufficient amenity areas for residents. Officers therefore consider that the proposed layout, scale mass and design of the properties respects and responds positively to the area and creates a high quality environment. Furthermore, it reinforces the existing street patterns, and produces a safe and secure environment in accordance the policy CS15 of the Core Strategy and UD2 of the Wrekin Local Plan and guidance in the NPPF which is clear that good design is a key aspect of sustainable development.

Highways

This proposal has raised objections from the Council's Highways department and from three nearby neighbouring dwellings. The Council's Highways Engineer objects to the proposal on three grounds; the lack of on site parking, omission of turning for

vehicles and the impact on visibility on Park Lane Avenue and on the junction with Ironbridge Road.

When the application was first submitted, the proposed scheme limited access and on site parking to the rear of the site, off Park Lane Avenue with space for 7 vehicles. The site layout was subsequently amended to introduce access off Ironbridge Road as well as access of Park Lane Avenue with 4 on site parking spaces to the front and 5 spaces to the rear, increasing on site parking to 8 spaces. Following subsequent discussions with the Highways Engineer, it was recommended for a minimum of 9 on site car parking spaces to be in line with the guidance of 1.25 spaces per dwelling of this kind. The amended scheme has maximised the potential for on site parking, and taking account of the sites sustainable location and type of dwelling (a modest 2 bedroomed property) one parking space per unit is considered acceptable, providing affordable accommodation for those in close proximity of Madeley Town Centre; Subsequently the Local Planning Authority is therefore satisfied that the proposed provision is acceptable and will not lead to significant disruption to the highway.

Whilst the scheme does not make provision for turning for vehicles, after assessing the immediate area, no other residential dwellings have turning facilities on site, on either Ironbridge Road or Park Lane Avenue, both resulting in reversing movements onto either highway. Furthermore the proposal is split resulting in only 4 movements to Ironbridge Road and 4 to Park Lane Avenue. The LPA are unaware of any highway incidents around this site and officers therefore consider that the lack of on site turning will not be detrimental to highway safety, taking account of the existing nature of either road. Whilst the Highways Engineer recommends the scheme be reduced in the numbers of dwellings for a turning space to be achieved, officers are aware of the impact that this would have on the viability of the scheme, in addition to the design of scheme, creating a layout incompatible with this corner site; subsequently officers considered on balance as that as the nature of the road already includes reversing movements, traffic using this highway are already aware of the nature of this use and will continue to be mindful, and as such considered the proposal without a turning head will not prejudice highway safety.

The Highways Engineer is also concerned about the impact the proposed development will have on the visibility in particular on Park Lane Avenue and on the junction with Ironbridge Road. Again, officers would argue that they are not aware of any highway related incidents around the site and would dispute that the addition of four parking spaces to the rear off Park Lane Avenue and four spaces to the front off Ironbridge Road would have an impact on existing highway safety. Whilst the Highways Engineer has suggested relocating the existing brick wall further into the site to improve visibility, given the nature of the site and as the wall acts as a retaining structure, this would not be possible. Officers are also keen to retain this feature with minimal disruption continuing a focal boundary treatment at this corner location.

The Local Planning Authority does not consider that the proposed scheme will have an adverse impact on highway safety given the relatively minor increase in vehicular activity. The proposed dwellings are two bed homes, targeted for first time buyers, and located on a main bus route with excellent transport links as well as being in easy walking distance to shops and other services. The provision of eight on site parking spaces is considered to be sufficient and fit for purpose. Accordingly it is considered that the site can be suitably accessed and adequate parking provided in accordance with policy H6 of the WLP.

Impact on Residential Amenity

The proposed layout of the site has been designed to have as minimal impact on the residential amenities of neighbouring properties as possible. The proposed dwellings have been positioned fronting Ironbridge Road and provide suitable separation distances between dwellings located to the rear on Park Lane Avenue and to the west on Ironbridge Road. The terrace of three units follows a similar footprint of the existing public house but is further away from the neighbouring properties to the rear. The Local Planning Authority considers that the visual character of the area will be significantly improved and the position of the proposed dwellings will not lead to any loss of privacy, loss of light or create any overbearing impact. Whilst windows are proposed in the side elevation of the dwelling closest to the neighbouring property on Ironbridge Road, these windows will serve the ground floor WC and first floor bathroom and a condition will therefore be imposed to ensure these windows are glazed with obscure glass. The proposed development will be subject to a landscaping scheme to ensure suitable boundary treatments and landscaping of the site. The site can also be adequately drained and there are no issues with regard to land contamination, ecology, or nuisances from adjacent uses. Accordingly it is considered that the proposed design respects and responds to the surrounding environment, creating a focal point at this corner location, in accordance with policy H6 and UD2 of the WLP.

Consultation response

Officers have considered the representations received from neighbouring dwellings. Many of the issues raised have already been addressed within this report. Officers do not consider the proposed scheme to be overdevelopment of the site and given the relatively minor increase in vehicular activity associated with this development, it is considered that significant adverse impact on highway safety is unlikely. The amount of on site parking spaces falls short of the Council's Highways department's recommendation by 1 space and given the nature of the development and its location, it is considered that the proposed parking provision is sufficient.

Consideration has also been given to the consultation response received from Madeley Town Council. Officers would however note that PPG's, which are referred to in the response, have now been replaced with the National Planning Policy

Framework and therefore the guidance contained within has altered in line with the principles of the NPPF. Concerns highlighted with regards to overdevelopment and the impacts on highway safety have been addressed above. S106 contributions would not be appropriate for this scale of development.

Conclusion

It is considered that the proposed development would result in a sustainable form of development and its location close to the centre would in itself bring about housing choice in an accessible location. The Local Planning Authority welcomes this proposed residential scheme to make better use of an existing redundant site in a sustainable location. It is considered that the proposed development would have a positive impact on the immediate area, improving visual amenity whilst being sympathetic to the character of the locality. The plot is of sufficient size to accommodate the proposed dwelling, providing adequate on site parking, access and private amenity without being overdevelopment of the site. Accordingly it is considered that the proposal complies with local planning policies including UD2 and H6 of the Wrekin Local Plan, policies CS1, CS9, CS10 and CS15 of the Core Strategy as well as guidance contained within the National Planning Policy Framework.

Accordingly, the proposed development is recommended for approval subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

- Time limit
- Samples of materials
- Sample brick panel
- Landscaping design
- Foul & Surface water
- Surface water drainage
- Land Contamination
- Car Parking
- Landscaping
- Initial Bat survey
- Development in accordance with plans
- Windows in side elevation to be obscure glazed
- Removal of Permitted Development

Informatives :

- Fire Authority
- Proactive statement

REASON FOR APPROVAL:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

It is considered that the above position is consistent with the National Planning Policy Framework which outlines what Local Planning Authorities should do *‘to boost significantly the supply of housing’* (paragraph 47). The NPPF also states that *“housing applications should be considered in the context of the presumption in favour of sustainable development.”* (paragraph 49). This relates to the social role of sustainable development that seeks to support *‘strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being’*.

The design and layout of the proposed development are considered acceptable in the context of the site and will form a positive enhancement of this brownfield site at this prominent corner location.

It is considered that the proposal will not prejudice highway safety, taking account of the pattern of existing development and the nature of the highway

There are no substantiated issues regarding land contamination or ecology that cannot be addressed by the imposition of appropriate planning conditions.

Overall, it is considered that the proposed development represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework.

TWC/2013/0199 Raven Cottage, 3 Kynnersley, Telford, Shropshire, TF6 6DX
Erection of a timber structure for use as a an (A1) shop.

APPLICANT

Miss S Humphries

RECEIVED

04/03/2013

PARISH

Kynnersley

WARD

Ercall Magna

OFFICER

Anna Adams

This application was deferred for a site visit. Attached is the previous update and officers report.

Since preparation of the officer report, consultation comments have been received from Kynnersley Parish Council, Highways and the Arboricultural Officer along with a further neighbour letter of objection.

Kynnersley Parish Council is in favour of this application but has reservations regarding parking space & suitability of building for the purpose proposed.

Highways advise that they are unable to object as the Council currently has no adopted parking standards for this scale of development; however they would recommend that if permission is granted it should be for a period of one year in order to monitor any impact.

There are no Arboricultural objections.

Pollution Control has not commented.

One neighbour letter of objection has been received with the following comments:

- Impact on adjacent properties
- Barrow has been operating for nearly a year without planning permission
- Whilst shed not a permanent structure, the permission sought is not temporary
- Applicant wishes to operate the barrow as well as shop in shed
- Opening times have not been consistent and are not sustainable
- Siting of shed in front of front elevation will change streetscape and could set a precedent
- Inconsistencies in application - described as village shop and garden shed - Which is accurate?
- People are used to shopping outside the area and there is a regular milk and produce delivery in the village, and also a convenience store at the Humbers
- Onstreet parking issues - restricted visibility for residents

- Barrow has not always been in situ or been 'manned'
- This road is a designated "Quiet Lane" area with regular cycling and horses and the proposal increases risk to these groups
- Want to clarify whether this proposal replaces the barrow
- Suitably of shed and house for storage of perishable and other goods – could this lead to a change of use from residential to retail?
- Will this mean that if the "shed" is permitted adding to its tradeable area can be carried out without permission?
- Would there be limits on promotion and advertising signage and restrictions on overspill of produce sold in the shop gravitating onto the verge?
- Devalue adjoining property

In order to address matters raised by officers and at Chair's Briefing, the Applicant's Agent has submitted further information to clarify items to be sold, deliveries and storage, parking, how the site has operated, alternative locations, building design, vermin, temporary consent, the impact on the 'Quiet Lane', drainage, staff, services and signage.

The Applicant has also submitted a letter to be presented to Members at Plans Board (attached to the update).

Items for sale will mainly be local produce and ice creams/cold drinks etc. It is not intended to sell hot food, sandwiches, newspapers, cigarettes and alcohol. The main two deliveries would be ice creams and cakes approx. every 6 weeks, with other produce delivered by local villagers. All items would be stored in the shop in a fridge freezer and in display trays, rather than the existing arrangements, which require storage of items in the main dwelling.

The application states there will be no designated parking, but that the majority of customers walk or cycle from the village. Visitors arriving by car would park on the street. The application makes reference to the lack of designated parking for Edmond village shop, and the former shop at Sherifhales (located outside the Borough). The Agent adds that the barrow has operated for 12 months and there have been no complaints regarding traffic.

The existing and proposed opening hours are listed as 10am to 7pm Monday to Friday, 10am to 6pm Saturdays and 10am to 5pm Sundays, but these hours would be shorter during winter months. All we agree at planning is maximums to protect amenity.

The application outlines that there are no suitable alternative premises. The village hall would not have required parking provision/ highways visibility and there is no pavement. This would also be cost-prohibitive and inconvenient to the Applicant and there would be issues regarding storage.

With regard to the building design, this would be similar to the village shop at Tibberton and appropriate measures would be taken to ensure the shed is 'rodent-proof'. Soakaway drainage would be proposed for the development and there would be no foul drainage.

The Applicant would accept temporary consent being granted for the development. The Applicant's Agent asserts that the scale of operations and volume of traffic related to the proposal would not significantly impact the designation of the highway as a 'Quiet Lane'; however officers consider the impact of the development needs to be assessed; thus officers recommend temporary consent at this stage.

The scale of operations at the shop does not justify having the shop permanently staffed. There will be an electrical supply with overhead cables to ensure that the development does not impact on tree roots. There will be no ventilation apparatus.

The shop would be advertised with an existing 'A' board at the front of the site and a sign on the shed. These will be subject to separate advert consent.

The additional information from the Applicant's Agent provides clarification on the main issues raised by planning officers, and officers remain of the opinion that the development would be acceptable for a temporary period. The neighbour objections are noted. The majority of the comments have been addressed with the submission of the additional information. If the Applicant intends to expand the business or change the use of the property, they would need to submit a further application and provide justification. Officers do not consider that the barrow and shed should both be in situ; therefore a condition will be imposed to ensure the removal of the barrow prior to first occupation of the shed. An informative can be added to advise that signage will require separate consent and permission will be required for anything located on the highway verge. Impact on value of neighbouring property is not a planning matter.

The officer recommendation remains for approval subject to conditions. In light of the highways comments, the temporary consent condition has been revised to one year. Additional conditions have been added to control the hours of operation and for the removal of the existing barrow from the site.

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

1. Temporary permission for one year
2. Foul and surface water drainage including runoff rates
3. Soakaway test
4. Location of soakaway test
5. Restrictions of goods for sale

6. Approved Plans
7. Barrow shall be removed from site
8. Hours of operation

Informatives:

Shropshire Fire Service
Signage

REASON FOR APPROVAL:

The Local Planning Authority considers that a one year temporary consent is appropriate given the nature of the building and to assess the impact on highway safety and residential amenities. This is a local facility to support the community of Kynnersley and the types of goods are restricted to ensure this unit remains a local community facility.

This application has been referred to Committee.

Councillor Stephen Bentley has requested that this application is determined by Members at Plans Board

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Scale and design, Highway safety, Residential amenities

THE PROPOSAL:

This application seeks planning permission to site a garden shed at the front of the property to use as a shop.

There is currently an informal arrangement with produce sold from a barrow within the front garden.

SITE AND SURROUNDINGS:

The application site comprises an area of the gravelled drive and landscaped garden area at the front of Raven Cottage in Kynnersley. The property is an extended semi-detached Duke of Sutherland property and is a Local Interest Building.

The drive is gated and the site boundaries comprise hedgerows with existing trees to the western corner of the site. The road is relatively narrow, with residential properties adjacent and agricultural land opposite.

The site is located on the edge of Kynnersley village within the rural area.

PLANNING HISTORY:

W88/0173 Formation Of New Vehicular Access Granted 26th April 1988

W2007/1475 Erection Of A Two Storey Rear Extension Withdrawn 19th December 2007

W2007/1715 Erection Of A Two Storey Extension Granted 8th February 2007

TWC/2012/0557 Erection of a conservatory Granted 23rd August 2012

PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 Design Criteria

LDF Core Strategy

CS7 Rural Area

CS10 Community Facilities

CS15 Urban Design

CONSULTATION RESPONSES:

Cllr Bentley objects to the proposal on the following grounds:

- Parking
- Development in the garden
- Appropriateness of the building

Built Heritage Conservation: No Objection and advises that the proposed works do not directly affect the fabric or character of the Local Interest Building as the structure is temporary in nature.

Drainage: Support subject to conditions B62 Foul and surface water drainage details, B64 Soakaway test, B65 Location of soakaway test and B75 Greenfield runoff rate

Shropshire Fire Service makes the following comment: consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications"

One neighbour letter has been received with the following comments:

- Insufficient information to consider proposal

- Onstreet parking - highway safety
- Quiet Lane designation – impact on horses, cyclists and pedestrians

Consultation responses from Kynnersley Parish Council, Highways, Pollution Control and Arboricultural have not yet been received. Any further consultation comments will be provided in an update to Members.

PLANNING CONSIDERATIONS:

The application site is located on the edge of the small settlement of Kynnersley which has limited services – a village hall and church, but no shop. The Applicant is seeking to provide a facility which negates the need for residents to travel for a small number of goods. NPPF support a prosperous rural economy and development of local services to support the community. This advice goes on to say that authorities should support the sustainable growth through well design new buildings.

The Core strategy in policies CS7 and CS10 states that new development will be focussed on the three settlements of , High Ercall, Tibberton and Waters Upton. Outside of these the development should be necessary to meet the needs of the local area. It is considered therefore that a small scale shop which meets the local need for top up shopping could be supported and considered in accordance with these policies. Additional information is sought from the applicants to ascertain that the types of goods sold from the premises would meet this local need . Furthermore, greater details on accessibility by foot, cycle and public transport is needed.

The supporting information is considered to be limited and officers have asked the Agent to provide more details with regard to what produce/ products would be sold, details of any deliveries and details of storage, parking and hours of operation. In addition, officers have asked whether any alternative sites within existing buildings such as The Village Hall have been considered for a village shop. This information is awaited.

The proposed development is modest in size measuring 3.65m x 2.4m comprising a standard timber garden shed design. A counter would be installed within the shed, with door entrance to the front facing the highway and a single window facing towards the application property.

There is no parking associated with this development and customers would park in the road. Comments from highways are still awaited and will be reported in an update to members.

Due to the temporary nature of the structure, of no design merit and lack of understanding of the impact of this development in this location in terms of highway safety, and impacts on residential amenity, it is considered appropriate to limit the consent to two years.

The proposed works do not directly affect the fabric or character of the Local Interest Building as the structure is temporary in nature

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

1. Temporary permission for 2 years
2. Foul and surface water drainage including runoff rates
3. Soakaway test
4. Location of soakaway test
5. Restrictions of goods for sale
6. Approved Plans

Informatives

Shropshire Fire Service

REASON FOR APPROVAL:

The Local Planning Authority considers that a two temporary consent is appropriate given the nature of the building and to assess the impact on highway safety and residential amenities. This is a local facility to support the community of Kynnersley and the types of goods are restricted to ensure this unit remains a local community facility.

TWC/2013/0203

Land adjacent to, Old Park Primary School, Brunel Road, Dawley, Telford, Shropshire

Change of use from public amenity area to private education land and the erection of 1.2m high traditional wooden palisade fencing and 2.5m high vertical bar security fencing

APPLICANT

Old Park Primary School and Childrens Centre

RECEIVED

12/03/2013

PARISH

Great Dawley

WARD

Malinslee

OFFICER Diane Ferriday

OBJECTIONS RECEIVED: No

MAIN ISSUES: Green Network/open land, impact on amenity of residential properties and character and amenity of the area.

PROPOSAL:

The application is for the change of use from open amenity land to education land to create a garden area where students of Old Park Primary School can develop environmental learning. The proposal will include the relocation of existing 2.5m high vertical bar security fencing to enclose the land as well as additional 1.2m wooden palisade fencing with rounded pales to separate the playground from the educational garden land.

SITE AND SURROUNDINGS:

The site is 0.15 hectares of open amenity land to the south side of the Old Park School, Malinslee. The grassed land slopes upwards west and has established trees and hedging along the south and east boundaries; the north and west are bound by existing green vertical palisade security fencing. A public footpath from Stone Row runs along the east of the site and leads to both the school entrance and Malinslee Local centre.

The land is adjacent to Old Park School and Children's Centre based within the recently redeveloped local centre of Malinslee with shops, playgrounds and surgery. Old Park School is approached off Brunel Road with a secure gated entrance. It is located within good sized grounds with a car park and playground directly adjacent to the open amenity land to the south; further south are modern semi-detached and terraced residential properties, similar in age, design and appearance.

Telford Town Centre is within walking distance with mixed uses and good transport links in and around Telford.

SUMMARISED CONSULTATIONS

Standard consultation responses:

Great Dawley Parish: No comment

Aboricultural: There are no objections to the application subject to conditions to avoid root damage.

Parks & Open Spaces: No comment

Building Regulation & Planning Manager: No comment

Ecology: No comment

Neighbour consultation responses:

Following consultation no correspondence has been received...

RELEVANT HISTORY:

No relevant planning history

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Core Strategy:

CS10 Community Facilities

CS11 Open space

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

OL4 Development in the Green Network

OL6 Open land

PLANNING CONSIDERATIONS:

The applicant wishes to change the use of this piece of land adjoining Old Park Primary School as the land is not maintained, it has become a site for anti-social behaviour where items are thrown through the fencing causing damage to an existing pond. The area is adjacent to the school playground and issues have

occurred with estranged parents trying to get pupils attention and youths shouting at pupils during playtimes. The land will be developed into a school garden area where all classes will have an opportunity to develop environmental learning in an area for which they will be responsible.

The site is within a large area of Green Network which is to be protected and policy states that only exceptional developments in the Green Network that include community and environmental benefits can be accommodated. Enclosing this open site and being managed correctly as an environmental learning area will enable the management of the habitat; in addition the development will provide a worthwhile facility for the school and community and therefore accords with 'saved' policy OL4 of the WLP.

The land has no designated footpath within. A legible route via an adjacent footpath is the shortest route to the nearby residential estate. The land is not considered to be of local importance and the change of use to school garden will not harm the natural habitat. Within the immediate area is playground provision and open land which contributes to the character and amenity of the area; therefore the loss of this open land is not deemed to have a significant detrimental impact on the character and appearance of the surrounding area and does not conflict with 'saved' policy OL6 of the WLP.

The proposal will provide significant environmental benefit to the local community being used as a school garden area by the local school with the objective to conserve the natural habitat and therefore accords with national planning policy and policies CS10 and CS11 of the Core Strategy.

The southern boundary with established fir trees provides sufficient screening and alleviates concerns with overlooking and privacy for no.s 39, 40 and 44 Stone Row, Malinslee. There is no concern with noise levels; a school will create a certain level of noise especially during playtime and the use as a garden for educational purposes is not expected to create excessive noise to the detriment on these nearby residential properties.

Existing 2.5m green vertical bar security perimeter fencing will be re-located along the south and east boundaries for security reasons. A new 1.2m high traditional wooden palisade fence will separate the school from the proposed garden area. All existing trees will be protected by the erection of fencing via the use of appropriate conditions. The use of existing fencing and new to enclose the site is acceptable within the context of the site being the same as existing fencing bounding the school and thereby accords with policy CS15 of the Core Strategy and 'saved' policy UD2 of the WLP

In conclusion the change of use from open land to a school garden area for environmental learning will create a safe working environment and enable the management of the habitat. The development will provide a worthwhile facility for the school and community. The land is not considered to be of local importance and the proposed use will not have a detrimental impact on the amenities of nearby residential properties or the character and appearance of the surrounding area. The proposal is therefore deemed to conform to both local and national policy.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time limit
2. B139 Root protection
3. B139 Removal of limbs to meet BS3998 standards
4. C01 Finishing materials to match existing.
5. C38 Development in accordance with plan Nos.

REASON FOR APPROVAL:

The Local Planning Authority considers that the proposed school garden area will help create a safe working environment and protect the natural habitat. The development will not have a detrimental impact on residential amenities or the character and appearance of the surrounding area.