

TELFORD & WREKIN COUNCIL

PLANS BOARD

29th November 2012

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TWC/2011/0916 Land To The West Of, Station Road, Newport, Shropshire
Erection of a new superstore, highway works, associated infrastructure and
landscaping *****AMENDED DESCRIPTION*****

APPLICANT

St Modwen Developments Ltd

RECEIVED

27/10/2011

PARISH

Chetwynd Aston and Woodcote,
Newport

WARD

Church Aston and Lilleshall, Newport
South

PURPOSE OF REPORT

To provide Plans Board with an update in relation to the proposal for the erection of a new food store, highway works, associated infrastructure and landscaping in the light of new information. This is to enable the Local Planning Authority (LPA) to establish its position at the forthcoming public Inquiry following the decision by the Secretary of State to call-in the planning application for his determination. The Inquiry is due to start on the 29th January 2013

BACKGROUND

Attached to this report is a copy of the report and update report that was considered at Plans Board on 25th April, 2012. To recap, the application is for full planning permission on 4.7 Ha of land adjoining the southern boundary of Newport comprising the following elements:

- A new supermarket to provide 8,100 sq m gross internal floor area (GIA) and net retail sales floor space of 4,645 sq m.
- In-store restaurant comprising 297 sq m.
- Highway alterations and infrastructure provision - via a new 3-arm roundabout off a realigned Station Road followed by a short section of new highway serving the site and adjoining land connecting to a 4-arm roundabout providing direct access separately to the car park, service yard to the store and adjoining land
- Car park providing 530 car park spaces including 34 disabled spaces and 34 parent and child spaces
- Cycle and motor cycle parking provision
- Biomass Boiler
- Diversion of Public Rights of Way (PROW) Route CA2 Hutchison Way around the edge of the site

It was resolved at Plans Board on 25th April 2012 to refer the application to the Secretary of State under 'The Town and Country Planning (Consultation) (England) Direction 2009' and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination and subject to the Council as landowner providing an appropriate memorandum prior to the issue of the planning permission agreeing that the land will be

bound by the obligations in the event of the sale of the land in respect of the provision of a sum of monies comprising a contribution of up to £907,508 for the provision of major highway schemes, £600,000 towards public transport; £10,000 towards public transport infrastructure; £5,000 for monitoring of the store travel plan £50,000 for the commissioning of public art on or off site as may be subsequently agreed, an appropriate commuted sum for open space maintenance if required to be adopted and £15,000 for monitoring of financial and planning covenants, the Assistant Director – Planning Specialist is authorised to grant planning permission, subject to the conditions detailed in the report and other conditions deemed necessary.

Plans Board will recall that the Station Road application was one of two proposals that were before the Council at about the same time for retail foodstores, the other being at Audley Avenue (TWC/2011/0632). That application was the subject of an appeal against non-determination, with the Council adopting a position that it wished to refuse planning permission on the basis that it considered that there was another sequentially preferable location which could accommodate the proposed foodstore (at Station Road and that in the opinion of the Council the proposal at Audley Avenue involves development that would be 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. In addition, the site would fail to utilise alternative means of transport and 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 thereby having a significantly detrimental impact on the vitality and viability of Newport Town Centre.

The appeal at Audley Avenue was allowed by the Inspector earlier this year.

CURRENT POSITION

In relation to the Audley Avenue Inspector's decision, the Council along with the applicant for the Station Road development (St Modwen) have lodged a legal challenge to that decision with the High Court. The hearing date for this challenge has not been set yet but it is likely to be well into the spring of 2013.

With regards to the Station Road development, Members will be aware that this application has been called-in by the Secretary of State, thereby taking the decision out of the hands of the Local Planning Authority. An inquiry date has been scheduled for 29th January 2013, lasting 3 weeks. The Secretary of State in calling-in the application for his determination has also decided that an Environmental Statement (ES) is necessary under the Environmental Impact Assessment (EIA) Regulations. This information will be used by the inspector appointed by the Secretary of State to inform his consideration of the application and examination at the public inquiry and subsequent recommendation to the Minister. The applicant St Modwen is presently preparing the ES documentation and the ES is likely to be submitted prior to Plans Board meeting. The Council will be a statutory consultee in this.

Turning to the application at Station Road the subject of call-in, the Council as LPA will need to form a view on the application to present to the inspector. In order to do so it will need to assess whether there have been changes to any of the material considerations that the LPA had regard to when it dealt with the application originally. In practical terms, where since the passing of the resolution by Plans Board new factors have arisen which might reasonably be regarded as material considerations for the purposes of section 70 (2) of the 1990 Planning Act, it will be necessary for Members to give careful consideration to such new factor or information so that Plans Board can decide whether a different decision should now be reached. Any updated view or revised position will be taken forward to the public inquiry.

It is necessary to update Members on events that have arisen since the Audley Avenue appeal inquiry. In addition, it is considered that Members may need to reflect on a number of issues that arose during the course of examination at the Audley Avenue appeal inquiry and which have arisen since. Clearly, as with the Audley Avenue inquiry, the Station Road call-in inquiry will again focus its attention on, amongst other matters, whether there are any sites which are sequentially preferable to Station Road and whether granting planning permission would have an unacceptable impact on the vitality and viability of Newport Town Centre.

As part of the exercise of reflection and consideration of new issues, the LPA has commissioned new consultants to review - in the light of the appeal decision - the Council's position in relation to retail planning considerations. In addition and, given the potential loss of the large premises at Audley Avenue and its use as an employment site should the appeal decision be upheld by the High Court, consultants have undertaken an employment needs assessment for Newport. The following sections of this report details these considerations.

EMPLOYMENT ISSUES

Previously, Plans Board recognised that both the Audley Avenue and Station Road foodstores would be likely to generate local employment opportunities in the retail sector. However during closing submissions at the Audley Avenue public inquiry, the Council's QC submitted that the Station Road site was arguably more consistent with Core Strategy Policy CS6 and its promotion of an increase in the employment base for Newport than the Audley Avenue site. He also argued that the appellants had failed to properly market their site as an employment site despite there being a previous and extant permission for non-food retailing and mixed use development at Audley Avenue.

In order to properly address this issue and as part of the evidence gathering for 'Shaping Places' Local Plan, the Council has commissioned consultants to assess the requirement in the Newport catchment for B Class land and property to accommodate the present and prospective needs of Newport. They have also examined past patterns of take up, market conditions and present needs, the local economy's future growth potential and local B Class land and property supply.

The principal findings are:

- Newport is a prosperous market town, with a higher than average share of working age people and a well-skilled labour force. The town “underperforms” on only one measure – the ratio of jobs in Newport to its labour force (c 2,800 jobs compared to an economically active population of c 12,010).
- There is a long-standing policy objective for Newport to increase the ratio of jobs to residents with two broad aims: to capture locally the economic and job growth that Newport is capable of generating and in this way to reduce the level of out-commuting for work. An adequate, available and marketable supply of B Class land – land for the kinds of activities that occupy heavy and light industrial space, offices and office-type workspace and warehouse space – is fundamental to achieving those aims. Policy CS6 of the adopted Core Strategy accordingly states that “the amount of employment land within the town will be increased”.
- Telford-Wrekin has a high share, regionally and within the Marches, of businesses and jobs in most of the sectors that offer the borough and the region the greatest prospects for Gross Value Added (GVA) and employment growth – business and professional services, ICT and media, advanced manufacturing and building technologies. The West Midlands Regional Observatory forecasts (in 2010, having had regard for the recession) that the Marches will grow by 26% in GVA terms between 2005 and 2015. Newport has an important role to play in supporting that growth, as well as in accommodating locally generated demand in B Class sectors.
- The long term annual average rate of take-up of B Class property in the Newport and its immediate hinterland has been about 0.32 ha pa – based both on land development and floorspace (converted to land area using standard assumptions). The best available evidence, on this basis but with regard for the likely changes in the structure of employment in the town, is that the de minimis requirement is for this same quanta of land to be made available in future. On this basis, it is estimated that there is a requirement over the next 15 years for about 5-6 ha of B Class land simply for Newport to stand still in terms of the ratio between jobs and working residents (and allow for some turn in the market).
- There is currently an under-supply of land in terms of meeting the Policy objectives (CS6) to reduce levels of out-commuting and increase the ratio of local jobs to residents. This is before allowing for the loss of B Class land and space at Audley Avenue.
- A requirement exists for a total of some 8-9 Ha of B Class land over the next 15 years in Newport, both to meet Newport’s existing and

prospective needs (including its ratio of jobs and working residents) and to enable Newport to capture a greater share of the borough's relatively buoyant prospects in B Class sectors of the economy. The latter is critical if Newport is to be able to take full advantage of its assets to contribute to the borough's and the region's growth and improve the town's containment for work purposes.

- The shortage of B Class property supply, in the view of local agents, will be felt very shortly. Whilst Telford is the main source of industrial property there is a steady demand for property in Newport to serve local demand. Most of the property supply is now quite dated (20 years old or more) and available on low rents of £2 - £3.50/sq ft. The majority of current commercial property provision is small or medium scale.
- Because much of existing property is quite dated, many existing businesses which want to expand will want improved premises with better facilities. There is very limited availability locally. There is a demand for freehold purchase.
- There is less demand for offices, especially in the current market. In the town centre, office accommodation is alongside or above shops and is mainly occupied by professional businesses. Due to the limited supply of offices in the town centre some self-standing office suites have been developed at Nova House and Parkland House, and more provision will be needed in future. The office occupiers tend to be directly related to the industrial/warehouse businesses in the Audley Avenue area which plays an important feeder role for the sector.

The consultants conclude that there is a quantitative and qualitative, need for additional B Class employment land in Newport both to meet the objectively assessed needs of the town's businesses and to enable Newport sustainably to contribute to capturing Telford-Wrekin's growth potential. The current supply is inadequate to meet this need. There is a strong argument to suggest that the existing provision must be protected and opportunities found to respond to this need, having regards for the market's preferences. Consideration needs to be given, therefore, to whether approval of the Station Road proposals will prevent the loss of the Audley Avenue site to retail use.

RETAIL PLANNING ISSUES

In deciding whether the Council should continue to support the Station Road proposals now that the Audley Avenue foodstore has been allowed on appeal, it is appropriate for the Council to consider the implications for Newport Town Centre if two foodstores are permitted.

The Council's consultants believe that even if planning permissions exist for retailing at both Audley Avenue and Station Road, commercially the likelihood is that only one foodstore will materialise. Members will be aware that, unlike the permitted scheme at Audley Avenue, the proposed foodstore at Station

Road has a confirmed operator interest from Sainsbury's. It is clearly the more attractive site to supermarket operators and if granted consent is likely to be implemented before the Audley Avenue permission. Indeed, it is very unlikely that the Audley Avenue scheme would be viable in such circumstances, as there would not be the retail expenditure capacity available to support both proposals in the short term.

The consultants also believe that if two such supermarkets were to operate at Audley Avenue and Station Road, then they would significantly impact upon each other and undermine the viability of the other store. The risks of both schemes being implemented are therefore very low. Plans Board's previous conclusions that a foodstore at Audley Avenue would be heavily compromised by a Sainsbury store is supported by its consultants. Simply, Station Road is better located and is a far better configured site with a more attractive surrounding environment.

Although the eventuality of two stores in fact opening and operating may only be theoretical, there is a need for Members to consider and to form a view as to the likely cumulative impacts on Newport Town Centre. The question will again arise as to whether the impacts on the town centre will be significantly adverse and sufficient to warrant objecting to the Station Road proposals at this stage.

Members may have concerns in respect of the cumulative impact arising from potentially two stores. The issue to be addressed is whether such impact is likely to have a significantly adverse impact on the vitality and viability of the town centre. On the one hand planning does not seek to protect the interests of individual stores such as the Co-op and Waitrose but on the other, these stores do fulfil a town centre role and the loss of either or both would adversely impact on the town centre

Members recognised previously that Newport town centre performs well in terms of indicators of vitality and viability and serves a distinct role in terms of its retail and service offer. The Council's retail consultants believe that the town centre Co-op store predominantly performs a top-up food shopping role and therefore the propensity for new facilities to divert trade from this store, and thus the impacts on it, are likely to be limited. It is also felt that the Waitrose store is also likely to serve a distinct and loyal market segment which will tend to limit the ability of new facilities to impact on this foodstore.

The consultants have reached the conclusion that the impact of two new large foodstores coming forward at both Audley Avenue and Station Road could lead to trade diversion from the town centre. The consultants suggest however that this may not necessarily mean that Plans Board should now oppose the Station Road application, particularly given that there are issues that have emerged from an employment perspective as noted in the preceding section of this report.

The question that Plans Board needs therefore to consider is whether Members want to support Station Road because it is believed that in reality,

Audley Avenue will not come forward if Station Road is granted planning permission at call-in, thereby bringing about a situation in which the sequentially preferable site gets developed and Audley Avenue is retained for much needed B Class employment development. Alternatively, if Members do not accept this premise and consider that there is a real possibility that both stores will come forward and that this would lead to an unacceptable level of trade diversion from the town centre, then Plans Board should oppose Station Road.

Overall, the consultants conclude and your officers agree that the likelihood of two stores being built is commercially improbable, that the Station Road site is both commercially the much better site and is the sequentially preferable site. If Station Road is permitted, there is a very high probability that Audley Avenue is likely to continue to contribute to Newport's B Class land needs.

SECTION 106 CONTRIBUTIONS

Part of the basis for the challenge to the Audley Avenue appeal decision from the LPA's perspective relates to the Inspector's alleged failure to deal properly with the issue of section 106 contributions. In particular, it is alleged that the Inspector incorrectly determined that the highways contributions for off-site improvements to the local highway network would not meet the tests laid down in the CIL Regulations under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The Regulations require it to be demonstrated that obligations are *necessary, directly related to the scheme, and fair and reasonable in scale and kind* to the proposed development.

Prior to and during the Audley Avenue appeal inquiry, the Inspector had before her a fully executed Planning Obligation by Agreement (POA) agreed between the parties under s106 of the Planning Act. The POA required the following contributions:

- a) Bus service contribution to enhance bus service provision around the town including an extension of the particular service between the town centre and the appeal site along Audley Avenue.
- b) Provision of a Travel Plan
- c) Contributions towards a Town Centre Enhancement Scheme and a town centre manager position.
- d) The payment of contributions towards off-site strategic highway works involving improvements to the capacity of the A41 in accordance with a scheme that was commissioned by the Council acting as Highway Authority. This scheme had been costed on the basis of pooled contributions between a number of major development schemes potentially coming forward (including both residential and commercial schemes currently in the planning pipeline).

The Inspector in her decision letter dated 2nd August 2012 considered that contributions listed a) and b) above complied with the CIL Regulations. However the Inspector found insufficient information had been provided to support the Appellant making any financial contributions towards a Town

Centre Enhancement Scheme or a Town Centre Manager. Similarly, she failed to be convinced that strategic highway contributions were necessary for the development to proceed. The Inspector concluded that the timing and uncertainties of developments coming forward meant that in her view there would be little certainty that the highway works would be carried out expeditiously or that the contributions would be proportionate if any of the other development schemes failed to materialise. Moreover she concluded that the calculations and apportionment of the strategic highway scheme involved both the Station Road and Audley Avenue retail schemes coming forward, which in her opinion would be unlikely. In the circumstances, she felt that these aspects of the POA would not be CIL compliant and that they could not constitute a reason for granting planning permission.

As stated above, the Council believes that the Inspector was incorrect in accepting elements as being CIL compliant but others not. It is considered that appropriate financial contributions should be sought to respond fully to planning policies relevant to the proposal. The Accessibility and Town Centre Obligations as explained below are designed to achieve policy compliance, i.e. with RS Policies T1, T2, T5, PA1, PA11, RR1 and RR3 and CS Policies CS6, 8 and 9.

In addition, evidence had been put at the Audley Avenue inquiry that some of the impacts arising from any foodstore at an out of centre location would inevitably have some impact on the health of the town centre. The Council's evidence and that of the Appellant suggested that impacts would not amount to a significantly adverse impact on the vitality and viability of the town centre. However it was considered reasonable to try to offset impacts by, for example, funding a shop front enhancement (town centre facelift) scheme.

In relation to the way that the LPA had calculated the likely financial contributions for strategic highway works, members will recall that the Local Highway Authority carried out an assessment of the cumulative impact, on the local highway network arising from a number of large scale developments coming forward. Plans have been produced that indicate the scale of works necessary to accommodate all the developments and this involves junction capacity improvements to certain parts of the A518 and A41 bypass and the widening/dualling of the A518 carriageway between Station Road and the A41. The works have been costed and the cost to each development apportioned based on the distribution of development trips discharging onto the local highway network identified in the Transport Assessments carried out by applicants for their respective developments.

Turning to the application at Station Road, a similar approach towards section 106 Obligations was taken and Plans Board resolved to negotiate an appropriate agreement with the Council as landowner to secure the following planning obligations:

- a) The payment of contributions towards off-site strategic highway works involving improvements to the capacity of the A41 in accordance with a scheme that was commissioned by the Council acting as Highway Authority. This scheme had been costed on the basis of pooled

contributions between a number of major development schemes potentially coming forward (including both residential and commercial schemes currently in the planning pipeline).

- b) Public transport service enhancements
- c) Public transport facilities (bus shelters)
- d) Travel Plan monitoring
- e) Public Art contribution
- f) Contributions towards a Town Centre Enhancement Scheme and a Town centre Manager position
- g) Commuted payment for open space maintenance
- h) Planning and financial monitoring

The applicant has now clarified its position in relation to section 106 contributions, as follows:

a) Accessibility

Improving bus connectivity to the town centre will increase the propensity for shoppers using the foodstore to link a trip with the town centre and improve the accessibility of the store to the rest of the town (a by-product of this is a significant enhancement to public transport infrastructure on a town wide basis). It enhances policy compliance with regard to Policies T1, T2 and T5 of the RS and CS6 and CS9 of the adopted Core Strategy.

- Public transport service enhancements - £1.2m. Funding for a bus service over a minimum of 10 years with the first payment of £600,000 made on commencement on development. This shall be used to enhance the accessibility of the Station Road site at no less than 30 minute intervals to the town of Newport including access to the Town Centre.
- Contribution towards highway works around Newport – £907,548. The applicants are working towards ensuring that the Secretary of State has more precise information in relation to the development funding identified for wider highway works around Newport, to enable the Secretary of State to conclude such contributions are CIL compliant. The outcome of this more detailed work could refine the figure, but based upon the Local Highway Authority's original analysis a maximum contribution of £907,548 is proposed.
- Public transport infrastructure - £10,000. Contribution towards public transport infrastructure improvements in the town centre, such as improved waiting facilities and timetable information.
- Town centre footpath and cycleway improvements - £50,000. Having regard to the case for improving the pedestrian and cycle connectivity with the town centre, and to enhance the overall connectivity with the town, a financial contribution of £50,000 towards footway and cycle way enhancements on Station Road and in the town centre (to be delivered via a Section 278 Highways Agreement). Footway

enhancements at Millwood Mere and Springfields, and pedestrian crossing on Station Road to be dealt with by way of planning condition..

b) Town Centre Enhancements

- Provision of a fund to enhance the physical appearance of Town Centre Shop Fronts and their Signage - £150,000 (at a maximum £10,000 per grant). Fund to be managed by T&W Council to which freeholders and leaseholders can apply in respect of ground floor premises within the Local Plan defined Newport Town Centre Boundary. The fund shall exist for three years from the date of opening of the store
- Provision of a Retail Business Development Fund - £100,000 (at a maximum of £5,000 per grant). Fund to be managed by T&W Council in consultation with Newport Town Council to which Independent retail and catering businesses can apply to undertake business development initiatives to assist with adapting to changes in the retail and business environment. The fund shall exist for five years from the date of store opening.
- Provision of public art – £50,000. Funds to be used by T&W Council in consultation with the Applicant to commission and provide public art within a public place within Newport Town Centre. To be provided within a period of three years with any monies not spent within that period returned to Applicant.

c) Monitoring

- Contribution towards monitoring costs relating to travel plan - £5,000 payable to T&W Council.
- Contribution towards monitoring costs relating to accessibility and town centre enhancement contributions - £15,000 payable to T&W Council.

In the opinion of your officers, the contributions are necessary, they directly relate to the development in terms of policy requirements and to off-set impacts and are fair and reasonable in all respects.

HIGHWAY ISSUES

From the above section on s106 contributions, Members' will acknowledge that the Council acting as Local Highway Authority was consulted on five planning applications for significant development on the southern side of Newport, including the Station Road proposals. The LHA advised that the most appropriate way of considering the impact of these developments would be to assume a 'worst case' scenario and assume that all five development proposals would be permitted. Following consideration, it was identified that the cumulative impact of these developments would be such that substantial highway improvements would be needed in order to mitigate such cumulative impacts. This formed the basis of the Highway Authority's recommendations

on these applications with the justification for the mitigation works detailed in the report to Plans Board in March.

To date, Plans Board has approached each of the five development sites on a consistent basis. The findings of the LHA and decisions of Plans Board have not been challenged by any of the applicants to the four proposals considered by Plans Board to date (the outline application for mixed use development to the east of Station Road (TWC/2011/0871 has yet to be considered by Members). To remind Members, a Transport Assessment has been submitted for each of the five developments to include an assessment of the capacity of local road junctions, including:

- Wellington Road roundabout
- Station Road roundabout
- Site Access Roundabout serving the Station Road developments
- Audley Avenue Roundabout (replacing the existing priority junction)
- A518 Newport Southern Bypass/A41 Roundabout
- A518/141 Stafford Road Roundabout

Following the Audley Avenue public inquiry and Inspector's decision, a further additional junction impact assessment has been undertaken to help identify at what stage and level of development the junction improvement works will become necessary. This additional report is supplemental to the previous highway report, which helped identify the level of contributions necessary to secure highway improvements together with the scope of works. Plans Board's strategy is that contributions arising from each of the schemes coming forward will be "pooled" and improvements carried out when the particular junction has reached capacity.

At this stage, with the forthcoming call-in public inquiry and the Council's High Court challenge, the LHA has also assumed that the possibility still exists for all the sites to gain planning consent. The opportunity remains to review this process as necessary should any development fail to gain planning consent or be changed in some way.

The report identifies that parts of the study network are under strain in the assessment year before development commences. Other junctions start to fail with only 30% of the total development trips loaded onto the network. This additional study will enable the LHA to program the highway construction in a timely manner and help to inform the triggers for payments of s106 contributions.

This additional work undertaken since Plans Board first considered the application helps to reaffirm both the LHA's recommendations and Plans Board's decision to support the Station Road proposals

OPEN SPACE ISSUES

In her decision letter to the Audley Avenue appeal, the Inspector formed the view that the Station Road site constituted open space under the meaning of Wrekin Local Plan Policy OL6 and that there was no distinction between

“open space” and “open land”. OL6 states that ‘the Council will protect from development locally important incidental open land within or adjacent to the built up areas...’. The supporting text to the above policy states:

“many of the sites to which the above policy will apply within Newport. Important areas of open land within Newport, included those marked on the proposals map, need protecting from inappropriate development.”

In addition, Core Strategy Policy CS11 seeks to protect and enhance areas of open space, both formal and informal and states that development will only be permitted where ‘there will be significant community and environmental benefits delivered by the proposal’. The text to the policy states that the policy will apply to “all open space in the Borough with the aim of protecting these areas for unnecessary development. It is recognised that not all the areas classified as open space are of equal social, economic and environmental value. It is important that important areas are identified, further protected and where possible enhanced to fulfil their maximum potential to contribute to sustainable and healthy communities.”

In her decision letter on the Audley Avenue appeal, the Inspector acknowledged that the Station Road site is part of a wider swathe of countryside between Newport and the by-pass and is crossed by the Hutchison Way public footpath. She noted that the former railway line at the site’s northern perimeter linked Millwood Mere until very recently when it was blocked off. She believed that the former railway line together with the pony paddock had been used for informal recreational activities and that this cast doubt on the acceptability of Station Road as a development site.

Your officers believe that the Inspector was wrong in the view that the Station Road site should be regarded as open space within the meaning of Policies OL6 or CS11 and that she was wrong in trying to apply the NPPF definition of “open space” to this site (that defines open space as being of public value and...providing opportunities for sport and recreation).

A PPG17 Assessment was carried out by the Council in 2008 to assess whether the supply of open space is sufficient to meet existing and future needs of the Borough. Parts of the north and east of the Station Road site were included in the Study and identified as Natural and Semi Natural green space (site 80 within the PPG17 assessment). The development site falls between two of the analysis areas used within the assessment – Newport and the Rural Area. Both are deficient in the provision of Natural and Semi Natural green space (-53.81ha and -12.96ha respectively).

Site 80 in the PPG17 Assessment (natural and semi-natural green space) comprised Millwood Mere, Baddely’s Well, the former railway line running east-west along the northern boundary and the eastern half of the Station Road application site consisting of a grazing paddock. Millwood Mere and the wooded area at the north and west of site 80 have developed differently over time. Historical mapping shows that the wooded area was formerly the Wellington-Stafford railway line whilst Millwood Mere was previously a

reservoir. Both of these areas have reverted to a semi-natural state over time whilst the grazing paddock has been in agricultural use for as long as the historical mapping shows.

Your officers believe that the Station Road site despite forming part of Site 80 could not reasonably be considered as open space that needs to be protected from development. This part of the site is distinctly different to the remainder of this wider green space. It is currently used as a grazing field which has more of a common character with the fields to the east of Station Road rather than the rest of site 80 to the north and west. Indeed, the fields to the east of Station Road are not identified as Natural and Semi Natural green space. A public rights of way crosses the site and requires to be diverted as part of the planning application process. Plans Board was previously satisfied that an alternative and commodious route is available.

In addition, the PPG17 Assessment scored sites based on their quality and accessibility. Site 80 was given a 50% score for quality (average overall) and 43% score for accessibility (average to poor overall). Specific comments made by their assessor about the site included that it was a woodland area with footpath access and some overgrown open areas. These comments relate more specifically to the Millwood Mere and former railway line areas of site 80 than the grazing paddock. The scores for these areas reflect the need to improve their quality and accessibility and this was the aim during the application process. The improvements to these areas that would have been brought about by the development of the supermarket at the grazing field formed part of Plans Board's original consideration. Indeed it is argued that such improvements would have helped ensure that the PPG17 assessment scores would be increased in respect of the northern parts of the site.

Further to the assessment of site 80 specifically, the PPG17 Assessment also makes wider recommendations which are key considerations for the Station Road proposal. Recommendation PG9 advocates the provision of a natural park to the south of Newport to complement the more formal Victoria Park. The supporting text (paragraph 4.47) also suggests that Baddely's Well/Millwood Mere) may provide an opportunity to combine a natural area with a more formalised park. The proposed 'natural park' would in effect be an extension of the Baddely's Well/Millwood Mere green space. This issue is currently the subject of ongoing consideration as part of the wider development proposals at Station Road (application reference TWC/2011/0871). The green spaces proposed as part of the wider development scheme will follow the route of an existing hedgerow and public right of way. This will link in to the Baddely's Well/Millwood Mere green space as well as Springfields to the north and The Folly to the south; all of these are semi-natural in character. This would cumulatively create a high quality connected network of semi-natural green space in this area of Newport. That application remains undetermined.

Notwithstanding, should the wider development scheme not be progressed, your officers are satisfied that the wider green spaces to the west at Baddely's Wells/Millwood Mere and to the south at The Folly would be unaffected by the

Station Road supermarket development. The enhanced green space link to be provided along the northern edge of the supermarket site would continue to increase the accessibility of these green spaces in an east-west direction. The only part of site 80 that would be lost to the development of the supermarket would be the grazing field, the implications of which have been discussed above.

In conclusion, your officers argue that the Inspector was wrong to conclude that the Station Road site represented an important open space area and failed to take into account the green space improvements that the Station Road application would deliver in terms of community and environmental benefits. In the opinion of your officers, the proposed development will therefore conform to Core Strategy policy CS11 (Open Space) and paragraph 74 of the NPPF.

VILLAGE GREEN ISSUES

Members will recall that an application was made for the Station Road development site to be registered as a village green. The Council as Registration Authority processed this application independently of its role as local planning authority and of its role as landowner. A hearing to consider the representations chaired by an independent inspector took place in October and recommendations from the inspector will need to be considered by the Council in due course.

The case is familiar to members - in order to succeed, the applicant has to prove that a significant number of the inhabitants of any locality, or any neighbourhood within a locality have indulged in lawful sports and pastimes as of right on the land for a period of at least 20 years. If the Village Green application succeeds, it is likely to have an impact on the deliverability of the Station Road development. The fact that this registration process is continuing can be noted by members but cannot be regarded as being of any significant weight as members consider the material planning considerations relating to this proposed development.

Members may also be aware that the Council has served Notice of Appropriation of Land for planning purposes under sections 226 and 227 of the Planning Act.. This formal notice facilitate the carrying out of development, re-development or improvement which is likely to contribute to the economic, social or environmental well being of the area, or which is required in the interests of the proper planning of the area in which the land is situated. In the event of the Village Green application being successful, the appropriation of the land will enable development to proceed irrespective of the outcome of the Village Green application.

AGRICULTURAL LAND CLASSIFICATION

Some 40% of the site is classified as Grade 2 good quality agricultural land on the Agricultural Land Classification map held by Natural England. This factor was not considered by Plans Board when it resolved that planning permission

be granted for the Station Road proposal. Members now need to consider this issue. A plan denoting this classification is attached to this report. As members will note much of the land surrounding Newport is classified as Grade 2. The ALC system classifies land into five grades and it is acknowledged that Grades 1, 2 and 3b offers the most flexible, productive and efficient land that can best deliver future crops for food and non food uses. Grades 1 and 2 account for 21% of the country's farmland.

Paragraph 112 of the NPPF is the latest Government planning policy on the subject of agricultural land and planning and although LPAs are required to take into account the economic and other benefits of the best and most versatile agricultural land, particular attention is required to be devoted to proposals for significant development. Natural England Technical Information Note TIN049 remains the principal guidance on the subject. Natural England requires to be consulted on developments involving 20 hectares or more of Grades 1, 2 and 3b graded land. The guidance recognises that for all other development, the issue of whether to grant permission rests with local planning authorities. Natural England was consulted but raised no objection on loss of agricultural land at Station Road.

It is argued that the development proposal does not comprise a significant development in terms of land take and certainly its loss would not be a reasonable ground for refusal despite part of the site being identified as the best and most versatile land. Policy CS 6 supports Newport's role as a market town with future development promoted where it directly benefits the town's economy, increases accessibility to key services and facilities and where it meets local needs for housing and employment. The Council promoted greenfield sites in its Core Strategy Preferred Options Report DPD and much of this land was Grade 2 classification.

CONCLUSIONS AND RECOMMENDATIONS:

The previous recommendation needs to be updated to reflect all of the changes set out in the body of this report and to establish the position of the LPA at the call in Inquiry that will start on the 29th January 2013. The Councils consultants' view is that this application can be supported as they believe that Audley Avenue will not come forward as retail development if the outcome of the call in Inquiry is that Station Road obtains consent. Members had previously supported Station Road as the sequentially preferable site prior to the Audley Avenue Inspector's decision.

The **revised RECOMMENDATION** is therefore
Subject to the Council as landowner providing an appropriate memorandum to be submitted to the call inquiry which agrees that the land will be bound by the obligations in the event of the sale of the land in respect of the provision of a sum of monies comprising a contribution of up to £907,508 for the provision of major highway schemes, £1.2 million towards public transport; £10,000 towards public transport infrastructure; £5,000 for monitoring of the store travel plan £50,000 for the commissioning of public art on or off site as may be subsequently agreed, an appropriate commuted sum for open space

maintenance if required to be adopted and £150,000 to create a fund to enhance the Town Centre Shop Fronts and their signage , £100,000 for a Retail Business Development Fund , £15,000 for monitoring of financial and planning covenants, to maintain a position of requesting the Secretary of State to grant planning permission at Station Road and to present evidence to support that grant at the forthcoming Inquiry.

*****PREVIOUS REPORT*****

TWC/2011/0916 Land To The West Of, Station Road, Newport, Shropshire
Erection of a new superstore, highway works, associated infrastructure and
landscaping *****AMENDED DESCRIPTION*****

APPLICANT

St Modwen Developments

RECEIVED

27/10/2011

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 for full planning permission for the erection of a new food
store (called a superstore in the application particulars), highway works,
associated infrastructure and landscaping.

The proposal will be served by a new access from Station Road formed by a
proposed three arm roundabout. This access will also serve the adjoining
land that forms part of the site of an outline application for mixed use housing
and employment uses (Application reference TWC/2011/0871).

An important part of the application is the proposal to divert footpath CA2,
Hutchison Way around the edge of the site. The proposed alignment will take
the footpath along Station Road and then west along the site boundary to
intersect with its existing alignment south of the site. This aspect is a
permanent solution to enable the development of the store and car park to
proceed. It is however stated in the applicant's submissions that any future
development coming forward on adjoining land would seek a further diversion
of CA2 to take place thereby allowing yet further improved linkages to take
place with future development proposals.. These development proposals
however are in their infancy and cannot be considered at this time.

The principal elements of the proposal comprise:

- A new supermarket to provide 8,100 sq m gross internal floor area (GIA) and net retail sales floor space of 4,645 sq m.
- In-store restaurant comprising 297 sq m.
- Highway alterations and infrastructure provision - via a new 3-arm roundabout off a realigned Station Road followed by a short section of new highway serving the site and adjoining land connecting to a 4-arm roundabout providing direct access separately to the car park, service yard to the store and adjoining land

- Car park providing 530 car park spaces including 34 disabled spaces and 34 parent and child spaces
- Cycle and motor cycle parking provision
- Biomass Boiler
- Diversion of Public Rights of Way (PROW) Route CA2 Hutchison Way around the edge of the site

Whilst the superstore proposal is a stand alone application for full permission, the Council has received a separate application for outline planning permission for mixed housing, employment and retail development on a larger 28 hectares site to the south east of Newport (TWC/2011/0871) For information only, at the present time this application includes proposals for up to 350 housing units, a new extra care home for the elderly, a new industrial estate comprising B1, B2 and B8 land uses, a new superstore and PFS and car wash and new public open space provision incorporating sports pitches and other play areas. This application will be considered by the Council in due course but it is important to note that this full application is not dependent on any elements of the outline proceeding. That said, the outline application includes a wider master plan that includes the site of the proposed superstore. The outline application is also the subject of formal Environmental Impact Assessment procedures, which is helpful to this full application as it covers - at a fairly sophisticated level - various environmental information and reports. EIA was considered not to be required for this standalone superstore application for Full permission and the Screening Decision under the EIA Regulations is attached to the public file. Where relevant, we have taken into account the environmental information from the EIA on the wider outline proposal.

The application originally included a proposal to build a petrol filling station, ancillary kiosk and car wash. Following concerns expressed by the Environment Agency however, this aspect of the proposals was removed. The space is however retained as an open area and indeed the outline application still contains this proposal. The applicants believe therefore that a technical solution may still be possible although the current application without the PFS must be determined on its own merits.

The proposal for internal access arrangements contained within this application for Full Permission proposes an initial access arrangement deliverable in its own right. Should development of land to the south and east of the site be approved, the applicant has stated that a modified internal access would be provided, which is indicated within the submitted Design & Access Statement.

The proposals show that the store once opened would provide employment opportunities for 274 (Full Time Equivalents) jobs, which is approximately 400 full time and part time equivalent jobs.

The Application is accompanied by a series of reports and environmental information, as follows:

- (i) Design and Access Statement;
- (ii) Planning Statement including Heads of Terms for a possible section 106 Obligation;
- (iii) Transport Assessment
- (iv) Travel Plan;
- (v) Service Yard Management Plan
- (vi) Flood Risk Assessment;
- (vii) Drainage Strategy;
- (viii) Infrastructure Services Report;
- (ix) Air Quality Assessment;
- (x) Noise Report;
- (xi) Heritage Statement;
- (xii) Landscape and Visual Assessment;
- (xiii) Phase 1 Ecology Assessment;
- (xiv) Bat Survey;
- (xv) Habitat Regulations Assessment;
- (xvi) Tree and Hedgerow Survey Report;
- (xvii) Retail Statement;
- (xviii) Geo-environmental Report;
- (xix) Energy Statement;
- (xx) Statement of Community Involvement.

In response to issues raised during the consultation period, further information was requested by the Council and the following additional information was received.

- (i) A number of amendments relating to the scheme layout and design principally to the elevations of the new store including the introduction of larger glazing areas and the use of sustainable timber sections and raising of roof canopy to the store.
- (ii) Through removal of the PFS, this has allowed an increased landscaping buffer along the main Station Road and reconfiguration of the existing pond to help provide an enhanced wetland feature and habitat
- (iii) Hutchison Way – the application has been revised to retain as much of the landscaped area comprising the entrance gateway onto Hutchison Way off Station Road as possible; a woodland copse is now proposed at this point. The footpath will be diverted for a short stretch along Station Road to a point alongside the store site entrance when it will continue along its original path.
- (iv) Addendums to various technical reports have been submitted, including Ecology, Acoustics, Transport Assessment, Flood Risk Assessment and Drainage Strategy, Infrastructure and Services, Groundwater Risk and Contamination, Landscape Assessment and Tree Mitigation Strategy, Retail Assessment and PROW.

The application was screened under the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 as amended and a

decision made by the Council under Regulation 5 that an Environmental Assessment was not necessary.

The Secretary of State has informed the Council that it should not proceed to determine this application without his further confirmation following the consideration of this report that the decision can be left to the local planning authority. This follows representations made to the Secretary of State from third parties. It should not be viewed as indicating that the Secretary of State is mindful to take the matter out of local hands.

SITE AND SURROUNDINGS:

The application site comprises an area of 4.7 hectares located to the south of Newport and outside the built up area of the town and outside the development boundary of the Wrekin Local Plan. The site is bounded to the north by a dense belt of tree and shrub planting forming part of the former railway line running east-west from Station Road and the entrance to the Hutchison Way. To the south running north south is Station Road itself and open fields that eventually leads to the Newport by-pass. Hutchison Way and public right of way forms part of the site running north-south from a wooded glade that fronts Station Road.

The site has a relatively gentle sloping topography and has a typical edge of settlement character with four low level grazing fields bounded by interrupted hedgerows. A significant local feature is the entrance of the Hutchison Way off Station Road and forming part of the former railway line, which forms a small wooded copse containing mature and semi-mature trees, some of which were planted as memorial planting.

The area surrounding the site to the north comprises a mix of residential and employment uses with town centre uses further to the north east.

PLANNING POLICY CONTEXT:

National Planning Guidance:
National Planning Policy Framework (NPPF)

The NPPF was issued on 27th March 2012 and will be an important material planning consideration for members as they consider this application. It replaces the previous guidance on town centre uses contained within Planning Policy Statement 4 (PPS4). A key feature of the NPPF 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 the two principle tests of the now superseded PPS4 are largely retained. These are the sequential town centre impact tests.

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 time being.

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 OL6 Open Land – Open land without any special designation can often make a valuable contribution to the character of the area; many of these types of site are within Newport. The Council may seek through negotiation, planning benefits in order to fulfil the potential of open land where they form an important and integral part of the development. Of particular relevance to this application is the fact that the site is situated outside of the Built Up Area of Newport identified in the Local Plan Proposals Map.

Other policies of relevance include: EH7 (Contaminated Land); EH8 (Remedial Action on Contaminated Land); UD2 (Design Criteria); OL11 (Woodland and Trees); T4 (Development Principles); and HE4 (Detailed 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 CS7 Developments within the Rural Area – will be limited to that necessary to meet the needs of the area.

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.

Other policies of relevance include CS12 (Natural Environment); CS14 (Cultural, Historic and Built Environment); and CS15 (Urban Design).

PUBLICITY AND CONSULTATION RESPONSES (scheme as originally submitted):

TWC Highways:

The Council's Highways Team in considering a range of development proposals coming forward for residential, employment, retail etc at this time believe that it is important to assess the cumulative impacts arising from all developments. The Department is currently looking at the highway infrastructure to determine what level of mitigating works is necessary. The Department is aware of the scale of contributions that will be necessary for public transport and PROW footway/cycleway but this is under review at present. Particular comments can be made at this time and these are as follows: Further swept path analysis necessary for the roundabout overrun area; question how service access to be accommodated with the proposed (future) residential access road – this should be designed and built out now; the offer to extend public transport provision is under consideration at this time – the development will need to make a substantial financial contribution to meet the frequency of service that will be required. Given that there are a number of schemes in the pipeline (that may or may not be supported) the total figure for public transport would need to cover at least ten years to allow for provision over the life of all of the development phases. The total figure will likely be fixed and so if one or more of the proposals are not supported then the contribution may be affected. Similarly there will be benefits to the developments in enhancing and improving linkages to the town centre via the footway/cycleway and PROW networks and appropriate contributions will be necessary for these. Finally subject to agreeing the scale of the highway works please be advised that these will fall into two categories. Works directly attributable to a specific development and to access that development will be provided by the development under S278 Highways Act. Off site works where there is a cumulative impact will be apportioned to each development based on the level of impact and the cost estimate for the improvement scheme. The funding for this will be secured through the negotiation of appropriate Agreements either under section 106 of the Planning Act or, if involving the Council, by the responsible officer for Asset & Property matters covenanting to make adequate contributions. The Highway Authority will deliver those works.

Environment Agency:

No Objection since the removal of the PFS from the proposal. The EA advises that the risk of pollution of groundwater at a sensitive site has been removed. The Environment Agency has confirmed in their latest consultation response dated 5th April 2012 that it has no objection to the proposed development subject to conditions relating to the proposed surface water

drainage system, protection of the underlying aquifer and decontamination of the site.

For information, the site is located on a principal aquifer which represents a major water resource and source of domestic supply in the region. A public water supply bore hole utilizes groundwater from this aquifer less than 100 metres from the site. A number of wells collectively known as Baddley's Wells and Wells Head Spring are also present in the vicinity. The site therefore falls within Source Protection Zones (ZPZ) 1 and 2. The development also falls within a Water Framework Directive (WFD) Drinking Water Protected Area

The EA also advise that there is an un-surrendered landfill licence comprising part of the former railway line should be the subject of intrusive investigation. The EA recommends that the advice of the Council's Land Contamination Officer should be sought.

Finally, the EA explains that the Flood Risk Assessment makes reference to the need to restrict flows to Millwood Mere to the north of the site. The Applicant needs to establish agreement with Severn Trent that connection to the Mere is viable and the control is adequate. Proposed use of underground surface water tanks as attenuation measures is not a SUDS solution although it is recognised that the proposal will incorporate rainwater harvesting.

These conditional matters are dealt with later.

Severn Trent Water:

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.

Pollution Control Team (TWC):

If Plans Board is minded to approve the Application, the following should be considered.

Air Quality

An Air Quality Assessment was required for the Proposed Development.

There are two distinct issues.

1. Air Quality during Construction.

It is an inevitable consequence of the construction of any development of this size that dust will be produced and that this dust could cause nuisance to properties in the vicinity. In order to minimise any such nuisance it is recommended that a condition be included in any permission granted that that the development be the subject of a Construction Environmental Management Plan to be agreed in writing with the Local Planning Authority.

2. Air Quality on Completion.

On Completion of the Proposed Development, the effect on local Air Quality will be within acceptable limits.

Petrol Filling Station

Comments are no longer relevant following deletion of PFS from scheme proposals.

Nuisance from Mobile Car Washing

A condition is proposed by the Environmental Health Officer to restrict mobile car washing within the car parking area so as to prevent contaminants entering surface waters and polluting the underlying aquifer..

Noise

A Noise Impact Assessment was requested and this was produced in October 2011.

Public Protection (Environmental Health) raised a number of issues with this Assessment, as did a number of objectors. Further particulars were requested, and an addendum to the report was submitted in January 2012.

It is recommended, that if permission is granted for this development, that any such permission contains conditions relating to management of the service yard and appropriate noise attenuation. Comments in relation to noise controls on the car wash facility are no longer relevant following deletion of PFS from scheme proposals. However a second noise assessment was submitted when the PFS was omitted in March and this indicated that the application as revised will be acceptable in terms of noise levels.

Plant Noise

The Noise Model provided shows that sufficient measures have been proposed to alleviate the noise from these sources.

General Noise

The Noise Assessment provided with the application and the subsequent addendum considers the impact of the noise sources within the proposed development on existing Noise Sensitive Receptors. On this basis, Environmental Health do not object to the proposed development. If this development is granted, it will impact on the Outline Application for residential properties adjacent to this site which will require appropriate Noise Attenuation Measures to be incorporated in any such Residential Development.

Planning Ecology Team (TWC):

Flora: It appears that the botanical interest of the site is higher than was noted in the survey. The pond also supports a greater diversity of species than the survey recorded, including water-purslane, a species which has not formerly been recorded in the borough. Further investigation of the floral diversity of the site and an updated assessment of its value is necessary.

Bats: The report needs to demonstrate that 2 emergence surveys using 2 surveyors on a site of this size is a sufficient level of survey effort to confirm absence of roosting bats on the site. I suggest a justification of the survey effort is provided, with reference to the Natural England Standing Advice. Several of the mature trees were assessed as having a high potential for roosting bats. No bats were seen to emerge from the trees during the survey, but it is unclear from the survey report whether detailed visual inspection of these trees have been undertaken to confirm presence/absence of a roost. The bat activity surveys show use of the site by bats for foraging but the

report lacks an assessment of the impact of the development on bats or any recommendations for enhancement. The mature trees with bat potential and areas used for foraging/commuting should be retained.

Great Crested Newts: The report states that “the ponds were only considered to have limited suitability for common amphibians”. More information would be useful, e.g. Habitat Suitability Indexes. In addition, two common frogs have been recorded in the western pond. There are a number of ponds visible on the GIS in the surrounding area. Whilst the road is a barrier to most of them, their presence should be mentioned in the report, and the pond 100m to the NW of the site may require investigation.

Reptiles: The Phase 1 Habitat Survey states that “no reptiles were seen during the site visit, but an area next to the industrial estate, at the edge of plantation woodland, appeared to have some potential.

Invertebrates: There are habitats on site that are suitable for invertebrates but no consideration has been given to the potential invertebrate assemblages on the site.

Mitigation and enhancements: Habitats and ecological features should be retained, restored and enhanced as part of the development. The reports should be used to inform the development’s design, landscape plan and management plan. If mature trees, woodland, hedgerows, standing water and scrub are to be lost as part of the development then further information will be required to assess the development’s impact on these features and provide details of how adequate mitigation and compensation will be provided. Development proposals should demonstrate how they contribute to Shropshire Biodiversity Action Plan (LBAP) targets. For example there are ponds on site and the Standing Open Water Habitat Action Plan has a target to replace ponds unavoidably lost through development on a two for one basis. Other enhancements, e.g. erection of bat and bird boxes, should be incorporated into the final scheme, and a lighting strategy should be produced so that the northern hedgerows (important bat and bird foraging and commuting features) are not adversely affected.

Natural England (NE): No Objection.

Protected Species: see NE’s Standing Advice. We do not propose to comment further on the submissions – if there are outstanding matters relating to European protected species that require NE’s advice, please re-consult.

European Sites (Natura 2000 Network): The site is within 5km of Aqualate Mere SSSI forming part of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites. PPS9 makes clear that Ramsar Sites are to be considered of equivalent status to European Sites (SPA/SAC). In NE’s view, either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the important interest features of the Ramsar Site or any of the special scientific interest features of the Aqualate Mere SSSI. The reasons for this are:

- (i) Public water supply and foul drainage – following consideration (sic.) there are no significant environmental impacts arising from water supply or waste water treatment on Aqualate Mere.
- (ii) Hydrology – the development lies outside and effectively downstream of the surface water catchment area of the SSI/Ramsar site. As a matter of good practice NE expects suitable design and sustainable drainage systems to be delivered as part of the final proposal. A suitable planning condition may be appropriate.
- (iii) Air Emissions – the development proposal's distance from the SSI/Ramsar makes indirect effects from vehicle related emissions very unlikely. If the proposal is to be approved careful design in terms of maximising the scope for access to the town centre by sustainable modes of transport (walking, cycling and public transport) will play an important part in minimising unnecessary use of the private motor car. A suitable planning condition may be appropriate.
- (iv) Recreation pressure – the current means of access to the SSI/Ramsar (car parking spaces and footpath access) are such that the scope for increased visitor pressure is strictly limited. As a matter of good practice, if approved, the development's open/green space resource should be designed and delivered in such a way as to facilitate access on foot both into town and into wider outlying countryside. A suitable planning condition may be appropriate.

Newport Canal is located close to the existing Severn Trent waste water treatment works. NE has no objection to this development in relation to the issues of water supply and foul drainage provision and satisfied that there will no significant impacts from water supply or waste water treatment on the Newport Canal SSSI.

On the associated matter of a consultation zone around Aqualate Mere SSSI and Ramsar site. No relevant, defined zone exists at the moment. This is reasonable as different planning proposals would need to be considered individually. The following points are relevant:

The SSSI's water catchment is captured in the ECUS report referred to as a footnote in our responses. The key message is that the catchment lies entirely upstream of Newport (and within South Staffordshire LPA) and as a result, provided developments embrace appropriate drainage provision no adverse effects should arise. We welcome the dialogue with Severn Trent Water Ltd and their recommendation that the council produces a Water Cycle Study as this will address the issue in a strategic context.

The issue of recreation pressure might reasonably be considered as new development comes forward. At the current time the scope for unmanaged and damaging impacts from an increase in recreation demand is judged to be limited by the availability of car parking at the National Nature Reserve and the limited pedestrian access routes into it.

Similarly air quality associated with traffic generation will need to remain 'on the radar' according to the detail of individual planning proposals. In general,

nitrogen deposition is the foremost consideration in terms of traffic related air quality effects on designated sites. Current understanding is that nitrogen deposition effects are manifested within 200m of the relevant road route. Aqualate Mere is no closer than 400m from either the A519 (Forton) or A518 (David's Pits Covert).

Sustainability Officer: There are some very positive sustainability aspects of the development, for example the development is being built to BREEAM 'Very Good' standard.

Taking this into account it is recommended the standard of BREEAM "Very Good", with a requirement to consider "Excellent" should be 'conditioned'. If the development occurs after April 2013 then the requirement should be 'Excellent'.

However, greater consideration by the developer could also be given to:

- FSC wooden frame building, A-class rated cladding system
- Low energy hand dryers with maximum ten second drying ability – 1.5 kilowatts
- Fast closing, movement sensing loading bay doors to reduce heat wastage
- 90% of construction waste avoidance from landfill
- Energy performance certification rating 'A'
- Over the option of Air Source Heat Pumps and Biomass Heating, consideration should be given to Biomass Heating - a biomass boiler with wood pellets providing renewable hot water and heating.

Third Party Representations:

A large number of residents and local organisations have commented on the application. Copies of all representations are held on file and can be viewed by Members online. Officer reports can only hope to summarize the main points raised by third parties. Similarly, often those making comments ask questions of the authority, some of which are rhetorical in nature. This section of the report summarizes views expressed but also specifically highlights one or two representations where they have been submitted by people that represent local groups. The representations include both general objections and specific issue concerns.

There have been upwards of 450 letters of objection to the proposals. The comments of these are summarised as follows. The main reason for objection is the impact of the proposed out of town supermarket on the existing High Street. It is considered that the proposal will not result in linked trips to the Town centre, and will undermine the vitality and viability of the high street. This will result in closure of businesses and job losses. The long term concern relating to business closure was increase anti-social behaviour and crime due to boarded up shop fronts and harm the Newport Conservation Area due to increased numbers of vacant properties. Furthermore, the

proposal will not promote social inclusion as there will be fewer facilities within the town. It is acknowledged that the new supermarket will create jobs but public opinion is such that any job creation will be negated by job losses at other premises elsewhere in Newport, and there will be a net loss of jobs within Newport.

A significant number of objections have raised concerns of impacts on the High Street, citing similar examples at Oswestry, Oakengates, Wellington, Market Drayton and Dudley and the detrimental impact schemes have had to the traditional high streets, whilst Ludlow, with the store within the town has been identified as a success, using retail to regenerating a town.

It is considered that the size and siting of the proposed store is inappropriate, and there is no need for a store of this size. Furthermore, development of Brownfield land should occur first and any new retail should preferably be closer to town on one such site, or reuse the former Focus site. A smaller low cost retailer is a more appropriate form of development for Newport, as discussed at the Mere Park appeal. In addition there is no need for a petrol filling station, as the area is well served by two existing facilities. The style of the store fails to respect and enhance the quality of the town and built environment.

Residents consider that the Local Planning Authority has a duty to promote the Town Centre and seek the reuse of existing vacant buildings and encourage growth on Water Lane, or elsewhere within the Town.

Another significant issue of objection related to the increased traffic generated from this development and cumulatively with all the other currently proposed developments within Newport. This will result in congestion within Newport, increased CO2 emissions and unsafe junctions and speeds on the access. The proposal will not improve public transport and there is a lack of pedestrian links particularly to the town which is not accessible by foot from the High Street.

The development is proposed on Greenfield land, and will result in the loss of important open space, which is of agricultural and historic value to the community, with historic path ways and walks. This land is considered an important buffer between Newport and Church Aston. The development will have an adverse impact on the wildlife on site. Principle of development: application site is Greenfield land outside the development boundary for Newport (Brownfield first approach is a fundamental principle of good planning), contrary to PPS1, PPS4 and PPS7. Also contrary to Core Strategy Policy CS7 and Wrekin Local Plan Policy OL6. These policies were relied upon by the Council at the previous Mere Park appeal.

The proposed development will have a detrimental impact on Newport's infrastructure in terms of electricity, drainage, social infrastructure and increased issues of flooding.

The proposed development due to its scale and siting is contrary to national policy and the 'Save the British High Street' government drive and Localism. The development is also contrary to local policies, particularly CS6 of Core Strategy and regeneration objectives for Newport. This development will adversely impact on the unique character of this historic market town. This is not sustainable development. This development fails to promote the regeneration and tourism potential of Newport.

The proposed development will create issues of noise relating to traffic, car parking and trolleys etc and pollution in terms of light pollution from store and floodlighting of car park and litter.

It is noted that this site is owned by the Council and residents are concerned about the conflict of interest between land owner and Local Planning Authority as decision maker. The sale of the land is already allocated with the Telford and Wrekin Councils budget, and is therefore pre-determined the application processed and this is a financially driven proposal, rather than meeting community needs for Newport.

Other than the main issues raised above which most objectors have commented on there are a number of other issues of concern relating to the lack of public engagement, the diversion of public rights of ways, loss of privacy, increasing the retail catchment areas, water contamination, issues of boreholes on site and flaws with the retail impact assessment. The site would be better used to re-site Burton Borough School. Site is subject to three separate PROWs and will be subject to removal of trees/landscaping and is used by local people for recreation.

Ecological information and reports submitted with the application, including Extended Phase 1 Habitat Survey, Nocturnal Bat Activity Survey Report and Hedgerow Survey are insufficient to arrive at an adequately informed decision. The report production should follow IEEM Guidelines for Ecological Impact Assessment that incorporates 5 main stages (Scoping/Baseline Survey/Determining Value/Impact Assessment/mitigation-compensation-enhancement. Main inadequacies include, inter alia, timing and adequacy/accuracy of survey work

Flood Risk Assessment fails to address potential flood risk from all sources as required by PPS25 e.g. FRA does not include potential flood risk from "artificial" sources such as reservoirs and other surface water features (Millwood Mere). Groundwater levels have not been mentioned – there are ponded areas on site which could indicate a high water table. Stines Brook hydrology has been assessed using inadequate methodology. No assessment undertaken of Moorfield Brook. Site is underlain by a Source Protection Zone serving a public water supply, which could be polluted by PFS and car parks. Inadequate attention given to downstream watercourse impacts.

Transport Assessment is fundamentally flawed.

- Traffic surveys suspect; trip rate dependent on pass-by trips and is optimistic;
- potential to create a rat-run if the wider proposals take place; traffic growth factors contain discrepancies;
- a number of junctions A518/Audley Avenue, A518/A41 roundabout and Station Road/Wellington Road are close to failing and need to be improved;
- capacity assessment of junctions is also suspect;
- parking demand assessment required as site is out of town;
- pedestrian and cycle routes – proposed route for Hutchison Way is not appropriate given that it was designed for recreational purposes; the wider improvements can only take place if wider development proposal takes place; there is no pedestrian link proposed between existing footway on western side of Station Road and the Hutchison Way access. Existing footway from the town stops 80m to the north. No crossing point across Station Road in vicinity of access. Existing footway on eastern side narrows to 1.3m and is substandard.
- Bus service provision if partially upgraded as part of the proposals will require other services to be upgraded.
- Junction and roundabout proposals and improvements are unsatisfactory

Newport Regeneration Partnership (letter dated 16/11/11)

The Partnership believes that the absence of a 'master plan' has led to inappropriate piecemeal approach and denied the community a voice contrary to Localism. The Partnership makes the following points:

- Brownfield sites should be developed first
- TWC hasn't engaged with the community
- Enormous development off Station Road will add to existing severe capacity issues in utility services, contribute to flood risk and add to traffic volumes.
- Scale of retail proposals excessive and contrary to Core Strategy Policy
- Will not benefit Newport – increase in local spend will be at the superstore rather than Newport; Waitrose (very much part of the High Street) will be critically affected.
- Disagree with submitted Retail assessment – it will not improve access or choice if marginally profitable TC stores close; it is not located within the existing town; will not reduce the need to travel; will not support the role of Newport as a market town; it will not improve social inclusion; will not reduce CO2 emissions.
- Newport privileged in having two main food stores and has substantial walk-in population.
- Part of Council's case at Mere Park based on potential undermining of town centre – the impact here will be far greater
- CS Policy 6 states that all development will enhance the quality of the town's built and natural environments – superstore shed does not do this.
- Economic impact

- Council's own retail study does not advocate a store of this size – this is a trade off between living in Newport and living in Telford
- Contrary to Government's emerging policy 'Town centre First' – catastrophic impact on green environment to south of Newport, urban environment of High Street and overall quality of life

Telford & East Shropshire Ramblers Group: On behalf of the Ramblers I wish to lodge an objection to the above development on the grounds of loss of vital green space and the consequent diversion of a much-used right of way. The footpath carries the Hutchison Way which is to form part of a new scheme to provide a multi-user route linking Staffordshire with Ironbridge. The proposed diversion would be substantially less convenient and pleasant for users.

Both Waitrose and the Co-op strongly object to the proposal on the following grounds:

- Waitrose believe they act as anchor to the town centre serving Newport and rural hinterland and underpins trading performance and attraction.
- Proposal contrary to CS Policy CS6 in that it will serve a wider area than required to meet the needs of Newport and its rural hinterland
- Council's Study 2009 does not identify a need for a store of this size
- Compliance with sequential test not demonstrated
- Combined effects of stores have not been assessed
- Will have a significant adverse impact on TC contrary to PPS4 and Ministerial Statement 23 March 2011 and Draft National Policy Guidance July 2011
- Not accessible by choice of transport modes contrary to CS9
- Applicant's retail approach is flawed (see Appendix to Waitrose letter)
- 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 Mere Park appeal decision 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
- Waitrose is technically edge of centre but performs as a TC site
- Applicants should be asked to undertake a cumulative impact assessment to include Mere Park site

PUBLICITY AND CONSULTATION RESPONSES (scheme as revised in January and March 2012):

Following the submission of additional information, the application was the subject of two further re-consultation exercises and the following additional responses have been received: It is important however to note that Members must consider all representations received and also that officers in assessing the planning considerations later have considered all representations irrespective of timing of receipt of representations.

Environment Agency: No objection subject to conditions

Ground water protection:

Notwithstanding the removal of the PFS, the sensitivity of the groundwater resource and borehole to pollution remains. As such it is of critical importance that robust protective drainage proposals are implemented and maintained.

We have no objection to this amended proposal subject to the imposition of the following conditions on any planning permission. Without these conditions, we consider that the proposed development would pose an unacceptable risk to the water environment. These conditions expand on our previous comments in respect to drainage matters. They are now also informed by the further submitted detail in the Amended Plans and understanding of the groundwater sensitivities.

Recommended Condition A

Any development permitted by this planning permission shall only be carried out in accordance with the specific mitigation measures detailed below:

1. All piping that is within or passes through the Source Protection Zone 1 (SPZ1) of the public supply borehole shall be of a sealed, non-perforated, impermeable and twin walled design. A regular maintenance schedule for the testing of the integrity of the system shall be agreed by the Local Planning Authority prior to first use of the car parking and loading areas, to minimise the risk of leakage.
2. The surface of the loading and unloading service area of the store shall be impermeable with drainage to a single point that can be closed in the event of a spillage, such that any spillage can be contained within the area to facilitate required remedial measures.

Reason: To protect the adjacent Severn Trent Water public supply borehole and groundwater resource.

Recommended Condition B:

Unless otherwise previously agreed in writing with the Local Planning Authority there shall be no de-watering of the site and no interruptions to ground water flows.

Reason: To protect the adjacent Severn Trent Water public supply borehole and groundwater resource.

Recommended Condition C:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Recommended Condition D:

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the Severn Trent Water public water supply borehole and groundwater resource.

Pollution prevention information as advised by EA:

It is advisable that the developers adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured at this sensitive location.

We note that Foul Drainage is to be directed to the public foul sewer system via an on-site (private) pumping station and "break chamber". The following principles that should be applied to the construction and operation of the pumping station are that there should be:

- Residual capacity in the wet well, above pump activation level, to act as temporary emergency storage in the event of any mechanical and/or electrical pump(s) failure. This should be equivalent to 6 X DWF (dry weather flow) which is often referred to as 2 X 3DWF;
- no emergency overflow outlet;
- both duty and standby pumps;
- an alarm to warn of mechanical and/or electrical pump(s) failure. It would be preferable that this is an audible alarm with a telemetry link e.g. into the on-site management systems;
- Consideration of the provision of a facility for the connection of a generator in the event of a major pump failure that could not be rectified within the 6 X DWF timescale. The only other alternative if there is major pump failure, is tankering of the sewage;

- Documented emergency guidance to deal with any failure of the pumping station included in the emergency procedures associated with the management of the site.

The proposals for Surface Water (in excess of any infiltration routes) in this Drainage Strategy by Rodgers Leask ref CD11/022 Strategy include:

- Roof water to trapped gullies;
- Car park drainage, via trapped gullies, to a bypass oil separator;
- Short section of access road to highway drainage.

Both roof water and car park drainage will ultimately drain to Millwood Mere via an on-site underground attenuation/storage tank(s).

EA comments on Surface water flood risk information: The submitted Drainage Strategy for the site proposes attenuation storage tanks which will be able to hold the 100 year event with a 30% allowance for climate change. They propose to constrict the pass forward flows to 17l/s. We have no objection to the proposed Strategy but have the following additional comments for your information:

As the site lies in Flood Zone 1 (FZ1) that is the zone which has a low probability of fluvial flooding, the main risk of flooding would arise from surface water rainfall run off. We would expect that your internal Drainage Engineers will advise you on any necessary conditions for the detailed implementation of this Strategy and provision for its long term maintenance.

The Strategy refers to a pass forward flow to Millwood Mere, which we understand may be a Severn Trent asset in which case Severn Trent would need to agree to the flow. In order to deal with future use of the Mere, we recommend that you investigate and confirm the ownership and hence the consequent maintenance responsibility. Comment – this is not a STW asset.

EA comments on Sustainable drainage information

We note that the Drainage Strategy proposes tank storage for surface water, however the Sustainability Statement refers to possible use of rainwater harvesting for public and staff toilet flushing. We would encourage the use of sustainable drainage options wherever possible including rainwater harvesting and the sustainable reuse of 'clean' roof water on site. Your Drainage Engineers may advise on a condition in respect of securing appropriate sustainable drainage systems for this location and site use.

TWC Drainage Engineer: Reasonably content with the revised details as set out in the FRA and addendum. Will be recommending a series of conditions but is relatively content that it is in principle possible to adequately drain this site. However there are a number of matters that will require further consideration and condition. In particular, as the site sits on a high water table, there will be a need for conditions so that further approval of information on protection methods from ground water ingress to any SUDS features on site. In addition, the issue of potential surface water pollution from car wash facilities needs to be addressed. Such effluent should be disposed to a foul

water drainage system or stored in a sealed system for off-site removal as a liquid waste. Details are required on the areas where any mobile car washing will take place and how this potential pollution will be treated.

Planning Ecology: The additional information provided in the ecological addendum justifies and clarifies the majority of (previous) concerns.

I suggest that the recommendations from all the reports are written into a mitigation strategy/management plan, to include precautionary working methods, the retention, enhancement and management of habitat features, the erection of bat, bird and invertebrate boxes on buildings and trees, and the creation of refuges.

This should ideally be provided prior to planning permission being granted, but can be conditioned. A lighting strategy should also be produced to ensure that the northern hedgerows (important bat and bird foraging and commuting features) are not adversely affected.

Highways Team: As you are aware there have been a number of Planning Applications lodged for various potential developments in Newport. The Highway Authority is concerned that the cumulative impact on the local highway network, should these developments all receive Consent, will be such as to cause capacity and safety issues on parts of the strategic highway network.

In light of this the Highway Authority has carried out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments. The works have been costed and the cost to each development has been apportioned based on the level of impact derived from the trip distributions. Contributions will be secured through a suitably worded S106 agreement with the works delivered at appropriate trigger points based on phasing of development. In terms of this submission the proportional impact will require a contribution of £907,548.

Physical works that have been identified for access are not included and will need to be delivered by the relevant development under S278 Agreement.

The Developer has recognised that the development will need to provide enhancements to the local public transport services and infrastructure. In the accompanying TA it was proposed to enhance the existing local (but limited) service to an increased frequency at approximately 30 minutes intervals from 7am to 7pm, Monday to Saturday for a minimum of 5 years after completion. This equates to an additional bus and driver. This service would be pay to ride.

Internal discussions with the Passenger Transport Team has confirmed that it will be possible to provide this level of service and that this will have sufficient spare capacity to be capable of expansion to serve the other emerging developments under consideration at this time. The Developer's consultant

has subsequently entered into negotiations and carried out their own assessment (addendum TA Jan 2012 Appendix C) and has arrived at the same conclusion.

In order to provide the aforementioned level of service the development will need to provide a subsidy of £600,000. Infrastructure such as bus shelters and bus boarder kerbs will be additional to this. I would suggest £10,000 on the basis of two stops on Station Road. The Passenger Transport Team would procure the service and would agree the timetable.

Turning to the details of the site itself the following issues have been discussed.

As a result of the way the Application has been presented there is a requirement to form a temporary access road to the service yard. As it stands this would appear to prejudice the delivery of the internal highway infrastructure presented for the related Outline Application (TWC/2011/0871). Discussions with the landowners concerned have confirmed that all parties are aware of this issue and that they propose this access to be a temporary measure only. I am expecting details of the delivery mechanism for the final access including a plan in the near future.

In a similar vein the application proposes a diversion to the named PROW, Hutchinson Way. The mechanism to achieve this will need to be discussed with the Rights of Way Officer. The route along Station Road would only be considered as an interim solution as the wider outline application will require a further diversion. It is suggested that the final alignment should ideally make use of the proposed green spaces.

Suitable highway related Conditions are recommended

Arboricultural Officer:

With regard to the updated Landscape Visual Addendum provided by FPCR January 2012, I would like to make the following comments regarding the arboricultural implications within the site, in conjunction with:

Policy OL11, "The council will seek to retain & enhance the contribution that trees & woodland, (especially areas of ancient woodland) make to the landscape character of the district.

b) Resisting development proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a settlement or its setting or have a significant ecological value.

The tree population which may be affected by the proposed development has been assessed accordingly and the following observations made:

G26, A row of Ash trees adjacent to the old railway line. The initial tree surgery works are intended to remove the overhanging branches from this group of trees to facilitate the erection of the supermarket building, whilst

retaining the trees to lessen the visual impact of the building. The foundations of the building appear to be within metres of the trunks of the trees.

They are intended to remain in situ until the new landscaping and replacement trees are established within the landscape, they are then proposed to be removed.

The Council would like assurances that after the replacements are established the developer will remove the trees and no liability will be inferred to the Council.

The proposed new footpath has 34 newly planted trees adjacent to it, therefore the use of root barriers is strongly recommended to abate the risk of future trip hazards, the surface must also be permeable to allow for the exchange of water & nutrients.

The loss of G27 (a group of White Poplars) is regrettable but as previously stated, they are not the ideal species to be growing over a footpath or car park. Their loss is somewhat mitigated by the proposed new plantings.

T89, Ash, This tree has been highlighted for removal, given the location of the car park and the unfortunate health of the tree. There has been no mitigation strategy proposed for its removal, so given its location the wood could also be left on site to contribute to the ecology of the area, the stump could be carved to make an attractive sculpture. The replacements for this tree should also be sizable e.g. in the region of a 20- 25 cm girth or larger.

G29 is a group of 30+ early mature Ash trees which have been proposed for removal to facilitate the car park of the supermarket. To compensate for the loss of this grouping they must at least be replaced on a one for two basis within the proposal.

T81, The proposal for the mitigation of the loss of this veteran Oak is to retain the wood on site and propagate cuttings from the tree. The replacements are considered to be too small, all replacement trees should be of such a size that they offer the scheme maximum visual amenity & impact from the outset.

T82, The wood from this Oak should also be retained within the development, as it will continue to enhance the ecological & bio-diversity aspects of the site.

The replacement trees surrounding the proposed petrol station include Cherries, Field maples and Hawthorns none of which attain a tall mature height. Ash & Beech trees are some of the most efficient at removing carbon from the atmosphere. Yet, they have only been proposed as either woodland planting or hedging respectively.

With regard to the overall landscaping proposal, it is felt that the replacements are too small to justify the loss of the current arboricultural value of the site.

In addition to the above and on behalf of Parks & Open Space, whilst raising no objection, there is no detail in the planning application of which (if any) areas of open space are to be adopted by the council. With this in view, if any

such areas are adopted it is essential that a sufficient commuted sum is sought via a section 106 agreement for any maintenance required for a period of 15 years based on the final agreed landscape design. There are a number of smaller issues relating to the suitability of plant species for specific locations which need to be addressed to ensure longevity i.e. not positioning sun loving species in shaded areas and including species that prefer drier conditions in wet areas. Where native species are used, these should be sourced from indigenous populations to the Midlands where possible.

Recommend a series of conditions to implement landscaping scheme and maintenance.

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 Parish Council (views on planning obligations).

Should this application be approved, and the Council very much hope it will not be, Councillors feel that this Parish may well be entitled to some 106 money.

I have therefore been instructed to pass on the Council's wish list.

We would like to see:-

Permanent SIDS in Pave Lane, preferably the type which have recently been installed on the A41 at Chetwynd.

A new road layout on the A41 at the Pave Lane/ Stockton Road junction. Councillors consider this to be a very dangerous junction, and there have been a lot of accidents there. Again the road layout recently installed at Chetwynd would be ideal.

Councillors hope these request will be considered in the event of Planning Permission being granted to Sainsbury's.

Third Party Representations:

There have been a number of further representations made to the revised details. The objectors believe that nothing changes in terms of their original representations despite the revisions to the scheme proposals. A number of areas of particular ongoing concern and which need to be highlighted relate to the following issues:

Ecology:

There remains ongoing concern about the quality of the ecological report and addendum reports lodged by the applicant. This now includes the Shropshire Wildlife Trust who wishes to support their members in objecting to the proposal. Comments received suggest that the level of survey data that informed the various reports is insufficient and importantly the application is linked with other schemes and that EIA was necessary for this development. The Trust although recognising that the site form part of wider arable fields the horse paddock and pond will have richer biodiversity interest. Greater linkages for biodiversity enhancement necessary. The lack of official records that the area does not have GCN populations is not conclusive.

Additional comments received on this issue relate to the following

- It is considered that the level of ecological information submitted with the application is insufficient to arrive at an adequately informed decision on impacts on features of significant nature conservation value within the site. The addendum report does not address the inadequacies identified in previous correspondence and moreover, raises concerns of the adequacy of surveying and reporting.
- The timing of the walk over in February is sub-optimal time for some flora and fauna, and the biodiversity is greater than initially identifies, however other than an inspection of two trees for bats, no further surveys are suggested. It is considered that the nature conservation value of the site is being underestimated.
- Habitats and vascular trees; Trees and hedges, it appears there are veteran or near veteran trees on site and these are of particular value for biodiversity as per PPS9 and their loss should be avoided. Two trees have been subject to further investigation for bat use in Jan 12, there is no further evaluation or potential for residual impacts investigated. Also advice for felling is contrary to the Extended Phase 1 report. Should these trees be felled further investigation of their likely value should be undertaken and appropriate mitigation proposed.
- Grasslands, the addendum seeks to justify the classification of the site as a horse paddock but details of species found raises concerns about the adequacy of the surveys and reports undertaken, and there is no justification for a designation of semi-improved neutral grassland, as the detailed survey was not at an appropriate time of year. It is asserted that this field could be categorised and lowland meadow, which is a priority habitat and significant potential impacts may have been missed and mitigation therefore inadequate.

- Bats the addendum justifies the level of bat activity survey, which is not disputed. However details of emergence/re-entry surveys on high potential roost trees are still outstanding, it appears from the information survey of high potential roosts that the survey fails to meet guidelines in terms of time period. There is no accurate assessment of the impact of the proposed development on bats and their commuting/foraging routes or any targeted recommendations made for mitigation. Due to the lighting of the scheme and potential for light spillage, it is considered likely that significant potential impacts may have been missed and mitigation would be inadequate.

Greenfield issue - The development will result in a loss of accessible green space, the PPG17 assessment for Newport identified that the town had the lowest provision of Natural and semi-natural open space in the Borough. Moreover trees and hedges within the development site merit further attention with regard to potential bat presence, known bat foraging routes, and to insufficient levels of compensation and mitigation relating to their loss.

Drainage Issues: FRA fails to address potential risk from all sources as required by PPS 25 eg flood risk from artificial sources such as Millwood mere and existing smaller watercourses.. Pondered areas on site indicate high water table. Problems from PFS within aquifer and Water Protection Zones should be considered.

Transport Issues: TA is fundamentally flawed in terms of survey work, trip assignment based on pass-by trips is flawed; traffic growth – discrepancy in the figures used; mitigation of other junctions should be provided; parking is 10% below standard. The site is not sustainable for cycle and pedestrians and lack of continuous footway links to the TC; general scheme layout is not appropriate for future residential development..

Comments received following consultation on amended details:

- Lilleshall Residents Association: Objects. Newport does not need an out of town supermarket; it will decimate our High Street. It does need a small discount store as recommended by the Planning Inspectorate report of September 2010. This goes against policies of conservative and labour parties, who claim to protect the counties high street.
- It is on a Greenfield site, and there are Brownfield site available, which should be used first. The proposal will result in the loss of Hutchison Way. The current vacant commercial and industrial premises should be offered on favourable terms to generate real employment. The hypermarket may employ many people, but will be counterbalanced by job losses from Newport High Street, also any store profits will not be reinvested in Newport.
- Newport Regeneration Partnership: Objects. The NRP is opposed in principle to the proposed development primarily because it is premature, fails to comply with planning policy and the cumulative effect economically and physically. The revisions are a matter of

details and do not have any influence on the NRP's firm opposition to the proposed development.

- Newport Liberal Democrats: object to the out of town store. Loss of Greenland and wildlife habitat. Will this store be necessary if shopper's patterns are changing to online shopping. Newport will benefit from a 'low cost' food store within the town centre.

At the time of writing this report, there have been approximately 100 additional letters of objection many of the objections cover issues raised previously raised on the initial consultation although some issues have been further expanded and are summarised below:

- The amendments to the scheme do little or nothing to address the issues raised in the original objections raised by neighbours.
- The proposed amendments are a matters of detail and do not material affect original objections to the proposed development, ad there remains no policy justification for a supermarket in this location, of this scale and nature and is in excess of local need and will therefore have a detrimental impact on vitality and viability.
- Large out of town developments have a deleterious effect on the high street. The development will not result in linked to trips to the High Street; people will drive to store only. The 'Portas' report has identified a national crisis with High Streets and warns against out of town development such as this.
- The developer's arguments that expenditure in the new storey will benefit Newport's economy have been shown to be fallacious by the New Economics Foundation, whose research shows that money spent off the high street is more likely to leave the local area.
- Shopping patterns are changing. Retail analysts see home delivery and online shopping growing and supermarkets adapting to focus on this with smaller scale stores (as suggested by Tesco). If this is the future, what is the need for an out-of-town superstore in Newport? Not only is the proposed store completely out of scale with the size of local demand and the population of Newport, it would seem to be premised on an out of date retail model
- The proposed development is being driven by landowner and developer needs rather than community needs (as 20% of turnover is outside Newport and catchment area). If there is a need in Newport it is for a low cost supermarket built on a Brownfield site, which will enhance the choice and competitiveness of food retail offer and strengthen the High Street.
- The development will create fewer jobs than forecast, as there will be a net loss of jobs on High Street and existing supermarkets.
- The style of the proposed superstore (a shed) is not compliant with the council's policy that says any development should respect and enhance the quality of the town and built environment. The proposed enhancements in the amendments with the use of timber and glass will not alter what is basically a large industrial building,

- There is no need for an additional petrol station. There is no need for the store to be in operation 24 hours. Such an operation will lead to excessive noise disturbance.
- The proposed supermarket will have a serious impact on the High street of this traditional market town and affect the conservation area and tourism. The heritage assessment is a biased report; there are inaccuracies in terms of studies undertaken. The archaeologist has missed the ridge and furrow feature within the site, and by missing this feature, the heritage of the site has not been adequately assessed.
- The Council are considering closing the Newport community recycling centre, and this will mean additional trips to the nearest alternative at Donnington. Where people could enjoy joint trips with supermarket shopping, and be more sustainable and therefore negate the need for this store.
- The Communities and Local Government select committee report on the draft National Planning Policy Framework (NPPF) has confirmed that there should be no presumption on Greenfield land. The supporting documents cite government economic policy as a basis to support the development, and suggest there should be a presumption in favour of sustainable economic development and environmental and social criterion be considered of less importance. However the select committees report states that environmental and social factors should be seen as equally important as economic, and concludes that the new planning system will be used to implement poorly planned and unsustainable development, as is the case with this proposal. They also suggest the reinstatement of brown field first. The Inspector at the Mere Park enquiry reinforces this by indentifying suitable Brownfield sites within Newport to accommodate smaller scale retail development
- The proposed superstore will be environmentally damaging to this important green space, (there is an application for village green status of this space lodged for consideration), with no net benefit.
- Ecological and environmental issues, including issues of potential leakage form petrol tanks and impact on water supply. Result in loss of wildlife habitat. The governments white paper, upholds the importance of green spaces to the health and happiness of communities. Proposal results in loss of extensive public footpaths. The retention of the pond as an enhanced wetland habitat is laughable, as the tarmac and traffic will have a detrimental impact on wildlife.
- The ecological survey information has omissions in terms of history and inconsistency between reports, there is a clear need for further information and surveys so the full impact can be assessed. Issues relating to the EU Habitat Directive need to be considered before determination, and cannot be dealt with by planning condition.
- Any development proposal will need appropriate infrastructure improved or replaced, i.e. sewers and drainage. There are issues with flooding in the area as existing this development will exacerbate these.
- Issue relating to traffic generation and congestion in relation to the proposed store and add to CO2 emissions and increase likelihood of accidents. The size of the car park is excessive and could be reduced.

- Works undertaken by the Council as landowner to secure the site,(fencing, tree cutting and footpath diversions) suggest a presumption that development will occur, which is illegal and will be subject to legal challenge, should Plans board decide to approve the application.
- The application should be refused and under Localism Act the community given the opportunities and resources to formulate a fitting plan for the future of Newport.
- Should the application be approved by the Plans Board, it is hoped this would be subject to a legal challenge and be called-in by the Secretary of State, on the grounds both of pre-determination (given the manner and scale of works carried out to 'secure the site' and the inclusion of the capital receipt (£20 million) for the disposal of the site in the Council's budget) and that the application is a clear departure from the current Local Development Plan (Core Strategy).

Newport Partnership makes the following points:

The brief given to WYG is too narrow – they do not properly address CS7, CS6 or CS8. No mention of comparison goods. The sample Household Survey June 2011 is weak. They refer to Shropshire CS! In particular:

- Station Road is outside defined boundary for Newport being on Greenfield land; this exceeds what is necessary to satisfy local needs.
- Too large a store at 87000 sq ft gross – WYG suggest that a smaller store should be considered.
- Considerable change at national/regional levels – Localism Act, NPPF is a material consideration – preference for Brownfield over Greenfield land
- Shaping Places and subsequent DPDs will provide the proper democratic basis for these types of proposals
- Waitrose already underperforming - loss of 26% is significant; WYG's conclusions regarding adverse impacts are not based on full facts
- Need of Newport shoppers is for low cost food – this could be satisfied in-centre
- WYG estimates that 38% of turnover will come from edge of centre or outside the catchment stores – this is not sustainable economic development
- Limited linked trip opportunities (foot and cycle) with the TC but this will equally apply to car borne shoppers
- Mere Park plus the Station Road would not comply with CS6
- No analysis undertaken of scenario whereby Station Road and Audley Avenue go ahead.
- Should be refused that (i) CS should take precedence (ii) Does not comply with CS6/7 given lack of expenditure capacity (iii) does not meet tests of PPS4 and will lead to significant impact and sequentially preferable sites do exist. (iv) does not comply with economic development tests in PPS4 – TC viability/trade draw. (v) Contrary to EC 16.1 – harm heritage asset of Newport.

Indigo Planning comments on behalf of developers at Audley Avenue:

Objects to the proposal, they have concerns relating to the MRPP retail assessment and intend to provide comment once the White Young Green response on retail matters has been provided. A number of the technical supporting reports are inadequate and additional information is necessary.

Object to the principle of development, this is Greenfield land outside the development boundary of Newport, in the rural area and not appropriate for a new food store, particularly given that there is the previously developed site at Audley Avenue available. The Brownfield first approach is a fundamental principle of good planning. National policy promotes this principle. Development of this Greenfield site is contrary to Policies in PPS1, PPS4, and PPS7 and local policies in Wrekin Local Plan and LDF Core Strategy.

The site is within the rural area and is currently used by local people for recreational purposes. It is worthy of retention as a valuable recreational, wildlife and visual resource. The site is adjacent to the built up area of Newport and also contributes to the character and amenity of the area. The proposed development therefore conflicts with the Councils policy objectives for 'open land'.

The council's 'Brownfield first' approach is in accordance with national guidance and is important as there is an alternative food store scheme proposed on a Brownfield site within the development boundary at Audley Avenue. Development within the rural area should accord with policy CS7 and be necessary to meet the needs of the area.

At the Mere Park appeal for a new retail unit in 2010, policy CS7 was referred to by the council and consent was refused as the proposed development would not meet the needs limited to the rural area and was therefore contrary to policy CS7. The inspector in the decision to dismiss the appeal concluded that the proposal was contrary to policy CS7. As the station road site is also within the rural area, policy CS7 equally applies and there are no special or extenuating circumstances to justify an exception to this policy.

In conclusion, the development of Station road site for a new 'superstore' conflicts with the objectives of national and local policy, which seeks to protect valuable open land from inappropriate development. In consideration of the retail unit at Mere park garden centre the council considers the proposal contrary to CS7 as it did not specifically meet the rural need. And there were no 'special or extenuating circumstances to support an exception. This stance should equally apply to the proposal at Station Road.

It is agreed that there is a need for a new food store in Newport, the extent of this need can be accommodated at Audley Avenue, a previously developed (Brownfield) site which benefits from extant planning consent for a major retail development.

As described above both Waitrose and the Co-op object and maintain their objections to the amended scheme.

Osborne Clarke on behalf of ASDA Stores Ltd:

- A smaller store would be more appropriate for this location
- Sequential assessment therefore flawed and both sites considered by applicant should be considered
- Discount store could take place as Inspector suggested up to 1000 sq m
- Applicant's retail submissions flawed – Sainsbury's turnover far greater than estimated having a greater impact on Town Centre
- Applicant does not explain trade draw arising from comparison shopping
- Site can't make the necessary links to the TC
- Impacts on existing town stores underestimated
- Sensitivity tests should have included Audley Avenue site too given the possibility of both being consented
- Applicants have exaggerated the expenditure retention – the impacts on TC will be therefore greater
- In conclusion application is unacceptable because (i) lack of flexibility in sequential analysis (ii) Underestimation of proposal's turnover and hence impact on TC, and (iii) questions surrounding impact assessment and the assumptions made in relation to trade draw and expenditure retention.

Consultants acting for Actoris Developments - developer partner to Mere Park Garden Centre who are promoting a Morrison's food store scheme at the Garden Centre:

- WYG's turnover estimates for the proposed store at Mere Park are not accurate – sales densities are higher and the net convenience sales floor space is also higher
- Trade draw as a consequence would be doubled and would have a serious impact on existing edge of centre stores and jeopardise their future
- Without proper assessment of Mere Park, any decision to approve would be open to challenge

PLANNING CONSIDERATIONS:

PLANNING POLICY CONSIDERATIONS:

National Planning Policy:

National Planning Policy Framework (NPPF):

The NPPF states that the purpose of planning is to achieve sustainable development and that development means growth. Sustainable development is about change for the better in terms of built and natural environments, historic environment and standards of design. There are three dimensions to

sustainable development – economic, social, environmental, which give rise to the need for the planning system to respond to a number of roles. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not seek to change the statutory basis of the development plan as the starting point for decision making but provides at its heart a “*golden thread*” running through both development plan making and decision taking which sets a “*presumption in favour of sustainable development*”. The NPPF is a material consideration with immediate effect. The principles for development management (decision making on applications) have two important threads:

- The need to approve proposals that accord with the development plan without delay
- Where the development plan is absent/silent, or relevant policies are out of date, local planning authorities should grant permission unless any adverse effects arising from doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole or where specific policies expressed in the NPPF indicate that development should be restricted.

The NPPF identifies 12 principles that planning should:

- Be plan-led through local and neighbourhood plans should be kept up-to-date and provide a practical framework for decisions
- Not simply be about scrutiny but a creative exercise
- Proactively drive/support sustainable economic development – planning should take account of market signals taking account of the needs of residential and business communities
- Secure high quality design and a good standard of amenity
- Acknowledge the roles and character of different areas including the vitality of main urban areas and the intrinsic character of the countryside
- Support the transition to low carbon future in a changing climate
- Contribute to conserving/enhancing natural environment and reducing pollution
- Encourage the effective use of land that has been previously developed
- Promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas
- Conserve heritage assets in a manner appropriate to their significance
- Manage patterns of growth to maximise public transport, walking/cycling and focus development in locations that can be made sustainable
- Take account of strategies that support improved health, social and cultural wellbeing for all and deliver community and cultural facilities and services to meet local needs

The Government is committed to securing sustainable economic growth and that local planning authorities should plan and not over-burden business with bureaucratic controls.

There are sections of the NPPF that are highly relevant to this application proposal, these in summary are:

- a) The presumption and delivering of sustainable development
- b) Core planning principles
- c) Building a strong competitive economy
- d) Ensuring the vitality of town centres
- e) Promoting sustainable transport
- f) Requiring high quality design
- g) Promoting healthy communities
- h) Conserving and enhancing natural environment

In terms of ensuring the vitality of town centres, LPAs should recognise town centres as the heart of their communities and pursue their viability and vitality and, inter alia promote competitive town centres that provide customer choice and a diverse retail offer, allocate sites to meet the scale and type of retail (and other needs) in full and for those not to be compromised by limited site availability. Where suitable and viable town centre sites are not available, allocate appropriate edge of centre sites for main town centre uses. Where sufficient sites cannot be identified, meet needs in other accessible locations that are well connected to the town centre and set policies for consideration of proposals which cannot be accommodated in or adjacent to town centres.

In terms of applications, LPAs should apply a sequential test and only where suitable sites in or on the edge of centres are not possible should out of centre sites be considered. Where such sites are considered, preference should be given to accessible sites that are well connected to the town centre. Two impact tests should be undertaken – firstly, the impact on existing, committed and planned public and private investment in a centre and; secondly, the impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. Where an application fails to satisfy the sequential test or the development is likely to have a significant adverse impact on one of the twin tests, planning permission should be refused. The general impact considerations set out by Policy EC10.2 have not been directly carried through to the NPPF and the previous Policy EC16.1 impact tests have been ‘streamlined’ into the impact tests referenced above.

The promotion of sustainable transport is recognised as fulfilling an important role in facilitating sustainable development. Developments should provide opportunities for sustainable transport modes, provide safe/suitable access and refused only where the residual cumulative impacts are severe.

Developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...;
- Incorporate facilities for electric and ultra-low emission vehicles; and,
- Consider the needs of people with disabilities by all transport modes.

The balance of land uses and mix of uses should be the aim in planning policies so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The NPPF recognises that planning system can play an important role in creating healthy, inclusive communities and deliver social, recreational and cultural facilities, guarding against the unnecessary loss of valued facilities while ensuring an integrated approach to considering the location of development. Access to high quality open spaces and recreation can make an important contribution.

The primacy of the development plan remains – the planning system should be plan-led. The policies in the NPPF apply from the date of publication. It is intended to strengthen local decision making and reinforce up-to-date development plans. Development plans adopted before the NPPF should not be considered out of date.

The above provides a succinct summary of policies contained within the new NPPF that are considered of relevance to this application. The main thrust of the new policy framework in relation to retail planning decisions relate to the town centre first approach and the need to undertake a sequential assessment. There is a presumption in favour of sustainable development and there is support for the use of Brownfield land over Greenfield sites for development more generally. The retail policy approach has not changed significantly from the two principle tests within the now superseded PPS4. The sequential test remains paramount while the key aspects of town centre impact policy is retained and must still be considered

Officers agree with the applicant that there is a quantitative and qualitative need for a store of the size proposed. This has been identified in the Retail Assessment accompanying the application and has been verified by our retail planning consultants. The impact on trade draw from the town centre is seen as acceptable and not significantly adverse (the NPPF test). The impact on Waitrose and the Co-op is a consideration as they both perform a role as town centre shops despite both being edge of centre stores. The impact on these stores is not considered sufficient to result in those stores closing. WYG maintain that the health of the town centre in Newport remains strong with low vacancy rates and a good mix of retailers. Critically there is considerable leakage of retail expenditure to other retail centres. But important to this application is that there is both a qualitative and quantitative need for a store that provides the range of goods that people travelling to other centres look for. We are advised that a store of the size proposed at Station Road would meet the needs of those people choosing at present to shop in other centres and would represent the “step change” that needs to occur in order to stop retail expenditure leakage from the Newport area and encourage greater use of the town centre. The positive effects from claw back of expenditure on the town centre should be recognised.

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. A particular issue relevant to the Wrekin Local Plan that arises from this application is that the site is situated outside the settlement limits of Newport as shown in the Local Plan Proposals Map. 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.

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.'

In addition, Policy CS8 indicates that development associated with regeneration initiatives will be supported where it assists in 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, whether in the town centre or elsewhere, 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. It is though appropriate to mention that the Inspector's Report on the Examination of the Core Strategy DPD issued November 2007 in relation to the Preferred Options Report, opined that development of housing would "ultimately entail extensive use of Greenfield sites." Whilst the Wrekin Local Plan (2000) defines the current settlement boundary to meet development growth between 1995 and 2006, it would have been the role of the Core Strategy DPD to have defined future 'Greenfield' growth locations beyond 2006.

Furthermore, the Inspector 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. Both policies have implications and relevance to this application.

The application has been advertised as a “Departure” to the Development Plan on the basis that it constitutes a ‘Departure’ to Wrekin Local Plan Policy OL6. There has been much said that Core Strategy Policy CS7 should also apply and this fact has been raised and used by objectors as justification for a refusal of permission. The location of this site adjoining Newport is within the Rural Area and Policy CS7 focuses development on the three settlements of High Ercall, Tibberton and Waters Upton and elsewhere development being limited to that which satisfies the “local needs” of the Rural Area. As a “Greenfield” site, outside any recognised settlement boundary, Policy CS7 should apply and 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.

CS7 however should not be read in isolation. In the absence of a spatial plan that accommodates the development vision envisaged for Newport in the Core Strategy, as explained above, 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 departure from policy is acknowledged, it is clear that material considerations must also be considered when analysing the merits of the application proposal. Based on the above analysis, development at this edge of settlement location does represent a logical development location, particularly having regard to the assessment of sequentially preferable development sites that has been undertaken by the applicant and described in the following section of this report. It is argued that the Council will need to permit the reasonable expansion of Newport if the town is required to grow and fulfil its role as a market town serving a wide rural hinterland, particularly if it is to meet its housing growth targets as adopted in the Core Strategy and to support economic development and regeneration aspirations. Greenfield sites may be the only reasonable solution to accommodate growth. Your officers are satisfied that the Station Road site is accessible and well connected to the town centre.

Officers consider that sufficient material planning considerations exist to fulfil the requirements of Policy CS7 and, as the sequentially preferable site (see below), is therefore considered to be in accordance with the general aims of Policy CS7.

RETAIL PLANNING CONSIDERATIONS:

The application is accompanied by a Retail Assessment. In order to best assist the Council in its consideration of this application (as well as others), 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. It not only provides an

assessment of the Retail Impact Assessment(s) (RIA) submitted with this proposal (and the other retail development application before the Council) but also assesses the relative retail planning merits of both schemes. It is a standalone document and has been used as supporting information to officers in reaching their conclusions and the Assistant Director's recommendation to this Board. The document has been made available for public scrutiny. Representations have been received in relation to WYG's assessment, summarised later in this report together with a rebuttal and additional clarification from WYG.

The application raises issues relating to retail planning policy and the need to promote and support the town centre as the heart of the community. This is highlighted by the substantial number of objections to the scheme. It is important to note that some of the objectors to the 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 location status (secondary shopping area), rather than actual town centre status (primary shopping area). But 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, and this is acknowledged by WYG and your officers.

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 food store schemes has not been assessed;
- The proposed food store will result in significant adverse impact on Newport town centre;
- The food store is not accessible by a choice of transport modes.

The location of the application site is out-of-centre in NPPF terms, beyond the urban area. Accordingly, the proposal has been assessed on this basis. The NPPF is a particularly important consideration as it represents Government's latest planning policy guidance and indeed is a later document and definitive policy for economic development proposals when set alongside the Council's suite of Development Plans. The Council will need to attach considerable weight to this document and recognise its significance to retail proposals.

The NPPF requires the development plan process to recognise town centres as the heart of their communities and pursue policies that support their vitality and viability. LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of

centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The NPPF requires the application of two tests – town centres impact assessment and the sequential analysis. LPAs need to be satisfied through impact assessments lodged with relevant applications that:

1. the impacts of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal is acceptable; and,
2. the impacts of the proposal on town centre vitality and viability, including local consumer choice and trade in the particular town centre and wider area are acceptable.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, LPAs should refuse permission.

In terms of location of the Station Road proposal, the site is out-of-centre.

Although strict quantum of ‘need’ for retail development no longer features in the NPPF (and didn’t in fact in PPS4 either 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 and that these should be met in full, not compromised by limits in size of store or site availability. NPPF retains the commitment to supporting town centres and one clear means of ensuring this is to locate new town centre uses within or accessible to existing centres through the 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, while the town’s attractiveness as a shopping destination will increase as a consequence of this development and draw people who shop elsewhere.

WYG advise that in terms of capacity, there is potential for the new food store to clawback leaked expenditure from other shopping destinations i.e. there is evidence that confirm 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), Stafford, Market Drayton and Telford. WYG acknowledges that a large food store would address qualitative deficiencies in Newport’s retail offer and would reduce the need to travel further afield to source certain items. The development would therefore help to meet Core Strategy Policies CS6, 8 and 9.

RETAIL TEST 1: THE SEQUENTIAL TEST

NPPF includes a strong commitment to supporting town centres and promoting sustainable economic growth. Investment shouldn't be over-burdened by the combined requirements of planning policy expectations. 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 with preference to accessible sites well connected to the town centre.

The issue of CS 7 of the Core Strategy is a relevant consideration to the sequential test and has been considered above. As has been explained, the proposal seeks to meet the local needs of Newport and its rural hinterland. It is appropriate for a sequential test to be one of the pre-determining factors to be considered and it is therefore 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 more accessible and well connected to the town centre that would be capable of providing 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 superstore of approximately 3,800 sq.m (6,000 sq.m gross) with 400 car parking spaces and the necessary access arrangements, landscaping and servicing arrangements. This equates to some 2.7ha of land, ideally.

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.

But both sites are discounted as falling well below the size needed to accommodate the "baseline size of store".

In addition, given the apparent desire to redevelop Classic Furniture site at Audley Avenue, it is appropriate 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. A resolution to approve has been made subject to the completion of a section

106 Planning Obligation. 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 due to the landowner's intention to deliver housing and the Council's advice that the additional and greater retail floor space would be better used to effect 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 on the basis that it accepts there to be benefits arising from such a store, then this site is much too small and thus 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 neither address the qualitative need nor stop leakage of retail expenditure..

Audley Avenue and its comparative relationship with the Station Road Site

The applicants do not consider this site can be regarded as a candidate sequential site but nevertheless explained that it is distant from the town centre, not accessible by foot to the vast majority of the town's population, neither served by public transport nor demonstrated how such facilities would be operated/funded and cannot be accessed by car by Newport residents other than by using the A518 or A41. The Plans Board decision to oppose a foodstore application at Audley Avenue at the 7th March 2012 meeting on the basis of its poor accessibility and thus failure against the sequential approach including that the Station Road site is sequentially preferable means that this exercise and balance has already been reached by Members. The Station Road site as will be shown later in this report is clearly available; Members too have adjudged it to be sequentially preferable. Both the Station Road and the Audley Avenue sites are out-of-centre for the purposes of NPPF; but 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. Members also believed that when the sites are compared in detail, there is a further impediment to the Audley Avenue site 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 gate prevents cars and other traffic from travelling up and down

Audley Avenue and would of course prevent customers of any store here taking the most direct route. The only traffic permitted in reality, given that there is no bus route serving the immediate area, is the school bus that brings in schoolchildren to the Burton Borough School on Audley Avenue. The school buses travel (only one-way) up Audley Avenue from the direction of the by-pass, drop-off children at the school gate and proceed down Audley Avenue and back onto Stafford Street.

Interestingly the number of people within 5, 10 and 15 minutes walk from each site has been assessed. 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.

The NPPF considers that preference will be given to sites that are accessible by a choice of means of transport and well connected to the town centre and thus have a higher likelihood of forming links with the centre. Officers believe that the application site at Station Road, when compared to the Audley Avenue proposal, offers the best opportunity to maximise use of alternative means of travel, whether by foot or cycle. Furthermore in practice, the Station Road site offers a better chance of linked shopping trips with the town centre. Although this is a 10 minute walk, it is along a convenient, direct and pleasant footway. The Audley Avenue route is by comparison more circuitous and passes the industrial area of the town and is less pleasant for this. Officers therefore affirm that Audley Avenue is not sequentially preferable to the Station Road site.

In addition, having assessed the above alternative sites, the application proposal meets the sequential test in terms of the size of store as proposed. Also, although officers continue to consider one outstanding matter, which is close to resolution, they are nevertheless sufficiently confident that once fully resolved, there will no longer be any constraint to developing the site at Station Road and thus the site can be considered available, suitable and viable for development for food retail purposes within a reasonable timescale.

In reaching conclusions about sequential preferences, it must be acknowledged that the Station Road site is a 'Greenfield' site (as opposed to 'Brownfield'). Members will need to carefully balance whether the benefits derived from supporting the Station Road site should outweigh the presumption in favour of developing the Audley Avenue Brownfield site. Your officers consider that the sequential assessment proved that the planning and sustainable transportation arguments in favour of the Station Road site were conclusive. Furthermore, the intrinsic qualities of this urban fringe albeit Greenfield land in terms of landscape quality, ecological significance and recreational value would also suggest that the Station Road site should not be dismissed in favour of the Brownfield site on this basis alone. The location of

this relatively flat and fairly featureless area of highly grazed farmland on the very edge of the built-up area of Newport within the confines of the by-pass means that it is at best of relatively moderate landscape quality. The report on the Station Road proposal confirms its low ecological significance with ecological mitigation and enhancement opportunities offered as part of the development. While objectors suggest otherwise, the site the subject of the Station Road application has modest recreational value, which can be enhanced through those proposals. Accordingly, officers are satisfied that this balance can be made in favour of the Station Road site.

As previously explained, it is your Officers' opinion that it would be appropriate to allow the Station Road site to come forward as a suitable site to meet the needs of Newport and its rural hinterland as envisaged in CS6 of the Core Strategy. If this is a correct interpretation, then Station Road can reasonably be considered for the purposes of the sequential test alongside the application site at Audley Avenue. Given that Station Road is suitable and available, officers, in comparing the two sites have concluded that the Audley Avenue site does not meet the Sequential Test as Station Road performs substantially better in planning terms.

Given this, the requirement for Members now is to carefully balance all remaining planning considerations, including the size of store proposed at Station Road and town centre impacts, which are considered in the next section and, the remaining technical planning considerations, which are considered later in this report.

RETAIL TEST 2 – TOWN CENTRE IMPACTS

The NPPF sets out a requirement that when assessing planning applications for retail and other town centre uses where they either fall outside town centres or are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment to include an assessment of:

- the impact of the proposal on existing, committed or planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

Attention is drawn to WYG's analysis of quantitative need for a store of this size and the "qualitative" benefits that could accrue from a proposal of this kind and size. In so doing they have reviewed the retail assessment 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 £3.8m 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 at edge-of-centre locations for the purposes of NPPF. The LPA will need to pay due regard to trade draw because of the role that the Co-op and Waitrose stores play in the way that Newport Town Centre operates as a market town. But the advice from WYG is that both the edge-of-centre stores will continue to trade and that neither store will close.

The NPPF in repeating previous PPS4 advice, 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 town centre impacts test.

WYG prepared a comprehensive analysis of the impact tests that featured in PPS4 as can be seen from their Study attached to this report. The analysis not only remains highly relevant in covering the impact tests required in the NPPF but also assists in considering development management issues that Members will need to consider. The results are summarised in the following paragraphs.

The applicants maintain that the health of the town centre is good with low vacancy rates and in good condition particularly with recent public realm enhancement giving the centre attractiveness. 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.

WYG then go on to assess the likely future impact should permission be granted for this development in isolation. WYG believes that 20% of the store's turnover will be diverted from within the catchment area comprising 15% from Waitrose, 4% from Co-op and 1% from other (smaller) stores. Both principal stores would trade below benchmark rates post-development of Station Road. WYG has also undertaken a cumulative impact analysis on the assumption that both the Station Road and Audley Avenue proposals were built. A third retail opportunity may now also be available at Mere Park following a successful appeal against the decision of the Council to refuse a Certificate of Lawfulness. This appeal decision if not challenged would permit the Mere Park Garden Centre to operate as an open ended A1 retailer. The garden centre provides slightly in excess of 2000 sq m (plus 1000 sq m of warehouse – back storage) of convenience floor space, albeit in an unsatisfactory store format.

Whilst it is not seen as likely that all three proposals - Station Road/Audley Avenue/Mere Park Garden centre - proceed, nevertheless, in terms of trade draw, this would equate to just over 22% impact on the Co-op, over 39% impact on Waitrose and over 20% on other convenience stores in the town. WYG advise and officers agree that three additional foodstore would in combination represent an unacceptable trade draw and impact on the town centre. The same would be true if Audley Avenue and Station Road are approved. It must be considered unlikely in market terms for a food store to be built at Audley Avenue if a larger; more accessible (by car and other means)

store is implemented at Station Road. This is given weight by the existence of a retailer contracted at Station Road scheme compared to the lack of such firm support at Audley Avenue.

Now that the Mere Park appeal is successful (subject to any challenge), the remaining question arises whether, in combination, the Mere Park open-ended A1 scheme, together with the Station Road proposal would lead to unacceptable levels of trade draw. However as WYG advise, the Mere Park building would offer compromised premises which would not be particularly well suited to the needs of the big four supermarket operators or their customers. There is a likelihood that with a conforming, larger store at Station Road, that no operator would take these premises. Notwithstanding, under such a scenario, the likely trade draw from Newport's existing stores would equate to just under 16% impact on the Co-op, over 28% on Waitrose and just under 15% on other stores in Newport. WYG advise that the identified level of cumulative trade draw resulting from a larger store at Mere Park alongside the Station Road proposal would be acceptable. In order for the LPA to be in a position to refuse permission, the impact would need to be of such a scale that it would have a significantly adverse impact on the vitality and viability of the town centre. This position will not be reached even if Station Road and Mere Park each develop as foodstore.

Moreover there will be a need for the LPA to examine and give appropriate weight to other relevant material planning considerations in reaching a decision. Your officers are satisfied that a modern food superstore would have significant benefits relating to improvement in customer choice, improved competition and price, and the reduction in the need to travel. In addition, the proposal will be likely to generate around 400 new full and part time jobs, many of which would be likely to be taken up by local people and this alone would be likely to have a very positive effect on the local economy and on social inclusion. In line with the NPPF, and having regard to the proposal's positive contribution towards Core Strategy policies CS6, CS8 and CS10, a balance must be undertaken in reaching a decision and must apply the presumption in favour of sustainable development. LPAs must proactively drive and support sustainable economic development to deliver homes and businesses etc that the country needs and specifically to objectively identify and meet the development needs of its area and respond positively to the growth agenda including the provision of local choice. Such matters must therefore be appropriately weighted when Members consider the "planning balance".

In conclusion, officers believe that in terms of retail policy, the scheme proposals can be supported. Indeed as a competing application to the Audley Avenue scheme proposals, the Station Road foodstore proposal is sequentially preferable and in officers' views, demonstrably so. Although out-of-centre for the purposes of national and local policies, the applicants have successfully demonstrated that there are no other sequentially preferable sites that could be brought forward to meet the needs identified.

In terms of the town centre impacts test advocated in NPPF, the combinations of potentially three stores coming forward, however unlikely, 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, officers conclude that the application proposal combined with the compromised and thus potentially unlikely Mere Park scheme (which becomes the worst case scenario if Members accept that all three cannot be supported) can be supported on the basis of WYG's advice of impact being acceptable.

Design Considerations:

The application proposals were the subject of pre-application design discussions, without prejudice to the decision of Plans Board. A number of design options were considered and are detailed in the Design and Access Statement. A key issue for the architect was the need to address the Station Road frontage. Given the size of the store and the proposed general location for the store, officers recognised and accepted that a traditional road frontage development would be inappropriate in this instance. Officers did criticise the original design submissions in respect of the PFS. Following negotiations, there have been a number of design changes to the PFS and car wash facility and to the store itself, with the PFS element subsequently being withdrawn.

In relation to the store, the design is contemporary with a strong horizontal emphasis incorporating a neutral palette of materials. The building is designed to have a bright and modern feel with crisp sleek clean lines utilizing good quality sustainable and low maintenance materials which according to the DAS is intended to sit comfortably within its surroundings. Following a design review, a request was made to introduce more sustainable materials. Timber now features prominently on the front façade and the opportunity taken to increase the extent of glazing to this elevation and raising of the front canopy. This has marginally improved the design of the superstore itself.

The proposal sets out a number of measures and initiatives to ensure that CO2 emissions are minimised with a BREEAM 'very good' rating to be achieved if not Excellent by the time of full design and assessment. 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 foodstore.

From a design perspective, it is concluded that the proposal will be acceptable at this location.

HIGHWAY AND TRANSPORTATION ISSUES

The site enjoys a frontage onto Station Road 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 three arm roundabout off Station Road that connects to a mini roundabout within the site that would serve the development. The mini roundabout would access the proposed

store service yard and land to the south that forms part of the wider outline application proposals currently before the Council. Should the wider outline development be supported, the applicant has stated that a modified internal access would be provided, which is indicated within the Design & Access Statement.

A Public Rights of Way (PROW) crosses the site from Station Road in a generally southerly direction towards the A518. This is to be diverted for a short section around the Station Road frontage to the site and re-join at a position close to the proposed mini-roundabout. Presently an informal pathway leads east-west through part of the northern section of the site, which comprised the former railway line. This particular pathway runs through a copse of trees and is well used by local people as it connects with other formal PROW and residential areas to the north and north-east of the site. The routes of the PROW and the informal pathway have been delineated recently through the erection of fencing and light surfacing. No planning permission was necessary for these works.

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.

NPPF considers that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The opportunities that the site may provide to encourage linked shopping trips and whether the site can be well served by a choice of means of transport are important considerations to the proposal's acceptability or otherwise and have been discussed elsewhere in this report as part of the sequential assessment. As set out elsewhere, a significantly greater number of people are resident within a five, ten and 15 minute walking distance of the Station Road site when compared to the only other suitable site that could be available to accommodate a sizeable store at Audley Avenue. Although there will be criticism that local residents may not wish to shop by means other than the private motor car, it is Government's firm policy that LPAs should encourage sites that can be accessed by foot, cycle and bus. This site is well placed for these opportunities, despite its location approximately 1000 metres from the town centre. The offer of a significant financial contribution towards the provision of a regular local bus service that will operate for at least five years is considered acceptable. Moreover officers are satisfied that the Station Road has a good chance of encouraging links with the town centre.

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.

DRAINAGE AND FLOOD CONSEQUENCES:

The Flood Risk Assessment and Drainage Strategy raised a number of concerns from third party neighbours, principally on grounds of flood risk, particularly from "artificial" sources such as reservoirs and other surface water features (Millwood Mere). In addition concerns have been raised to the fact that water table levels are considered to be particularly high in this area. Also that the proposed development is located on a principal aquifer and in a Source Protection Zone (SPZ) of a public water supply (PWS) borehole at Baddley's Well. These concerns were especially vigorous when the proposals included the Petrol Filling Station, which has since been removed from the application.

The importance of the Borehole is that it serves a number of purposes, including providing compensatory flows into the Strine Brook, itself of relatively poor quality, and is also used to sustain flows within the town's foul sewerage system. Although the Borehole is not used for domestic supplies, it is licensed for that purpose and the circumstances could change. Because of recent drought conditions, the aquifer and borehole is "water stressed"; the water table has dropped considerably and is currently close to 1976 levels and, although the applicant's borehole testing suggests that the water table is some 11m to 16m below surface level, historical data confirms that the water table is normally a few metres below surface. In addition, the water table

flows towards the Bradley Borehole making it sensitive to pollution risk from the application site.

In relation to the Millwood Mere, the Council's Drainage Engineer asked for further calculations to be forwarded to assess the impact of surface water flows on the Mere. It was concluded that Millwood Mere is a viable option for surface water discharge and a suitable discharge rate has been agreed, equivalent to Greenfield runoff rates.

The EA has also been involved and has pointed out that sustainable drainage systems (SUDS) should be acceptable although the high water table locally may require other storage systems such as holding tanks. In terms of flood risk, the design of any attenuation pond must ensure that there is sufficient storage area above the ground water table. If the soil conditions are favourable then the use of permeable hard surfacing treatments should work.

It is recognised that we are currently experiencing drought conditions and the true nature of the hydro-geology in the vicinity of the application site may not be fully appreciated at this time. That said, the Drainage Strategy recommends further assessment of the underlying strata to establish the feasibility of using infiltration drainage for the development. Surface Water Attenuation ponds are suitable for most ground conditions, however attention must be given to the design where the land or the proposed development could give rise to pollution and the development is located on an aquifer and in a Source Protection Zone (SPZ) of a public water supply (PWS) borehole. It is anticipated that underground storage tanks for surface water attenuation will be necessary and this is considered acceptable.

The existing pond on site is to be reconfigured and used as part of the ecological and landscape enhancement proposals. Drainage works will be necessary to prevent flooding and appropriate conditions can be included to this effect. This pond should not be confused with a balancing pond and no such facility is deemed necessary at this location.

Officers are satisfied that subject to appropriate conditions the proposals accords with Policy CS13 of the Core Strategy and Section 10 of the NPPF.

NOISE AND POLLUTION CONTROL ISSUES:

The development raises several detailed considerations relating to noise and pollution control matters including air quality and noise from plant, general and car park noise. The potential pollution risks associated with the original proposal to include a PFS and car wash no longer exist.

Given the presence of the Newport by-pass within a short distance from the site, it was considered that air quality could be further prejudiced by this development. An Air Quality Assessment was produced. This included an assessment of air quality both during construction and following commissioning of the store. The assessment conclusions were acceptable.

In relation to noise, a Noise Impact Assessment was submitted and was the subject of an addendum report following issues raised by the Council's Pollution Control team. A noise model was created to accurately depict existing and 'with development' conditions. The developer has committed the end-operator to incorporate additional noise mitigation measures, particularly in relation to deliveries and the management and use of the service yard. These include covered docking bays, the use of 'white noise' reversing alarms, modern roll cage designs, the use of tail lifts with 'low noise packs' and ultra low noise fridges. A draft Service Yard Management Plan has been submitted that indicates to officers that this should not pose a problem.

Details of fixed service plant and revisions to the proposals which omit the PFS and jet wash facilities suggests that these items should not either individually or cumulatively result in noise problems.

It is considered that noise and pollution control issues can be reasonably managed, subject to appropriate mitigation and conditions. It is considered that the development is acceptable.

ECOLOGY AND NATURE CONSERVATION:

An ecological report, a later addendum report and a Biodiversity Management Plan were submitted with the application and included the results of a Phase 1 Habitat Survey and separate bat surveys. Ecological data supplied by the Shropshire Biological Records Centre and the National Biodiversity Network gateway revealed a number of European Protected Species, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species within a 2km radius of the site.

Following concerns expressed at the timing and the veracity of survey methodologies undertaken at the site, the applicants were requested to clarify the extent of the ecological surveys undertaken. The LPA has commissioned its own ecological consultants to review the information submitted. This was considered important, as very detailed and technical representations had been received that called into question the ecological assessment submitted with the application. It is accepted that the Phase 1 Habitat Survey work may not have been carried out during the optimum period for all species; however the site has been visited on numerous occasions by the developer's ecological team. Additional surveys have been carried out including a hedgerows assessment, tree survey, nocturnal bat activity survey, detailed tree inspection for evidence of bat roosting and habitat suitability assessments of ponds for great crested newts. As a result, the addendum report was submitted. This provided further justification of the bat survey, further investigation of the trees with bat roost potential, and assessment of the development proposals on bats and recommendations for enhancement, and the submission of further information and justification on the importance of the site to amphibians and reptiles, and consideration of invertebrate species on site.

In terms of its botanical interest, the application site can be described as semi-improved neutral grassland. The pond is now proposed to be reconfigured to provide opportunities to reinstate existing and promote additional wetland plant species.

Protected species and their habitats are a material planning consideration in the determination of planning applications and case law has established that survey and mitigation if required should be provided prior to determination. Natural England's Standing Advice recommends that all relevant material considerations are taken into account and that the presence of protected species and the extent to which they may be affected by a proposed development should be established before planning permission is granted, except under exceptional circumstances. However it goes on the state that developers should only be required to carry out surveys for protected species if there is a reasonable likelihood of protected species being present and affected. There continues to be disagreement between the applicant's ecologist and ecologists acting for third parties.

The report and addendum report considered the following:

- Botanical value. Further information provided by the Applicant concludes that the field should be considered as poor semi-improved neutral grassland, which is based on the description of the habitat in The Handbook for Phase 1 Habitat Survey, and the list of additional plants. This is disputed by an objector who queries this status stating this evaluation is not based on an adequate survey data and a local botanist who suggests a better description is Semi-Improved Neutral Grassland, citing the presence of species of grassland fungi. Furthermore a local botanist identified additional aquatic/wetland species in the existing pond that had not been picked up by the applicant's ecologist. This has been the subject of debate and the applicant's ecologist suggesting that the pond will now be reconfigured and enhanced.
- Amphibians. The Extended Phase 1 Survey acknowledged that the existing pond on site could support small numbers of amphibians but it is thought unsuitable for Great Crested Newts, due to an absence of typical habitat/features known to be used by this species; such as those identified in Natural England's Standing Advice Species Sheet. Habitat Suitability Index assessments have also been provided by the Applicant in respect of ponds on and off site including the Millwood Mere. Based on its information the applicant maintains that their assertion that this species is reasonably unlikely to occur is correct and no further surveys should be required, which is further supported by the lack of any formal recording of the presence of newt populations close-by.
- Bats. The report suggested that based on the information available, it was considered that the site has a high potential for bats to be present onsite. However, surveys undertaken concluded that the site is not used for bat roosting but the area to the north of the site is used for foraging. The applicant's ecologist concluded that the site is unlikely to be of high or moderate value to bats and survey work supported this. Existing trees were also inspected for bat activity in accordance with best practice but did not reveal any roosting or hibernation. The hedgerows to be removed

similarly have little potential for bats; however the retention and reinforcement of trees along the northern edge would assist.

- Invertebrates. As the site surrounding the site is intensely managed arable land and heavily grazed horse paddock with survey work supporting the lack of presence of invertebrates, the applicants conclude that the site has very low potential for invertebrate assemblages.

The applicant undertook a Habitats Regulations Assessment due to the site's proximity to the Midlands Meres and Mosses Phase 2 Ramsar site, the closest edge of which lay approximately 2.36 km to the northeast from the site. The HRA considered a range of potential impacts but concluded that there was unlikely to be any effect, or that impact would not be material. It was concluded that in no circumstances would any of the impacts would have a significant effect on the integrity of the Ramsar site. At the same time, Natural England (NE) gave this matter further consideration while also commenting on the wider cumulative effects from increased pollution of the Ramsar site from increased loading of the water reclamation works at Newport that may arise if all the developments in the current planning pipeline came forward. In NE's view, either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the important interest features of the Ramsar Site or any of the special scientific interest features of the Aqualate Mere SSSI arising from environmental impacts from water supply or waste water treatment, hydrology, air emissions and recreational pressures..

Attention is drawn to the latest advice of our in-house Ecology team who have reviewed the recent information and addendum report provided by the applicant's ecologist in accordance with NE's Standing Advice. The additional information provided in the ecological addendum justifies and clarifies the majority of the team's original concerns in relation to the number and timing of surveys undertaken and the extent of species identified. The principal issues relate to the need to retain, enhance and manage habitat features. The application proposals have been revised to provide the following features and enhancements:

- a) In terms of the botanical value of the site, there has been disagreement between the applicant's ecologist and objectors over the botanical value of the site. The existing pond has also been identified as having greater value than the applicant suggests. The proposal now shows the pond will be repositioned slightly and to enhance it through appropriate planting. Drainage can be conditioned should permission be granted. The opportunity will be taken to further enhance the botanical community of the grassland and by linking the area of the pond to the woodland area to the north of the site, it is considered that the botanical value will be considerably improved.
- b) In relation to bats, it is now proposed to retain and enhance the existing bat foraging area within the woodland to the north of the store proposal and ensuring that lighting is effectively managed on the northern facing side of the store. Landscaping will also help provide additional foraging opportunities. The in-house ecology team recommend that bat boxes be placed on the larger trees to encourage roosting.

c) In relation to amphibians, the in-house ecology team accept that the presence of Great Crested Newts is reasonably unlikely given the information contained within the applicant's report, including the suitability and quality of local water features, local records information and the applicant's Phase 1 Ecological Survey. Other amphibians may be present but can be managed through appropriate mitigation and enhancement of the site's water feature.

d) In relation to reptiles and invertebrate assemblages, the Phase 1 Survey results are accepted and the site is of low value. Notwithstanding the woodland area to the north is largely to be retained and enhanced, while other parts are to be landscaped, which represent an enhancement of the present quality of habitats.

The applicants have made a robust response to criticisms of the ecological information and evidence presented to the Council. It is for the Council to consider and evaluate the information presented and have particular regard to European Protected Species and to more general ecological interests of the site and if necessary to request further evidence and mitigation. The objectors have reiterated their previous objections, in particular to the timing, adequacy and accuracy of survey methodology carried out, which in their view did not properly identify wildlife features/habitats.

As a result of the ongoing disagreements, the Council has commissioned a consultant ecologist to work in tandem with the Council's in-house ecology team and to review the various reports submitted by the applicants, the various critiques lodged by objectors and to confirm whether the Ecology Team's advice to the planning case officer preparing this report is sound. The conclusions arising from this work are as follows:

1. The consultant ecologist having now visited the site considers that the majority of the applicant's ecological findings are sound but that the applicant's ecology report failed to distinguish between the site of the superstore and the wider outline application proposals and this has caused some confusion among objectors;
2. The arguments put forward originally by the applicant for not undertaking newt surveys is weak; however the applicants confirm that GCN surveys will be carried out and that this is a reasonable and proportionate response to criticisms made from others. One such survey has been undertaken and others planned for late March and mid/end of April - the timings will meet national guidelines;
3. In the event of GCN being recorded a suitable mitigation strategy to maintain favourable status will be needed and Natural England licence required;
4. During the consultant's visit, he noticed that the pond on site was dry and unlikely to provide the necessary habitat for GCN. Millwood Mere however does have some potential and if present could be using part of the site as part of its habitat.
5. However the ecologist acting for the Council believes that the site is not ideal for newts. Hedges and woodland could offer some habitat for shelter/hibernation. In the event of GCN being found, solutions

would be possible involving fencing/trapping and translocation to a more suitable habitat

6. The ecologist believes that the proposed mitigation involving enhancing the pond on site would lead to betterment
7. The site in the opinion of the Council's ecologist is correctly described as poor semi-improved neutral grassland despite views expressed to the contrary;
8. The ecologist is satisfied that the issue of bats and reptiles have been adequately dealt with;
9. Officers are advised that the Biodiversity Mitigation and Management Strategy provides reassurances that ecological impacts would be satisfactorily addressed and that enhancements would be provided, managed and monitored. A separate mitigation strategy should be required in the event of GCN being recorded following survey work.

The applicant's Biodiversity Mitigation and Management Plan is considered to be an appropriate response to concerns expressed by objectors to the scheme. This describes the mitigation and compensation measures for the proposed development including habitat creation, environmental enhancements and management of retained features. The proposals are comprehensive and demonstrate a commitment to enhancing the site's biodiversity potential. However, the proposals have not adequately dealt with the issue of great crested newts. The consultants advise that the site and surroundings are unlikely to comprise suitable habitats for GCN and that additional surveys will determine what may be necessary later. Normally, officers would not be in a position to recommend that applications be determined without the necessary up-to-date surveys of protected species carried out at the appropriate time of year. Although it is becoming clearer that protected species are unlikely to be present at this site, it is important that no decision is taken without the necessary survey work, which is imminent.

Officers consider that save for the issue of GCN, the application proposals can be supported subject to planning conditions. The applicant has advised that a full survey report addressing the additional GCN surveys will be provided prior to Members consideration of the application at Plans Board. In particular the advice in PPS9 (paragraph 16) states that planning authorities should refuse permission where harm to the species or their habitats would result unless the need for and benefits of, the development clearly outweigh that harm. Based on the information provided to the Council and subject to further survey work being undertaken in relation to GCN and results submitted prior to determination, officers believe that on balance the application can be supported from an ecological perspective as being compliant with Policy CS12 and NPPF. In the event of GCN be recorded, the applicants be requested to provide a full mitigation and methodology strategy, which could include provision for enhancement works to be undertaken off-site, the details of which to be agreed by the LPA. The application will not be finally determined until the Assistant Director Planning Specialist in consultation with the Chairman of Plans Board is satisfied that the issue of protected species has been fully addressed.

LANDSCAPE STRATEGY AND ARBORICULTURAL CONSIDERATIONS:

Following concerns expressed both by officers and the local community to the original scheme, a number of revisions have been made that seek to enhance the proposals. These included an increase in the landscaped buffer to Station Road and the re-routed Hutchison Way. Furthermore, revised landscaping proposals have been provided designed to reduce the impact arising from the loss of part of the copse that presently forms the northern boundary of the site (adjoining Hutchison Way).

The development will involve the loss of trees and hedgerows and an Arboricultural Assessment accompanies the Addendum Report. A key feature of this report comprises proposals for compensatory tree works. The loss of the trees and scrub trees within the area adjoining Hutchison Way is regrettable, despite the general low quality of the trees concerned. It is proposed to recreate the feature along the dismantled railway line, as well as translocation of those trees that can be saved into the remaining area. A range of new planting including native specimen trees will be introduced into this area. Planting will continue along Station Road along the line of the diverted Hutchison Way PROW – Footpath CA2 – through the planting of avenue trees, hedgerow, shrub planting and areas of wildflower meadow and reconfigured pond.

Members will be aware of the public sensitivities over the loss of some of the trees within the copse to Hutchison Way as some of the trees were planted by local people/groups as part of public tree planting/open space improvement projects for Hutchison Way. The applicants' proposal involves transplanting many of these trees.

Visually, the proposals will in the medium to long term provide an enhanced street scene and buffer to the development proposals. The proposals along the former railway line will not only recreate this linear copse but with the proposed enhanced quality of planting, there will be a positive contribution to the local landscape resource. For these reasons, although the application proposals affect the small woodland at Hutchison Way, the landscape mitigation proposals are now considered sufficient and Policy OL11 of the Wrekin Local Plan is satisfied.

OTHER ISSUES:

VILLAGE GREEN ISSUE:

An application has been made for the development site to be registered as village green. The Council as Registration Authority has received this application and will be processing it independently of its role as local planning authority and of its role as landowner. In order to succeed, the applicant has to prove that a significant number of the inhabitants of any locality, or any neighbourhood within a locality have indulged in lawful sports and pastimes as of right on the land for a period of at least 20 years. At the time of writing this report, the publication stage of the village green application had commenced. The evidence in favour of and against registration will be

considered in due course by the Council as village green registration authority. If the Village Green application succeeds, it is likely to have an impact on the deliverability of the proposed development. However, the registration evidence has not yet been considered in detail and no determination has been reached. The fact that this registration process is continuing can be noted by members but cannot be regarded as being of any significant weight as members consider the material planning considerations relating to this proposed development.

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 Part 11 of the Community Infrastructure Levy Regulations 2010:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and,
- c) Fairly and reasonably related in scale and kind to the development

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 Plans Board to delegate authority to the Assistant Director – Planning Specialist in consultation with the Chairman to finalise the precise sums of money to be negotiated. 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.

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 - £907,548.
- 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. £15,000 Planning & Financial monitoring.
3. Public art contribution of £50,000
4. Town Centre Impacts: While this development has been fully assessed against the “impacts tests” contained within NPPF and found to be policy compliant, it is clear that the proposals will have some impact on Newport Town Centre. To help off-set the impacts, broad discussions have taken place with the developer who will contribute towards two initiatives detailed below. These are:
 - a) Financial contribution to be determined so that the Council can operate a shop front enhancement scheme to help further upgrade the physical environment of Newport Town Centre; the amount sought is £300,000 including administration costs; 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. The amount sought is £100,000.
5. Commuted sums in respect of open space maintenance to be agreed.

As described above, should members wish to grant planning permission for this application, delegation will need to be given to the Assistant Director - Planning Specialist in consultation with the Chairman of Plans Board to negotiate the level of planning and other contributions detailed above.

CONCLUSIONS:

The proposed retail store has been fully considered and assessed to be in accordance with guidance in NPPF, the RSS, the Core Strategy policies and Wrekin Local Plan policies.

In terms of impact tests contained within the NPPF, the applicant has demonstrated to the satisfaction of the Local Planning Authority that the proposal complies with the sequential approach to site selection and that the site is suitable, viable and available. In addition, the Local Planning Authority is satisfied that having considered the evidence presented to it, the proposal will not lead to significant adverse impacts on the viability and vitality of Newport Town Centre. Having considered evidence prepared by both the applicants and objectors, the Council has commissioned its own assessment of studies prepared and objections lodged and considers that the existing health and condition of Newport Town Centre is good and that the trade draw impact as a consequence of this proposal on existing retailers in Newport.

The site is outside the built up area of Newport as defined in the Wrekin Local Plan, and the Core strategy is not accompanied by a spatial plan, however the Inspectors report on the examination of the core strategy DPD opined that development would entail extensive use of Greenfield sites and there was also insufficient emphasis given to employment. The site is adjacent to Newport, in the urban fringe and contained by the by-pass. The development of this greenfield site for employment purposes is needed to support Newport in its role as a Market Town.

The proposed store is of a 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 highway safety. The layout also provides adequate car parking and bike storage provision, and to support sustainable modes of transportation to the site, a financial contribution is necessary to subsidise improvements in terms of timing of service for the existing bus service along Station Road.

The development will preserve either in-situ or through translocation those trees on the site which are of important value to the visual amenities of the area and reinforce this through additional tree planting and landscaping.

Issues of ground conditions, flooding, drainage, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. In relation to ecological considerations, the Council is satisfied that apart from the issue of great crested newts, the survey work undertaken together with the proposed mitigation and management strategy complies with the Council's policy in relation to biodiversity and ecological protection and enhancement. The Council requires further consideration be given to great crested newts. The proposal creates a demand for additional off-site requirements, which can be adequately mitigated through planning obligation contributions.

RECOMMENDATION:

That once the matter of protected species has been resolved to the satisfaction of the Assistant Director – Planning Specialist in consultation with the Chairman of Plans Board and the application has been referred to Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination and subject to the Council as landowner agreeing that the land will be bound by the obligations in respect of the provision of a sum of monies comprising a contribution of up to £907,508 for the provision of major highway schemes, up to £600,000 towards public transport; £10,000 towards public transport infrastructure; £5,000 for monitoring of the store travel plan £50,000 for the commissioning of public art on or off site as may be subsequently agreed, an appropriate commuted sum for open space maintenance and £15,000 for monitoring of financial and planning covenants and a contribution of £300,000 to enable the Council to operate a shopfront and property enhancement grant scheme and £100,000 for the employment of a Town Centre Manager, the Assistant Director – Planning Specialist is authorised to **GRANT planning permission**, subject to the following conditions (authority to finalise conditions

and reasons for approval to be delegated to the Assistant Director – Planning Specialist):

1. A04 Time Limit Full
2. B11 Samples of materials
3. B12 Sample brick panels
4. B34 Highways details
5. B45 Travel Plan
6. B49 Custom Service Access road, alterations and remedial works
7. B57 Land contamination
8. B61 Foul and Surface Water
9. B79 Custom Drainage – exceedence flow routing plan
10. B79 Custom Drainage – details of impact on public foul water network
11. B89 Custom Service Yard Management Plan hours of use for delivery, quiet deliveries demonstration scheme principles.
12. B89 Custom Car Wash plant
13. B130 Trees – protective
14. B131 Trees – service routes
15. B132 Trees – no dig method
16. B145 Lighting Strategy and design
17. B150 Site Environmental Management Plan
18. C20 Parking/loading/unloading and turning
19. C22 Gas Mitigation
20. C28a Greenfield runoff
21. C38 Plans
22. C49 Custom Drainage – lining of attenuation features
23. C76 Landscaping Implementation hard and soft
24. C97 Nesting birds (vegetation)
25. C91 Mitigation Strategy Implementation
26. C114 BREEAM standard
27. CC Custom Retail floorspace limits
28. DC Custom No vehicle washing in main car park, only in service yard and petrol filling station

29. DC Custom - assessment of the underlying strata to include permeability testing and groundwater level monitoring to establish the feasibility of using infiltration drainage

Informatives:

- I05 Advertisements need separate consent
- I06 Section 106
- ICustom Highways S278 works
- I32 Fire Service
- I40 Conditions
- I43 Reason for grant of planning permission

REASONS FOR GRANT OF PERMISSION:

The proposed retail store has been fully considered and assessed to be in accordance with guidance in the National Planning Policy Framework, the

RSS, the Core Strategy policies and Wrekin Local Plan policies. In terms of the impact tests contained within the NPPF, the applicant has demonstrated to the satisfaction of the Local Planning Authority that the proposal complies with the sequential approach to site selection and that the site is suitable, viable and available. In addition, the Local Planning Authority is satisfied that having considered the evidence presented to it, the proposal will not lead to significant adverse impacts on the viability and vitality of Newport Town Centre. Having considered evidence prepared by both the applicants and objectors, the Council considers that the existing health and condition of Newport Town Centre is good and that the trade draw impact as a consequence of this proposal on existing retailers in Newport is acceptable. There would be significant improvements to local consumer choice, improved competition, enhancements to employment, reduction in the need to travel and retention of local expenditure in the town. The site is outside the built up area of Newport as defined in the Wrekin Local Plan, and the Core strategy is not accompanied by a spatial plan, however the Inspectors report on the examination of the core strategy DPD opined that development would entail extensive use of Greenfield sites and there was also insufficient emphasis given to employment. The site is adjacent to Newport, in the urban fringe and contained by the by-pass and the development of this greenfield site for employment purposes is needed to support Newport in its role as a Market Town. It will also assist in the regeneration of the town. The proposed store is of a 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. The layout also provides adequate car parking and bike storage provision, and will support sustainable modes of transportation to the site through a financial contribution considered necessary to subsidise improvements in terms of frequency of service for the existing bus service along Station Road. The development will preserve either in-situ or through translocation those trees on the site which are of important value to the visual amenities of the area and reinforce this through additional tree planting and landscaping. Issues of ground conditions, flooding, drainage, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. In relation to ecological considerations, the Council is satisfied that apart from the issue of great crested newts, the survey work undertaken together with the proposed mitigation and management strategy complies with the Council's policy in relation to biodiversity and ecological protection and enhancement. The Council requires appropriate survey work to be undertaken, recording and if appropriate further mitigation and management in relation to great crested newts and will only grant planning permission where it is satisfied that protected species are not harmed. Appropriate great crested newt surveys have been undertaken and further surveys will be carried out during April 2012 in compliance with Natural England advice. The proposal creates a

demand for additional off-site requirements, which can be adequately mitigated through planning obligation contributions.

Note: These reasons for granting permission may be altered by the Assistant Director - Planning Specialist in the light of member discussions.

PREVIOUS REPORT

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2011/0916
Site address	Land To The West Of, Station Road, Newport, Shropshire
Proposal	Erection of a new superstore, highway works, associated infrastructure and landscaping *****AMENDED DESCRIPTION*****
Recommendation	Full Grant

A. LETTER OF SUPPORT:

Mr Vargas Farooq (Newport Resident) – support this application. Newport is in need of investment to bring in much needed jobs and new visitors. Our High Street is in need of improvement and this proposal will help businesses rather than take trade away. It will attract more people and more jobs. Full and part-time jobs are welcome – young mums particularly. Stafford and Telford are inconvenient.

Officer Response: The development at Station Road will provide 400 full and part-time jobs. In terms of the jobs to be provided by a store of the size proposed it is expected that approximately 100 of the positions created will be full-time whilst approximately 300 will be part-time. However, the part-time posts created will include the opportunity to work up to 30 hours a week so still offering significant employment positions. However, the exact split cannot be specified and will rely upon the recruitment drive undertaken and the demand for full or part time employment within Newport.

B. LETTERS OF OBJECTION:

1. K. Foster (by email): Newport resident
 - Application for both residential and housing exceeds all allocations made in Core Strategy/LDF
 - Need for retailing not proven – previous assessment for T&W stated that such a large development would not be needed
 - Building on greenfield and amenity land with PROW is needless, wrong and contradicts all planning guidance on preference for brownfield
 - Infrastructure, particularly flooding – there are serious problems about flood risk and water supply issues. Impact on Millwood Mere – uncertain who owns/manage that facility.
 - Goes against planning inspector's decision on an appeal last year – he found that a low cost discount store would fulfil Newport's needs.
 - Sainsbury's was refused last year at The Forge Retail Park on the basis that it would damage other retailers in Telford. This proposal will damage the High Street and the social fabric of the town.

- T&W ownership should not allow its ownership to damage its communities
- NPPF requires authorities to protect the natural environment – Hutchison Way has been enjoyed as a recreational resource for long period
- Death-nail of the traditional High Street through poor planning

Officer Response: these objections have been voiced by the many others who have objected and detailed response to most of the points raised are covered in the main report. The two issues that needs a further response is the issue raised in relation to last year's Mere Park refusal and the Sainsbury's refusal at The Forge. The Mere Park appeal inspector accepted the Council's evidence that there was sequentially preferable sites were available suitable for a discount retail opportunity. But the Council is now faced with proposals for a much larger store(s) (Audley Ave and Station Road). It has to consider the planning merits of each and consider the need arising in Newport and impacts on the town centre. These aspects are covered in detail in the report. According to our consultants, there is a quantitative and qualitative need for a store of the size proposed at both locations. The issue is where best to locate.

2. R. Harthill by email: Newport resident
 - Newport is already saturated with housing
 - Newport is a small town, I have never see either supermarket full. The Focus store at Audley Avenue is a better location.
 - Same is true of the PFS
 - This land will be saved as a Village Green – this development will ruin the rural theme and outlook

Officer Response: These issues are addressed in the main report.

3. R Mager, Shropshire Wildlife Trust
 - Having read the Council's Ecologist report explains in detail what is necessary legally. But doesn't take into account the wider strategic value of natural green space nor the numerous policy guidelines requiring recreation and enhancement
 - Trust maintains its objection and maintains that a more strategic view on the provision of green space is required and that the retention of the "Donkey Field" is perfectly achievable within the wider plan.

Officer response: Officers are now satisfied with the level of surveys and assessment of ecology at the site, including an assessment of the wider area to ascertain impact on protected species. The applicants have also provided a robust mitigation strategy. The suggestions of SWLT go much further as they attempt to retain the site as a green space. NPPF does contain some guidance on the use of open space (in the context also of sports and recreational buildings and land) and suggests that land should not be built on unless, inter alia, "an assessment has been undertaken...". In relation to green space (SWLT's point), the NPPF suggests that this should be dealt with by local communities promoting

the designation of Local Green Space through neighbourhood or local plans. SWLT's desire that this land be viewed as part of a larger Local Green Space is acknowledged; however we are confronted by a development proposal that also seeks to deliver economic and regeneration ambitions of the Core Strategy for Newport and fulfil retail needs of the town long term. The application site at Station Road forms part of a wider series of proposals at Station Road. The outline application currently before the Council will provide opportunities for promoting open space. Although this application is still to be fully considered by officers and Members, officers believe that community open space facilities would be better provided elsewhere. The main report before Plans Board states that this Greenfield site should be allowed to come forward and that there is little intrinsic value, recreational value or ecological value in a site sandwiched between the by-pass and the built-up area of Newport.

4. A. Goulding, Newport resident

- I experience problems accessing onto Station Road with current flows – this will exacerbate road safety
- Number of other hazards at : Springfield Industrial Estate, the delta junction with Queens Dr/Pen y Bryn Way/Princess Gardens and Station Court; the Linden surgery; the Cottage Hospital entrance. The developer should pay for improvements
- Already two foodstores and now at Mere Park (Morrisons) Such development will crush local businesses
- Will attract Telford residents to shop where car parking is free – increased highway dangers
- Brownfield land should be used
- Electricity supplies will be affected
- Millwood Mere and Granville Brook will be subject to flood risk
- Create more stress on local amenities
- TWC should not put financial gain before the welfare of its communities

Officer Response: These issues have been addressed in the main report.

5. R Lowe, Newport resident

- Welcome PFS removal but superstore too large and harm the town centre

6. B Moorre, J Moore and N Gilbert Newport residents - object

7. Mr. Patrick Beech, Mr. David Parker and Mr. Adrian Meredith. We refer to the item in your letter of 23 April 2012, headed '**Potential Flooding of properties in Newport**'.

The attached letter of 24 April 2012, from Severn Trent Water, was received late yesterday evening.

The letter raises a number of fundamental points as regards increase flooding risk to properties in Newport which should have been resolved by your Planning Officer responsible for the application **BEFORE** the application could have been considered for report to Plans Board -see, in particular, the paragraph on the second page of the letter highlighted. In addition to the above, we have a number of serious questions in relation to various of the major housing applications re. increased flooding risk and will be sending these to you in due course.

In the interim, both as regards the above matters and the issue we understand has been raised by solicitors acting on behalf of the applicant for Mere Park, we urge that application number TWC/2011/0916 is withdrawn from the Plans Board scheduled for this evening in order to avoid the Council incurring unnecessary legal costs.

It is becoming increasingly clear that the application is not in a form to be considered by the Plans Board and that part of the reasons for submission is the proximity of the Planning Inspectorate Inquiry commencing on 15 May 2012. re. application no. TWC/2011/0632, food store on Audley Avenue.

We would ask that you give immediate attention to the serious issues raised above and ask for your confirmation that application number TWC/2011/0916 will be withdrawn from the Plans Board to be held this evening.

The letter addressed to the Newport Partnership from Severn Trent Water and referred to in the email reads (with particular reference to highlighted section):

I am writing in response to your email dated 17th April 2012 regarding the planning application for the Station Road site in Newport. Since our previous correspondence I have continued to consult internally to address the concerns that you have raised regarding the proposed development. For ease, I have cross referenced the information below against the questions that you raised in the attachment to the email on 17th April.

I have consulted with my colleagues in our Operational and Land & Planning departments regarding the ownership of the Millwood Mere (question 1). We have not found any evidence of the Mere being a Severn Trent Water owned asset. Public sewers discharge into and also drain the Mere, but this does not necessarily mean that it is owned and maintained by Severn Trent Water. We believe that the Mere is owned by Telford and Wrekin Council. We have made enquiries with the Council who are investigating the issue and we are awaiting their response. As we do not believe that the Millwood Mere is a Severn Trent Water asset, we are not able to comment on a number of the issues that you have raised (questions 2 – 9).

With regards to the impact of the development proposals on water supply (questions 10 and 11), we raised our concerns about the original planning application (TWC/2011/0916) with Telford and Wrekin Council and we support the objections raised by the Environment Agency. We have

significant interest in the development proposals because it falls within the Source Protection Zone (SPZ) 1 of our 'Newport' source. This raises concerns with regards to the protection of controlled waters (i.e. groundwater in the aquifer). We objected to the plans on the same basis as the Environment Agency, namely because the previous proposals involved the construction of a petrol filling station (PFS) on the site. The applicant has now withdrawn this aspect of their planning application, which we support. We also reiterate the Environment Agency's concerns relating to the proposed surface water drainage strategy because the site is located on a principal aquifer of high vulnerability.

Further to the information that we provided in our letter on 4th April 2012 in relation to the responsibility for maintaining Sustainable Drainage Systems (SuDS), the planning application for this site has been submitted in advance of the implementation of SuDS Approval Bodies (SABs). Therefore the developer should have submitted information relating to future maintenance of the proposed SuDS as part of the planning application. It is the responsibility of the Local Authority to review this information and approve drainage plans (questions 12-14).

I trust that the enclosed information addresses some of the concerns that you have raised that are of relevance to Severn Trent Water. We recommend that you approach Telford and Wrekin Council for further information regarding your specific queries in relation to the impact of the proposals on Millwood Mere and the surrounding properties.

Officer Response: It is the normal practice to attach appropriate planning conditions to ensure that SuDS features are properly maintained. This will change when the new consenting regime is introduced later this year when separate applications for drainage works will need to be submitted for approval by TWC as Approval Body. The Drainage section of TWC is aware that the Council has responsibility over the Millwood Mere and is aware of the potential flood risk that could arise from discharge into the Millwood Mere. A condition will be imposed requiring approval of discharge rates, which might include reducing the rate of discharge either through providing additional surface water storage facilities at the development or controlling the rate of discharge. Officers are content that this can be conditioned to prevent flood risk created by this development.

The reference in the email to Actoris Development's potential challenge of any Plans Board decision is discussed later in this update.

- 8.. Mango Planning on behalf of Actoris developer partner at Mere Park (letter dated 17th April 2012)
 - WYG's advice continues to be predicated on the belief that Mere Park is unlikely to come forward as a supermarket operated by one of the "big four" retailers and its estimates of turnover and trading impacts on the town centre continue to be made on this basis. This is wrong –

Morrisons is committed to Mere Park and can offer a modern foodstore that can fully satisfy quantitative and qualitative needs in Newport

- WYG acknowledges that the Station Road proposals are on the margins of acceptability. This conclusion was reached without there being no substantive new foodstore at Mere Park.
- Morrisons materially changes the baseline against which the need has been assessed by WYG. This together with Mere Park Morrisons would result in significant adverse impact on the town centre.
- WYG continue to describe the Waitrose store as edge of centre but there is no Primary Shopping Area definition but rather a primary shopping frontage. PPS4 Practice Guidance states that in the absence of an identified PSA, the PSA will need to be judged on material considerations. There is no doubt that Waitrose acts as part of the town centre and a retail anchor to the TC. This downplays the impact.

9. Barton Willmore on behalf of Waitrose dated 23rd April 2012

- 4 material planning considerations have now changed since previous representations – NPPF; Mere Park garden Centre appeal decision; confirmation that Morrisons will trade from Mere Park; and, update from WYG has been issued
- NPPF: twin tests (impact on existing, committed and planned public/private investment in a centre or centres within the catchment and the impact on vitality and viability of the TC. NPPF states that applications should be refused where it fails to satisfy the sequential test or is likely to have significant adverse impact on the two factors.
- Mere Park – Morrisons now lawfully able to operate from here. Implications – a) Newport will now benefit from a second main foodstore and addresses outflow of expenditure and meets quantitative need; b) qualitative benefits will be achieved by a Morrisons foodstore; c) Town Centre will already suffer impact from Mere Park that needs to be taken into account in any cumulative impact assessment.
- WYG Updated Retail advice 26 March 2012: WYG now amended description of waitrose as an edge of centre location. But it also acts as a key anchor to the town centre and provides the main car park and a direct link to High Street. Potential loss of trade will have consequences for the TC in terms of linked trips/spin off.
- Expenditure capacity – WYG fails to take account of Mere Park. Officer report's contention that Morrisons would operate from a compromised store at Mere Park is without foundation. Morrisons is expected to achieve a turnover of £17.7m some 37% greater than WYG forecasts.
- With an effective Morrisons store at Mere Park, there is a shortfall of -£15m if Audley Avenue proceeds and -£18.4 if Station Road proceeds. There is insufficient capacity to support either.
- Given lack of capacity, sequential assessment is flawed. Inspector at a recent appeal believed smaller discount store was appropriate and TWC's own evidence suggested Avenue Road and Water Lane sites available, suitable and viable.

- WYG has not carried out a NPPF test. WYG repeat assertion that unlikely big four operators would trade from Mere Park. By doing this WYG has underestimated turnover of Mere Park and in turn cumulative impact is flawed.
- Even taking WYG figures at face value, TC impacts are significantly adverse.
- Newport TC is fragile and proposal will result in reduction in footfall, linked trips and spin-off benefits for other TC retailers
- Contrary to officer recommendation, both sites should be refused.

10. Berry-Smith Solicitors on behalf of Actoris Developments (developer partner at Mere Park)

- Threat of legal action (judicial review proceedings) on basis that Morrisons' interest and impact have not been properly explained to Members.

RESPONSE TO ITEMS 10-12:

In relation to items 10-12 inclusive, although matters are covered in the main report, our consultants WYG have provided the following response:

"We write once more further to our recent discussions and our report of 6 February 2012, in order to address representations submitted to Telford and Wrekin Council in direct response to this earlier advice.

This letter specifically considers three additional representations we have been asked to address which are of relevance to the determination of planning application reference TWC/2011/0916, which seeks planning permission for the erection of a new superstore, highway works, associated infrastructure and landscaping at Station Road, Newport.

The representations comprise the Mango letter of 23 March 2012, the Growing Enterprises Ltd letter of 15 April, and the Barton Willmore letter of 23 April.

The letters consider broadly similar ground. Taken together, and in summary, they suggest that:

- the **Mere Park** Appeal has been allowed and the store now benefits from open A1 use;
- Morrisons is interested in operating a store from the **Mere Park** premises (trading from a sales area of 1,800 sq.m, according to Mango Planning);
- as a consequence of Morrisons interest, WYG has under-estimated the likely turnover of **Mere Park** should it trade as a supermarket;
- the existing **Waitrose** store is 'in centre' for the purposes of the national retail policy tests; and
- the Station Road application proposal has not been assessed against the requirements of **the NPPF**.

We consider each of these points in turn below.

Mere Park

With regard to Mere Park, the Council is currently considering its position with regard to the appeal decision.

It is also relevant to note the direction provided by the Government Practice Guidance on Need, Impact and the Sequential Approach (which was not revoked subsequent to the publication of the National Planning Policy Framework and remains of relevance). Paragraph D.8 of the Practice Guidance states that:

‘In judging which commitments should be taken into account, it will be relevant to consider, inter alia, the likelihood of them being implemented, and their potential scale and significance.’

In this regard we note that Mango Planning in its letter states that its client has **‘...secured the interest of Morrisons in the Mere Park site and is taking steps to facilitate the conversion of the existing building to a Morrisons supermarket.’**

The only ‘step’ we are currently aware of consists of the submission of an advertisement consent application to allow Morrisons signage at the site.

Whilst Morrisons’ potential occupation of the premises has been reported by the press, there would not appear to be a firm indication that it is contractually committed to the garden centre building whilst two food superstores proposals elsewhere in the town remain to be determined (either by members or at appeal).

In our view, if either one of these schemes were to be brought forward, they would have a significant influence on any future decision by Morrisons to operate a foodstore at Mere Park (particularly as a modern, bespoke foodstore would further highlight the layout, car parking and servicing constraints which Mere Park is subject to).

Accordingly, even if the Council do not decide to challenge the Mere Park appeal decision, there is no certainty that the potential commitment at Mere Park Garden Centre would be implemented at this stage.

Moreover, even if there were to be some element of convenience goods sales in the future at Mere Park (if a challenge was dismissed), we do not believe that cumulatively this would result in a significant adverse impact upon Newport Town Centre. Given the proximity of Mere Park Garden Centre to both Audley Avenue and Station Road, it is evident that the stores would compete directly with each other in the event that more than one was implemented.

Accordingly, given this basic principle (and the scale of identified need for further provision), it is self-evident that a Morrisons store at Mere Park would not trade at company benchmark level.

Mango Planning and Growing Enterprises Ltd propose that the likely turnover of convenience goods floorspace at Mere Park should be estimated with reference to the Morrisons convenience goods company average, which is identified as being £11,153 per sq.m.

In our previous advice to the Council, WYG considered the store based on it achieving a turnover of £8,419 per sq.m – around 75% of the sales density suggested by those promoting a store at the site. In considering this difference, we note paragraph D.11 of the Practice Guidance on Need, Impact and the Sequential Approach which indicates that any estimate of benchmark turnover should be with reference to **‘local circumstances’**.

In this case (as confirmed by our site visits), Mere Park has significantly fewer car parking spaces than retailers would want; it is relatively inaccessible by foot and by bicycle; service access is far from straightforward; it is piecemeal in appearance and subject to lower ceiling heights than typically required by operators; and, as a foodstore, its configuration would depart from the format typically operated by the main four supermarket retailers. In such circumstances, we consider our assumed estimated sales density to still be appropriate.

Notwithstanding this, we also note that Mango Planning, in considering the likely turnover of a Mere Park foodstore, indicates that the net sales area of the store would be 1,800 sq.m – over 200 sq.m less than that considered by WYG in our advice to the Council of 26 March 2012. Whilst the convenience goods floorspace of 1,584 sq.m proposed by Mango Planning is greater than the 1,315 sq.m assumed by WYG in assessing the impact of the Mere Park, we do not consider the difference to be such that it alters the findings of our previous advice. Furthermore, the proportion of sales area which Mango Planning suggests would be dedicated to convenience goods sales (88%) is greater than that typically traded by Morrisons (which the Verdict UK Food & Grocery Retailers 2011 report identifies as being 79%), which may be more reflective of how the store would trade in practice.

Given the above, we believe the grounds on which our previous advice was based – that the operation would trade below the level which would be expected of a modern, purpose-built foodstore – to still be accurate.

Status of Waitrose

In considering the status of the Waitrose store, it is necessary to recognise that the ‘centre’ for retail development is defined by the National Planning Policy Framework as the primary shopping area (PSA).

In this instance, the Wrekin Local Plan Proposals Map identifies the Newport Town Centre Boundary and then, within this, identifies the primary shopping

frontage. The remainder of the Town Centre (outside the primary shopping frontage) is termed the 'secondary zone'.

Paragraph 5.3.33 of the Local Plan indicates that it is important that, '**...the prime retail area is confined to key frontages rather than a specifically defined 'zone'.**

Paragraph 5.3.35 provides further assistance in stating that, '**The priority should be to encourage the use of vacant sites and premises in the secondary zone for other small businesses, services and residential uses which support the role of the Centre.**

Accordingly, whilst the exact language used – 'primary shopping frontage' rather than 'primary shopping area' – does not precisely align with national guidance, it is clear that the primary shopping frontage performs exactly the same role. In the language of the definition of the PSA provided by Annex 2 of the NPPF, it is the '**area where retail development is concentrated**'.

Given that Waitrose is located outside the primary shopping frontage and within the secondary zone, it is appropriate for it to be defined as 'edge of centre'. Whilst there is a sign for Waitrose in the PSA, this is simply identifying the walkway to the store and is not the store's entrance.

Notwithstanding this, the Waitrose store's importance to Newport Town Centre is accepted and appropriate consideration has been given to it in our previous advice to the Council.

National Planning Policy Framework

With regard to the assessment of proposals for main town centre development, the National Planning Policy Framework revises and simplifies the two key national policy tests relating to the sequential approach to development and to impact.

In respect of the former, paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date Local Plan. Paragraph 24 goes on to state that:

'They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

With regard to impact, the previous tests set out by Policy EC16.1 of Planning Policy Statement 4: Planning for Sustainable Economic Development (PPS4) have been refined into what is effectively a twin test. Paragraph 25 of the

NPPF states that:

‘When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m). This should include assessment of:

- **the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and**
- **the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.’**

Paragraph 27 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, WYG does not consider that this direction extinguishes the requirement set out in statute to examine all material considerations and to assess the ‘planning balance’ in making a decision.

Whilst the publication of the NPPF now clearly acts to supersede requirements set out in Planning Policy Statement and Guidance Notes, the application proposal was drafted and submitted to respond to policy set out in PPS4. In this regard, we reiterate that the two key national retail tests – the ‘sequential approach’ to development and ‘impact’ – remain relevant and are carried through to the NPPF, albeit in revised and simplified form.

Furthermore, whilst the general impact tests previously set out by Policy EC10.2 of PPS4 are not repeated in the NPPF, the principle which underpins them – that is, to bring forward sustainable development – runs throughout the document.

Accordingly, we do not consider that any additional or revised information relating to the change in national policy is required in order to inform our assessment of the proposal. However, given that it no longer forms a direct test related to retail matters, we do not consider it necessary to assess the proposal directly against the criteria set out in Policy EC10.2 of PPS4. However, such matters may still be material to the Council’s overall consideration of the application.

Given the above, we do not consider that any amendment to our earlier advice is required as a result of the introduction of the NPPF.

C. OTHER ISSUES:

1. Amended plans

Revised plans have been submitted which reduce the size of the site and realign the proposed roundabout.

2. Ecology

Ecology Solutions (Council's ecology consultants):

The Council's consultant has now reviewed the latest ecology reports submitted by the applicant including further surveys and find the surveys undertaken are acceptable and overcome previous concerns. Surveys confirm that the only amphibian species present in the locality are smooth newt, common toad and common frog. Mitigation proposals are offered as part of the application details. No offence is likely to be committed. The work in relation to bird surveys is acceptable.

3. Rights of Way Issue:

Senior Rights of Way Officer (TWC): I write to confirm that in the event that the above Planning Application is granted consent then the proposed diversion of the Right of Way as put forward by the applicant will ensure that the connectivity of the local network is maintained with no detriment to users of the route.

4. Planning Obligations Requirements:

The main report refers to the requirement for payment of an off-site highway infrastructure contribution in the sum of £907,548. The agents for the Applicant have confirmed that they have no objection to paying an appropriate highway infrastructure contribution. However, they feel that they need further justification and clarification before agreeing the amount payable.

Your officers are content to enter into further discussions with the applicants to clarify and justify the amount of the highway infrastructure contribution. The recommendation below seeks delegated authority to the Assistant Director – Planning Specialist in consultation with the Chairman of Plans Board to agree the financial contributions. However, members are being recommended to approve the application subject to the infrastructure works being done as described. In the event of the applicant insisting on a material difference in the proposed works, the point would have to be brought back to Plans Board for further consideration before permission is issued.

The main report refers to the requirement for payment of £300,000 towards a shop front enhancement scheme and £100,000 towards the employment of a Town Centre manager. As members will be aware, S106 obligations can only be imposed if they are necessary to make the development acceptable in planning terms. Unfortunately, after careful consideration by your officers, the

conclusion has been reached that it is difficult to maintain that these contributions are necessary to make the development acceptable in planning terms. As a consequence, these contributions are no longer included in the revised recommendation below. The Council as a whole may however at some later stage resurrect this as part of their regeneration initiatives. However this no longer impacts on the consideration of this planning application.

Similarly the applicant has now indicated that it would be willing to increase the contribution in respect of the bus subsidy to £1.2 million. However, again the Council is mindful of the CIL requirements and believes that the requested sum of £600,000 is sufficient and the recommendation therefore provides for payment of that sum only.

The Council believes that the requests for sums for monitoring contributions and Public Art are CIL compliant and has requested that those sums be paid.

The main report refers to the requirement for commuted sums in respect of open space. It should be noted that these will only be required if such areas of open space are to be adopted. The revised recommendation now makes this clear.

5. Highway Scheme

The plans both of the development proposal and the highway scheme required to be implemented off-site will be available this evening. The highway improvements plans are attached to this update report.

REVISED RECOMMENDATION

That the application be referred to the Secretary of State under 'The Town and Country Planning (Consultation) (England) Direction 2009' and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination and subject to the Council as landowner providing an appropriate memorandum prior to the issue of the planning permission agreeing that the land will be bound by the obligations in the event of the sale of the land in respect of the provision of a sum of monies comprising a contribution of up to £907,508 for the provision of major highway schemes, £600,000 towards public transport; £10,000 towards public transport infrastructure; £5,000 for monitoring of the store travel plan £50,000 for the commissioning of public art on or off site as may be subsequently agreed, an appropriate commuted sum for open space maintenance if required to be adopted and £15,000 for monitoring of financial and planning covenants, the Assistant Director – Planning Specialist is authorised to **GRANT planning permission**, subject to the conditions detailed in the report and other conditions deemed necessary (authority to finalise conditions and reasons for approval to be delegated to the Assistant Director – Planning Specialist).

TWC/2012/0679

Land at, Hoo Farm Animal Kingdom, Preston Upon The Weald Moors,
Telford, Shropshire, TF6 6DJ

Change of use of land and the erection of a temporary prefabricated building
to accomodate a pre-school childrens nursery

APPLICANT

Edward Dorrell

RECEIVED

31/08/2012

PARISH

Preston upon the Weald Moors

WARD

Church Aston and Lilleshall

OBJECTIONS RECEIVED: No

MAIN ISSUES: Appropriateness of development in rural location
Provision of Community Facility

THE PROPOSAL:

This full planning application seeks consent for the installation of a prefabricated single storey building with a Class D1 Use (non-residential institutions) to provide a pre-school children's nursery facility to be occupied by ABC Nursery who wish to relocate from their existing site in Wrockwardine. The proposed temporary building would measure approximately 20m x 12m and would be situated north of the main Farm. It is also proposed to provide a small car park north of the proposed building and an outdoor playing area south of the building.

SITE AND SURROUNDINGS:

The application site lies within the boundaries of Hoo Farm, close to its north-east boundary. Hoo Farm is an established countryside attraction which lies in 32 acres of woodland and is located in the open countryside, outside of Telford's urban boundary, as shown on the Wrekin Local Plan proposals map.

Hoo Farm, and hence the proposed nursery, are accessed via a single tarmac road off Humber Lane which is located in Preston upon the Weald Moors, a small village situated some 5 miles east of Wellington and 6 miles west of Newport. The proposed nursery building will be sited some 60m off Humber Lane and will be erected alongside an existing outbuilding.

PLANNING HISTORY:

No relevant history

PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework

Saved Wrekin Local Plan Policies

E6 Rural Employment General

LR1 Provision of Community facilities

LDF Core Strategy
CS2 Jobs
CS10 Community Facilities

CONSULTATION RESPONSES:

Preston Parish Council: No comments received

Two letters of support have been received from customers of the Nursery

- Opportunities for outdoor activities/education
- Hoo Farm would be a better location – with less driving mileage
- Support existing business

PLANNING CONSIDERATIONS:

This full planning application seeks consent for a prefabricated single storey building with a Class D1 Use (non-residential institutions) to provide a pre-school children's nursery facility to be occupied by ABC Nursery who wish to relocate from their existing site in Wrockwardine. The proposed temporary building would measure approximately 20m x 12m and would be situated north of the main Farm. It is also proposed to provide a small car park north of the proposed building and an outdoor playing area south of the building.

ABC Nurseries currently have three children's nurseries catering for pre-school children at Wrockwardine, Hadley and Hollinswood. The nursery in Wrockwardine is currently located in the Village School however the lease on the premise expires at the end of this year and there is now a requirement to find suitable alternative premises.

The applicant is considering a site within the boundaries of Hoo Farm as a suitable location to erect a temporary building to operate the business from which would be open for 51 weeks of the year and would provide care for 52 children and the equivalent of 14 full time jobs. The nursery already has connections with Hoo Farm, with regular educational visits by the pre-school children in the past.

Policy E6 Rural Employment General of the Wrekin Local Plan states that *'development in the open countryside will be strictly controlled'* and employment development must be *'related to local agriculture and assist in the diversification of the rural economy'*. Furthermore, the development should be *'of an appropriate scale, type and design sensitive to its location and satisfy the requirements of the Urban Design, Transport...'* Whilst the proposed scheme would serve some rural diversification, the proposed development is not related to agriculture.

Policy LR1 Provision of Community Facilities of the Wrekin Local Plan advises that the Council will permit proposals for community facilities *'providing that the proposed development is located in a District or Local Centre'*. Furthermore, the applicant should demonstrate that the proposed development *'is located on a public transport route'* and *'occupies land*

allocated for development'. Similar guidance is also represented in Policy CS10 Community Facilities of the Core Strategy. This site is in the countryside and is not located in a district or local centre and is not even in a village. Given this rather isolated location, the proposals fail to comply with the guidance contained in this policy. The recently published National Planning Policy Framework encourages '*sustainable growth and expansion of all types of business and enterprise in rural areas*'.

The Local Planning Authority appreciates the requirement of the business to relocate however is of the opinion that the site, located in the rural area and on the outskirts of Preston upon the Weald Moors, is not a sustainable location and other sites should be selected, preferably within the urban boundary or at least a rural settlement. Whilst it could be argued that the existing site in Wrockwardine is also unsustainable, the matter of permission being previously approved should not justify another permission being approved for this application. The existing site in Wrockwardine is at least in a village and this is considered more appropriate. Officers accept that many of the existing customers would probably come by car given how many people commute but a remote location such as Hoo Farm, which is not even located within a village is not sustainable and a permanent permission would be inappropriate.

The Local Planning Authority has been in discussions with the agent and has advised that it considers the proposed location to be unsustainable and not suitable. The agent has suggested imposing a condition limiting the occupation of the proposed temporary building to ABC Nurseries only. However, the Local Planning Authority considers such a condition does not address the key issue, that the proposed location is deemed unsustainable. The Local Planning Authority appreciates the need for a prompt relocation to deal with the expiring lease in Wrockwardine and has offered the applicant a two year temporary permission which would provide a short term solution for the Nursery and sufficient time to locate a more suitable and sustainable site. This offer however has not been accepted as the business is seeking a permanent permission. Officers however are not prepared to provide a permanent permission and as such are recommending refusal.

Accordingly, the proposed scheme is contrary to Policies E6 and LR1 of the Wrekin Local Plan and CS10 of the Core Strategy and officers recommend that the scheme be refused.

RECOMMENDATION:

REFUSE PLANNING PERMISSION for the following reason(s):

Reasons for Refusal

The proposed site for the new prefabricated building with a Class D1 Use is considered by the Local Planning Authority to be unsustainable, given its rural location and a permanent permission would be contrary to Policies E6 and

LR1 of the Wrekin Local Plan and CS10 of the Core Strategy. It is considered that a more suitable location should be sought, preferably within the urban boundaries.

TWC/2012/0778

Land off, Beaconsfield/Burford, Brookside, Telford, Shropshire.
Demolition of 37 residential apartments and Youth Centre building and construction of up to 14 residential bungalows; demolition and reconstruction of three replacement retail units for uses falling within class A1 and A5 with up to 4 residential units above; extension of and refurbishment of an existing Community Centre building (Class D2 use) to include replacement Housing Trust Office (Class B1); formation of a new public square, creation of community garden and construction of new children's play area; together with all associated car parking, landscaping and associated engineering works

APPLICANT

Telford & Wrekin Council

RECEIVED

02/10/2012

PARISH

Stirchley and Brookside

WARD

Brookside

OBJECTIONS: YES

MAIN ISSUES: Principle of development, green network issues, impact on existing properties, scale and design

PROPOSAL: Outline planning permission with all matters except access is sought for the regeneration of Brookside local centre. The works include the demolition of 37 residential dwellings, existing retail units and covered walkway and youth centre building and the construction of up to 14 residential bungalows, three replacement retail units for uses classes A1 and A5 with up to 2 residential units above, the extension and refurbishment of the existing community centre building (use class D2) to include a replacement housing trust office (use class B1), formation of a new public square, community gardens and new children's play facilities, together with all associated engineering works, car parking and landscaping.

The proposed dwellings for demolition comprise of twenty two one bed roomed apartments and 15 two bed maisonettes, many of which are owned by Wrekin Housing Trust.

SITE AND SURROUNDINGS:

The application site is approximately 2.2ha of land, which is an irregular shape and situated at the heart of Brookside and encompasses the Local centre. The existing local centre is focussed upon a single building which accommodates the retail units and community centre with a covered walkway offering access. The site is surrounded by residential development which was influenced by the Radburn principle, which has lead to separation of vehicles and pedestrians and has resulted in development which backs onto streets and parking courts and has contributed to issues of crime, anti-social

behaviour and the fear of crime. To the west of the site is Windmill Primary school and Sure Start Centre.

There are a number of areas of open space within the site, with a mix of formal play space, amenity grass land and paved squares and walkways. The site benefits from a large number of pedestrian links.

Vehicular access to the local centre is off Bembridge and Burford, two cul-de-sacs, whilst the existing residential properties are accessed off Beaconsfield. There are 45 parking spaces including 2 disabled spaces located in three separate parking areas around the local centre. The local bus service runs around the main estate ring road, Brookside Avenue.

PLANNING POLICY:

National Planning Policy Framework

Core Strategy:

CS1 Homes

CS5 District and Local Centres in Telford

CS8 Regeneration

CS9 Accessibility and Social Inclusion

CS10 Community Facility

CS11 Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Urban design

UD4 Landscape Design

H6 Windfall sites in Telford and Newport

H22 Community Facilities

H23 Affordable Housing

S25 New local centres and local shops

OL3 Green Network

- OL4 Development in the Green Network
- OL5 Extensions and redevelopment in the Green Network
- OL6 Open land
- OL11 Woodlands and trees
- OL13 Maintenance of open space
- LR1 Provisions of community facilities

PLANNING HISTORY:

On the land adjacent to Windmill Primary school

Outline planning permission TWC/2010/0120 for residential development was withdrawn July 2010

Outline planning permission TWC/2010/0634 for residential development was withdrawn December 2010

W2003/0428 – Erection of a multi use games area, skate park and shelter – Approved July 2003.

TWC/2011/0594 – Provision of a children’s play area and goal end – Approved August 2011

There are also various applications for signage.

CONSULTATION COMMENTS:

Stirchley & Brookside Parish Council make the following comments:

Bungalows:

- Inadequate security for bungalows
- Potential for noise disturbance from pedestrian access
- Potential for noise disturbance from play area
- Parking for two of the bungalows in communal area to front; cars subject to vandalism

Community Garden

- Potential for vandalism could be helped if the housing directly behind able to overlook the garden and occupied by a younger family who may be more willing to deter anti-social behaviour

- Future maintenance of garden needs to be clear

Creating 'rat-run'

- Motor-bikes and quad bikes in pedestrian areas are a problem throughout the parish; there is potential that the layout could contribute to creating a bike run through the centre.

Land to west of Windmill School

The proposal includes extending the amount of existing parking on this area which will take some of the green space that had been agreed in principle would be a village green. Members felt that increasing the parking in the area would encourage more parents to drive rather than walk and was in direct conflict with the aspiration for Village Green status for this area of land.

Stirchley and Brookside Parish Council does not support the increase in parking in the area to the west of the Windmill School as the local authority council should be encouraging pupils to walk to school. The parish council is also concerned that the proposed parking encroaches onto the area which the administration had given and undertaking would be given village green status. The parish council would therefore request that if the local authority continues with the proposal to increase parking that it registers the remaining land as village green in order to protect it from continued encroachment.

Geotechs; No comment

Pollution control: It would appear that an asbestos survey pre-commencement may be required as apparently there is some asbestos present.

Shropshire Fire Service: No objection subject to informative

West Mercia Police: I comment on this proposal as Crime Prevention Design Advisor for West Mercia Police. I have attended an initial meeting in relation to this application and I am pleased that it has been agreed that this development will be built to achieve Secured by Design accreditation in due course. This will ensure that the opportunity for crime to occur will be reduced by up to 75%. I am looking forward to receiving an application for Secured by Design in the future. Therefore should this proposal gain planning approval, I request that the following planning condition be placed upon the said approval. "The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment; the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured by Design is implemented". The principles and standards of the initiative give excellent guidance on crime prevention through the

environmental design and also on the physical measures. Details can be at www.securedbydesign.com finally may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states. “ It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area”.

Drainage: No objection subject to works being undertaken in accordance with recommendations of the FRA.

Arboricultural: No objections subject to conditions on, soil level alterations, mitigation planting still to be finalised, service installations and runs to be clarified and agreed. Protective fencing plans to be submitted and agreed to BS 5837 of 2012.

Highways: In principle I make no objections to the proposals. However as the submitted layout details are indicative only I must ask for the following highway conditions on any consent given:

1. Highways Access Detail
2. Road Design
3. Parking/Turning/Loading for servicing
4. Parking Detail

I also have the following advisory note:

In order to ensure that the likelihood of parking associated with the School at pick up and drop of periods is discouraged within and around any proposed residential cul de sac, the details pursuant of the reserved matter consent shall indicate access proposals off Beaconsfield in accordance with those principles indicated on submitted drawing no. HA 636/001, in particular the carriageway realignment into the extended parking area and a pedestrian access link formed from the southern point of this parking area.

Any consent will also require the following informative:

The applicant is reminded that confirmation of a Stopping Up order under S.118 for the all Highway areas to be redeveloped upon shall be obtained prior to any development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and therefore conflict with other legislation.

It is essential the applicant addresses this matter to include all discussions with associated Public Utility Companies as soon as is achievable, as it is possible the current location and/or required diversion of services in the

Highway could compromise proposed layouts for any detailed or reserved matter applications.

Sustainability: No comment

Ecology:

Parks and Open spaces: The relocated play area will enable an enhancement of existing provision through renewal of old equipment. The layout of the relocated play area is as proposed with the exception of 1 item of play equipment (the relocated existing basket swing) which will be placed on open space adjacent to the end of the rocket slide. The play area design is currently in the process of public consultation where the community are deciding on a number of designs to choose from. Their choice will be the design built (subject to planning). The decision on this choice is imminent.

Neighbour comments:

There has been one letter of objection to the proposal from a local resident on the grounds of loss of residential units following demolition of the flats and maisonettes and questioning the need suitability of bungalows as a replacement form of accommodation.

PLANNING CONSIDERATIONS:

As part of the co-operative approach the council wanted to offer residents the opportunity to play a 'hands on' role in the formulation of the proposed master plan for the regeneration of the local centre and involved a wide range of initiatives for public engagement. General issues arising from this consultation was the design of existing centre is poor, due to it being small, dark and closed in with poor access for those with mobility issues. It was also considered that there is insufficient parking especially around the school area. There are issues of anti social behaviour and an unattractive environment. The community centre as exists is too small and there is a lack of provision for the under 5's.

There are positive issues about there being no through road, that the existing facilities at the community centre and youth centre are will used and attended and there is of open space.

It is in light of these views that the master plan has evolved and been refined, along with professional input of officers through pre-application discussions.

The proposal is therefore for a phased development for the replacement of shops, services and residential units. The development is to be phased to allow for the continuation of services and parking provision within the local centre to ensure accessibility to all. The indicative phasing is as follows:

Phase 1: Commencing 2013 - Construction of new retail units and creation of associated service yard and public car parking area. Remodelling to existing areas of Community Centre building. Construction of new children's play area in area of southern open space.

Phase 2: Commencing 2014 – Continued works to the Community Centre building including remodelling of existing space and creation of extension area. Works to create new parking areas to the north and west of the Community Centre. Creation of Community Square. Demolition of existing apartment buildings.

Phase 3: Commencing 2015 - Construction of proposed residential development including creation of new access from Beaconsfield and expansion of existing parking area. Associated landscape / public realm works.

Principle of development

The majority of the site is zoned as white land and is therefore suitable for development, with just the existing play facilities part of the site being designated as green network in the Wrekin Local Plan. The proposed development is for the replacement of commercial, community and residential units on the white land and therefore there is no principle policy objection to the reuse and reconfiguration of uses on this land.

The proposed development will result in the relocation of existing play facilities to green network land. The function of this green network currently is a mix of formal play facilities and informal grass land. The proposal seeks to increase the amount of formal play facilities and is therefore considered a redevelopment of the site, of a scale and type which is compatible with the long term aims of the green network to meet diverse recreational needs. It is therefore considered that this element of the proposal complies with policy OL5 of the Wrekin Local Plan.

NPPF sets out Government's vision for planning, which is to seek sustainable development to promote social, financial and regeneration improvements to areas and officers consider that this development accords with these principles and will see much needed physical and social improvement to this area through short/medium term regeneration.

The proposal will result in the loss of residential units. The proposal is for replacement dwellings forming up to 14 bungalows and 2 flats over the new retail units. Whilst this is less accommodation than is being removed, the existing accommodation has problems associated with antisocial behaviour and is therefore in need of replacement.

The proposal will see the redevelopment of a well-established local centre with a mix of uses. The centre is centrally located within Brookside and easily

accessible with a network of footpaths and well served by public transport. This investment will promote the destination to meet day to day needs and promote sustainable modes of travel. Officers consider that the proposal will improve service provision and create an inclusive environment in accordance with saved policy LR1 of the Wrekin local Plan, and policies CS5, CS8, CS9 and CS10 of the Core Strategy.

Retail Impact

Brookside is designated as a local centre. The core strategy in policy CS5 states that the role of local centres is to meet the day to day needs of the community and the mix of uses needs to be carefully managed and centres need to create a vibrant, safe and attractive place with a design that reflects and response to the locality.

Local centres provide a pivotal role in the creation of sustainable communities. The proposed construction of three new retail units whilst being a reduction in overall number of existing facilities will continue to support the local community. One unit will combine the supermarket and post office, second units is a hot food takeaway and third unit is to be a hairdressers. The existing fourth unit is occupied by Wrekin Housing trust Office. This masterplan seeks to provide this accommodation within the extended community centre so there is no overall loss in facilities as part of this development.

The existing units are to be retained and occupied during the construction phase to ensure continuity of services, and business will be relocated on completion of the new premises. Once these buildings are demolished the area is intended to be landscaped and provide replacement parking for that displaced by the building of the retail units. This regeneration is supported by and in compliance with policies CS8 and CS10 of the core strategy.

Demolition of properties

The proposal will result in the loss of 37 residential properties, 22 of these properties are 1 bed roomed flats and the remaining 15 are two bed roomed maisonettes. These residential buildings are of limited architectural merit, as three storey flat roofed structures and in poor condition. 12 of these dwellings are categorised as affordable dwellings.

During the consultation process the owners and occupiers of these properties have been fully informed of the plans for demolition as supported and endorsed generally by the community.

The proposal seeks to include residential development in the form of bungalows. The indicative plan demonstrated that up to 14 bungalows can be accommodated as part of the scheme and these would be all affordable

dwelling types. The scheme also includes 2 flats over the retail element and these will be open market dwellings.

This change in type of accommodation is in direct response to issues raised by the local community and responds to the housing need, for which there is under provision for older people. It is noted that one resident has raised concerns about the loss of flatted development. However, officers consider that for the estate as a whole, this small loss is more than balanced by the community gains by increasing provision in an identified area of need, namely bungalows. The overall mix of development in the area is therefore enhanced and meets the requirement of Policy CS1 of the core strategy.

Community centre enhancement

The development seeks to extend the community centre and move existing facilities from the youth centre into this space to create a hub for the local community. The building will therefore be able to accommodate a range of services and facilities to meet the demands of the local community. Officers therefore support the extension of the facility as being in accordance with policy CS10 of the Core Strategy.

The proposed community garden will also seek to enhance the public realm surrounding the community centre and seeks to encourage the community to have ownership of the area and greater involvement. The new public square is to offer flexibility for a number of activities and uses such as a local market to support the function of the Local Centre and enhance the attractiveness of the area.

Officers consider that the community elements of the scheme are in accordance with policies CS5, CS8 and CS10 of the Core Strategy by creating environmental and social benefits to the local community through regeneration.

Design and Layout

As the proposal is only in outline format, to establish the principle, there are no details on the appearance of buildings. However the proposal is accompanied by parameter plans which give zones for each of the uses and overall building heights to assess the principles and impacts on adjacent uses.

A key to the proposed layout is the desire to improve the function of the local centre, increase civic pride and provide a sense of place. The existing centre is inward looking and fails to create a safe and attractive environment. The indicative layout demonstrates how the relationship between the extended community centre and new retail units will give presence to a new community

square and garden to create a high quality environment and a sense of place, while ensuring efficient use of the land to create a vital and vibrant centre.

The proposal is to develop the scheme in accordance with Secured by Design guidance, to assist in tackling issues of crime and fear of crime, to create a safe and attractive environment. West Mercia Police support this assertion and this is to be secured through a planning conditions.

The proposal seeks to create flexible spaces for a variety of community activities. This high level of community engagement will contribute to reducing crime and fear of crime and create natural surveillance of public areas.

The indicative design demonstrates that the proposal can adequately protect the amenities of existing residents with sufficient separation between buildings, to ensure no issues of overlooking or loss of privacy. This will be further considered at detailed design stage.

The layout has been strongly influenced by the need to improve the function of the local centre and improve the sense of place and promote civic pride. The collection of community and retail buildings, with residential above around a multi function square and gardens will increase activity in the centre, reinforce pedestrians routes and improve natural surveillance.

In view of the above the proposals are consistent with Section 7 of the NPPF and saved Policy UD2 of the Wrekin Local Plan.

Access and Parking

This proposal is supported by a transport statement, which concludes that the proposed development will have a reduced number of trips generated, which is reflective of the small reduction in proposed retail floorspace. As existing the site currently contains 45 regular parking spaces and 2 disabled parking spaces, which are dispersed around the site. The proposed layout will provide 110 car parking space, this is adequate provision based on the overall floor area for all the development (retail, community and residential) and given the enhanced permeability for pedestrian and cycle route.

The access to the site is generally using existing access points, with the exception of access to the new residential zone, which is indicated to have a new access and realignment to Beaconsfield to discourage parent parking on a residential street, but encourage the use of the extended parking area which is proposed to be created.

It is noted that the parish have raised concerns about the increase in parking in this vicinity, but Officers consider, that whilst walking and cycling to school is the preferred method, there will always be instances when driving to school

is needed and that offering some provision in a suitable location, is preferable to creating congestion on adjoin streets. Adequate land is still to be retained as green open space. The designation of this as a village green is beyond planning powers and will need to be pursued separately. However, this proposal would not preclude a significant area of land being available for such purpose.

At the detailed design stage for this car park it would be beneficial to include a footpath link from the extended car park to the footpath to the south and link to the school gates an separate pedestrian and vehicular traffic movements to increase safety.

The application is supported by a framework travel plan which seeks to promote sustainable modes of transport to the centre and therefore reduce car journeys. The provision of cycle parking and safe routes will facilitate this aim. In view of this it is consider that the proposal meets the objective of NPPF and policy CS9 of the Core Strategy.

Landscaping and trees

NPPF and local plan policies aim to protect woodlands and individual trees that contribute to the landscape character of an area. Within the proposed site there are 18 individual trees and 10 tree groups. The proposed scheme seeks to retain trees where possible. The five protected trees identified by the Councils Arboricultural Officer of importance and significance are clearly identified for retention. The loss of any trees will be mitigated with additional tree planting. Officers consider that the proposal complies with policy OL11 of the Wrekin Local Plan and objectives within NPPF.

Children's Play facilities

To facilitate the layout of the development, the existing children's play area adjacent to the youth centre is to be removed. This facility would benefit from some updating and is proposed to be relocated further south adjacent to other play facilities to create a more cohesive play area with facilities for the full age range of children.

The detailing of this new facility will follow further consultation and subject to a detailed planning submission. Officers consider that the siting of the new facility is appropriate and suitable design can be secured, therefore this element complies with policy CS10 of the core strategy and LR1 of the Wrekin Local Plan.

Ecology

An extended phase 1 habitat survey accompanies the application and confirms that the site is a mix of amenity grass land and species, poor

hedges, trees and buildings. There are no ecological designations and the site is beyond the influence of any designated site.

The report recommends further bat surveys are undertaken with regards to the buildings, but confirms none of the trees have features suitable for roosting. The additional report concludes that no roosts were found in any of the buildings and there is limited bat activity in the locality.

With regards to birds, further surveys are only needed for vegetation clearance during March to August inclusive.

Whilst the application is in outline, and therefore no details are provided the intention of the scheme with community gardens and other landscaping and planting will see opportunities in include planting species to enrich the biodiversity of the site. Officers therefore consider that the proposal complies with requirements of NPPF and policy CS12 of the core Strategy.

Ground conditions

Site ground investigations have been undertaken. Gas monitoring is ongoing and subject to the results of this scheme a design for gas protection methods can be undertaken, or may not be necessary. A condition for the full gas result and any mitigation strategy to be submitted prior to commencement of works is considered sufficient to ensure that the site can be adequately constructed having regards to ground conditions. Officers therefore consider that the development is in accordance with NPPF and policy CS13 of the core Strategy.

Flood Risk and Drainage

The site is designated as Flood Zone 1 with a low probability of flooding risk. The application is accompanied by a flood risk assessment which identifies the need to manage drainage effectively on site to ensure no issues of pluvial (rainfall) flooding. The existing site has low levels of permeability for surface water and the proposed scheme would seek to redress this issue with the detailed design of water attenuation. Officers consider that the proposed development satisfies guidance in NPPF and policy CS13 of the Core Strategy.

CONCLUSIONS:

The regeneration of the Local Centre is much needed and is a direct response to issues raised by the local community. The proposed scheme will continue to support the well used community and youth facilities, within extended accommodation. The relocation of the shops will assist in creating a sense of place and overcome issues with the enclosure of the existing centre. The scale of the proposed buildings are appropriate to the context and will ensure

that the new scheme will not adversely impact on existing residents in terms of amenity.

The replacement bungalows address a housing need within Brookside and this is sufficient to off set the overall loss of accommodation. The rationalisation of parking arrangements, will create spaces adjacent to the school where there is current demand, whilst continuing to provide sufficient spaces for all the proposed uses.

Trees which are of visual and amenity importance are to be retained and enhanced with the incorporation of these features into a community square and garden to enhance the public realm within the local centre.

Overall the scheme will improve the quality of housing provision, address local needs and support the focus of the local centre as an accessible service for a community to meet daily needs and create a vibrant, safe and attractive place that is responsive t the local area.

RECOMMENDATION: Grant outline planning consent subject to the following conditions:

1. Time Limit Outline
2. Time Limit submission of reserved matters
3. Standard outline some matters reserved
4. Highways Access Detail
5. Road Design
6. Parking/Turning/Loading for servicing
7. Parking Detail
8. Site Environmental Management Plan
9. Asbestos survey
10. Works undertaken in accordance with recommendations of FRA
11. Prior to occupation of A5 unit details of extraction equipment
12. Soil level alterations
13. Mitigation planting for tree loss
14. Service installations and runs in relation to trees.
15. Protective fencing plans to be submitted and agreed to BS 5837 of 2012.
16. Secured by design
17. Soil Gas measures design to be agreed unless otherwise justified

Informatives

Conditions

Planning Policies

Reasons for Approval:

The regeneration of the Local Centre is much needed and is a direct response to issues raised by the local community. The proposed scheme will continue to support the well used community and youth facilities, within extended accommodation. The relocation of the shops will assist in creating a sense of place and overcome issues with the enclosure of the existing centre. The scale of the proposed buildings are appropriate to the context and will ensure that the new scheme will not adversely impact on existing residents in terms of amenity.

The replacement bungalows address a housing need within Brookside and this is sufficient to off set the overall loss of accommodation. The rationalisation of parking arrangements, will create spaces adjacent to the school where there is current demand, whilst continuing to provide sufficient spaces for all the proposed uses.

Trees which are of visual and amenity importance are to be retained and enhanced with the incorporation of these features into a community square and garden to enhance the public realm within the local centre.

Overall the scheme will improve the quality of housing provision, address local needs and support the focus of the local centre as an accessible service for a community to meet daily needs and create a vibrant, safe and attractive place that is responsive to the local area

TWC/2012/0794

The Rose & Crown PH, Stirchley, Telford, Shropshire, TF3 1DY
Change of use of part of car park to hand car wash facility

APPLICANT

Mr Martin Brooks

RECEIVED

21/09/2012

PARISH

Stirchley and Brookside

WARD

The Nedge

OBJECTIONS RECEIVED: NO

MAIN ISSUES: Impact on residential amenity

THE PROPOSAL:

This is a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at 'The Rose & Crown' public house off Stirchley Road in Stirchley. It is proposed that two employees will operate this business, seven days a week.

A previous application was heard at Plans Board on 16th May 2012 for the same proposed scheme. Members awarded delegated authority to Head of Planning to Grant but the application was later withdrawn.

SITE AND SURROUNDINGS:

'The Rose & Crown' public house is situated within the urban area of Telford, in one of its original villages known as Stirchley. The public house has two separate access points, both directly off Stirchley Road. The first access leads to a small car park which is situated on the west side of the building and has approximately 8 car parking spaces whilst the larger main car park sits to the east of the public house with roughly 40 parking spaces.

The building itself is a two storey premise, constructed around the mid 1800s and has over the years seen various extensions and alterations. The property sits in its own extensive curtilage. To the north of the site is vacant land, to the west a wooded area, to the south Stirchley Road and to the east is the domestic cartilage belonging to No.1 Grange Farm View.

The site has boundary treatments which comprise 2m high close board timber fencing along the northern and eastern boundaries.

PLANNING HISTORY:

TWC/2012/0203 - Change of use from car park to car wash facility

This application went to Plans Board on 16th May 2012 and members awarded delegated authority to Head of Planning to Grant but was later withdrawn.

PLANNING POLICY CONTEXT:

Saved Wrekin Local Plan Policies
Policy UD2 – Design Criteria

LDF Core Strategy
Policy CS2 – Jobs

National Planning Policy Framework

CONSULTATION RESPONSES:

Stirchley & Brookside Parish Council: Support subject to conditions:

Stirchley and Brookside Parish Council wish to support this application subject to the following conditions:

- That drainage is dealt with correctly.
- That TWC take action to resolve parking issues on Northwood Terrace.

Drainage: Support subject to conditions

Any runoff produced by vehicle washing and cleaning activities should be classed as trade effluent. For this reason it should be disposed of to a foul water drainage system. If this is not available the effluent should either be stored in a sealed system for off-site removal as a liquid waste, or a new private foul system constructed to convey the waste to an existing foul outfall. Details on how this will be achieved should be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the opening of this facility. Reason: To reduce the possibility of pollution of the surface water environment.

Highways: No Objection

Severn Trent Water: Comment

As the site is to be used as a Car Wash, we would strongly recommend the applicant speaks to the Trade Effluent Support Desk before requesting a discharge of the drainage related condition (Tel: 01332 683369). I can confirm we have no objections to the proposals subject to the inclusion of the following condition. 'The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution.'

It was established during the previous application that there was no requirement to consult the Environment Agency and therefore the E.A has not been consulted for this application.

A site notice and 20 direct neighbour letters have publicised this application.

A single letter of objection has been received from No.7 Stirchley Village:

- Potential for contaminated run off entering a storm drain and nearby water course or the pool in Grange Farm View
- Noise from vehicles leaving and entering the site
- Noise from associated car washing equipment
- Potential for water running on to Stirchley Road and freezing during Winter months causing a danger to motorists
- Customers to the Public House should use this car park and not the smaller car park on Northwood Terrace as this causes obstruction for the residents on Northwood Terrace
- This type of operation is out of character and more suited to an industrial estate location

PLANNING CONSIDERATIONS:

This is a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at 'The Rose & Crown' public house off Stirchley Road in Stirchley. It is proposed that two employees will operate this business, seven days a week.

It is proposed that the car wash facility will operate from no more than five of the approximately 40 car parking spaces located to the rear of the public house. Three of these spaces will be along the northern boundary and will be used for the car washing and drying area and a further two spaces will be along the southern boundary which will be used as a customer waiting area. The business will require the use of a jet wash and a vacuum cleaner of a domestic nature. Both water and electricity supply will be direct from the public house.

The washing of the vehicles will take place immediately adjacent to the rear of the public house which is approximately 30m away from the closest neighbouring property, No.1 Grange Farm View and officers therefore consider that over this distance any increase in the level noise will not be significantly detrimental to the amenities of nearby neighbours. Furthermore, the existing 2m high close boarded fencing which sits along the boundary between the public house car park and the adjacent residential property (No. 1 Grange Farm View) will help to obscure any views that may be deemed detrimental to the amenity of this dwelling.

The applicants propose to tarmac the ground from which they will be operating, which is currently uneven concrete and at the same time a small gully will be created leading directly to the existing sewer. The car park slopes slightly from west to east which will help encourage the water to the drain. All drains exist within the curtilage of the public house and it is proposed to provide a grease and sediment trap to allow any waste water to be discharged to the foul sewer. A condition will be applied to the decision notice to ensure that this is installed prior to commencement of this facility.

The proposed hours of operation will be 9am – 6pm Mondays to Saturdays and 10am – 4pm on Sundays and Bank Holidays. Officers consider that these hours are not excessive, especially when considering the nature of the public house business on site and the general comings and goings to the pub car park that could continue irrespective of this application. There will be a restriction to the potential size of this business as only two employees are proposed. Officers are informed that a maximum of 15 - 20 cars will be cleaned on a day-to-day basis and are therefore satisfied that there will be no significant detrimental impact on nearby residential amenities, given the business will be operating from a distance of approximately 30m to the nearest residential property.

The allocated spaces for the proposed car wash facility have been chosen as to not restrict visibility from existing entrance points. The proposed location means that the business will not have an impact on existing highway safety. Despite the loss of 5 car parking spaces, officers consider that there will be ample car parking space remaining for the use of customers to the public house. Officers consider it appropriate to restrict the car wash facility to only five car parking spaces, as shown on the plans, in order to control any intensification or expansion on to more of the pub car park. In addition officers consider it appropriate to grant a temporary 2 year permission in order to fully assess the impact the proposal will have on the operation and function of the pub car park and residential amenity.

For the above reasons, it is considered that the application is acceptable for an initial temporary period of 2 years. Due to the relatively small nature of the proposed business and given its location, there will be no significant detrimental impact on nearby residential dwellings. The proposed drainage and sediment trap will ensure that there is no adverse environmental impact and its location will not have a detrimental impact on existing highway safety. Furthermore, the business will provide employment opportunity, albeit minor, which is supported under Policy CS2 of the Core Strategy.

RECOMMENDATION: GRANT TEMPORARY PLANNING PERMISSION FOR TWO YEARS subject to the following conditions:

Conditions

A07	Time Limit – Temporary, Uses of Land
C38	Development in accordance with plan Nos.
B33	Foul & Surface water
D11	The hours of operation shall be restricted to Mon – Sat 9am – 6pm and Sun & Bank Holidays 10am – 4pm
Drainage	The drainage sediment trap will be installed prior to the business commencing and will remain in place and will be emptied on a daily basis and disposed of to a suitably licensed waste facility.
Operation	Operations to be kept within the designated area as shown on the submitted plans

Informatives

I40	Conditions
I41	Reasons for Grant of Permission

REASON FOR APPROVAL:

Due to the relatively small nature of the proposed business and given its location, it is unlikely there will be a significant detrimental impact on nearby residential dwellings. The proposed drainage and sediment trap will ensure that there is no adverse environmental impact and its location will not have a detrimental impact on existing highway safety. Furthermore, the business will provide employment opportunity, albeit minor, which is supported under Policy CS2 of the Core Strategy.

TWC/2012/0828
Public Open Space, Freeston Avenue, St Georges, Telford, Shropshire, TF2
9EQ
Refurbishment of a children's ball court

APPLICANT

Telford and Wrekin Council

RECEIVED

12/10/2012

PARISH

St. Georges and Priorslee

WARD

St. Georges

OBJECTIONS RECEIVED: NO

MAIN ISSUES: Character and appearance of the area, social inclusion, safety and residential amenity.

PROPOSAL:

The proposal is for the refurbishment of the existing children's ball court in Freestone Avenue. The hours of usage are advertised as 7:30a.m to 9:30p.m and the application also includes a sign which advises that dogs, motorbikes, bullying, loud music and alcohol is not allowed in the facility, and younger children have priority, and litter should be taken home.

The layout of the refurbished ball court has been designed by the user group to accommodate 2 types of user (football and basketball). This replicates the existing layout and does not alter the land form in any way. The location is orientated to ensure that safety is maximised by preventing glare to users and also to ensure the safety of users, and the prevention of increased risk to others and other facilities. There is only one 3m wide goal end so that games are focussed in this end of the court and not encouraged towards the highway and nearby power lines and bus stop. The refurbished facility will be the same size as the existing facility it is replacing with the exception of the goal end which will extend 1.2m into the open space. The project will incorporate improved footpath surfacing to improve access to this area. Access to the facility will be required to meet DDA legislation to ensure inclusive access to this free to use public facility.

The site area measures 20x14m and the proposed fencing comprises 3m high green painted gridweld mesh fencing with a 0.5m canted top (to prevent balls from escaping) supported by brown painted posts. It will replace the existing 3m high rusty and damaged weldmesh fencing.

SITE AND SURROUNDINGS:

The site is Public Open Space which currently contains the existing ball court, a children's equipped play area, amenity grass, a seating area and informal footpaths.

The site has been a children's play area and ball court (public open space including amenity grass / informal footpaths) in excess of 25 years for the benefit of the local community. Recently the children's equipped play area on

the site was upgraded in partnership with St Georges & Priorslee Parish Council as it was no longer fit for purpose and was vandalised. The Ball Court is also old and tired and has also suffered from vandalism.

Housing bounds the sides of the open space and close on the north eastern side across an access road. The south west of the site is bounded by a wall which separates the open space from Priorslee Road. There is a bus stop immediately adjacent the wall in close proximity to the ball court. There are overhead power lines along the line of the wall. Usage levels are unknown but are currently estimated to be low.

PLANNING POLICY CONTEXT

National guidance:
NPPF2012

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,
OL6 Open Land.

CONSULTATION RESPONSES

A site notice and 25 direct neighbour letters publicised the application. No representations have been received from

St Georges and Priorslee Parish Council recommend approval.

HISTORY

W97/0422 Construction of a fence above existing brick wall - Full Granted - 11/08/1997

Prior to the submission of the application consultation was carried out by officers from the Council's Parks & Open Spaces section which involved the Police, CSO's, St Georges & Priorslee Parish Council, Ward Councillors and children and young people, who all provided input in respect of the design of the facilities and their location.

The Parish Council has expressed an interest in managing the play area and ball court and it is the intention to transfer responsibility for management for the ball court and play area upon the completion of the ball court, although they are not funding of the facility.

PLANNING CONSIDERATIONS:

The layout and design of the refurbished ball court facilities has been chosen by local children and young people within consultation exercises carried out by the Parish Council and within a set remit given by TWC Parks & Open Spaces with regard to safety, maintenance and security using the Fields In Trust (FIT) design guide. The detailed location of facilities on the site has been determined by the size of the proposed direct replacement facility (within the same template) and its connection to the existing uses. The nearest existing housing is under the recommended guideline distance suggested by FIT to residential property from the proposed location, however the existing facility has been in existence for over 25 years before the guidance was produced and the design is an improvement on the existing. The proposed sign states the usage times as being 7:30am-9:30p.m however the facility won't be locked so times are only advisory and no time conditions can realistically be imposed. The safety signage is a requirement of the insurance policy to reduce liability, and the inclusion of times on this is to assist the Police / CSO's to move on anyone should this be necessary.

Therefore, although usage is expected to increase it is considered that there will be no significant adverse impact upon the residential amenity of the neighbouring dwellings, and thus is compliant with policy UD2 of the WLP which provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context.

The location is overlooked by some properties providing some security of usage by way of natural surveillance which is supported by the Police, and the design of the proposal will reflect the close proximity of residents and aim to improve ball retention within the confines of the court area. Accordingly the proposal is compliant with policy CS15 of the Core Strategy Policy CS15 which *inter alia*, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

The proposed recreational use is not changing but the fencing on the current template will be upgraded and improved including disabled access. It is intended to be used predominately by local children and young people (aged between 3 & 16) for football, basketball, and socialising. The proposed enhanced recreational venue could also provide opportunities for occasional small localised events to promote healthy activities. The location for the existing ball court to serve this area is supported by Telford and Wrekin councils adopted Play Strategy which highlights St Georges as a high priority

Accordingly the proposal is deemed compliant with policy LR4 which seeks to achieve National Playing Fields Association minimum targets for outdoor recreational open space including both formal playing pitches and children's play areas, policy OL6 which states that the Council will protect open land that has a value as recreational importance, policy CS9 which 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 which asserts that new community facilities or improvements to existing community facilities to meet the needs of local

residents will be supported, and policy CS11 seeks to protect and enhance areas of formal and informal open space.

All the above local policies reflect national guidance contained in NPPF, which acknowledges that access to high quality open spaces and opportunities for sport and recreation provision can make an important contribution to the health and well-being of communities.

CONCLUSION

This facility is proposed to serve the local St Georges area. There are no other ball courts serving this immediate local community. The site is accessible by the local community from their homes without the need for public transport, and thus is considered sustainable. The proposed access routes utilise the existing pedestrian access. The anticipated usage of the refurbished area is likely to increase due to the enhanced facilities resulting in the feeling of security of the open space, through this increased usage, and the existing natural surveillance from the neighbouring dwellings. The facilities will improve the outdoor sports and play spaces for local children and young people in the area and will have a positive impact upon the character and appearance of the area, and there will be no significant adverse impact on residential amenity given that it is an existing recreational facility. Accordingly, it is considered that the refurbishment of the existing facilities for local children and young people in this part of St Georges should be supported as the proposed development accords with both local and national policy stated above, and is therefore recommended for approval with conditions.

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

1. A04 – Time limit – Full commence in 3 years
2. C38 - Compliance with approved plans.
3. C02 – Material as identified in application form
4. I40 - Informative - Conditions.
5. I41 - Informative - Reasons for the grant of planning permission.
6. Icustom – reason.

REASON FOR APPROVAL:

This facility is proposed to serve the local St Georges area. There are no other ball courts serving this immediate local community. The site is accessible by the local community from their homes without the need for public transport, and thus the development is considered sustainable. The proposed access routes utilise the existing pedestrian access and provides disabled access. The anticipated usage of the refurbished area is likely to increase due to the enhanced facilities resulting in the feeling of increased security of the open space, through this increased usage, and the existing natural surveillance. The facilities will improve the outdoor sports and play spaces for local children and young people in the area and will have a positive impact upon the character and appearance of the area, and there will be no significant adverse impact on residential amenity given the fact that it is an existing recreational facility.

TWC/2012/0850

Telford Town Park Visitor Centre, Telford Town Park, Hinkshay Road,
Dawley, Telford, Shropshire, TF3 4EP

Installation of a children's water play area and associated plant room

APPLICANT

Telford & Wrekin Council

RECEIVED

22/10/2012

PARISH

Great Dawley

WARD

Malinslee

OBJECTIONS RECEIVED: NO

MAIN ISSUES: Principle of development and the Green Network, impact on character and appearance on area, and ecology.

PROPOSAL:

Proposal is for new water play equipment in association with the new visitor centre in Telford Town Park. This is the second landscaping phase and provision of play equipment in the vicinity of the new visitor centre. This is a replacement facility for the toddler sand play area adjacent to the former spout farm house, which was redeveloped as part of the wider Southwater scheme. The proposal also includes the erection of a plant room to service the water play facility.

SITE AND SURROUNDINGS:

The application site is within the Telford Town Park, which is 170 hectares of park land with a mix of woodland, grass land, water bodies, gardens and play facilities.

The site is adjacent the newly erected Visitors' Centre and existing chapel building. Spout Pool is located to the east and existing play facilities are situated to the north and west. The visitor centre is to the south.

The Silkin Way as a formal right of way is adjacent to the site, and there are a number of other foot and cycle ways through the park. There is car parking provision to the south off Dark Lane, and to the north in the Town Centre and adjacent to Telford International Centre.

The area is undergoing works currently to install sand play and landscaping as proposed first phase of public realm in association with the visitors centre.

PLANNING HISTORY:

TWC/2010/00349 - Proposed single storey visitor centre (Use Class Sui Generis) – Approved 26th August 2010.

TWC/2011/0016 - Proposed single storey visitor centre (Use Class Sui Generis) – Approved 17th February 2011

TWC/2012/0471 - Enhancement landscaping works, installation of new play equipment and installation of new lighting around the Telford Town Park Visitor Centre – Approved 13th July 2012

PLANNING POLICY:

National Planning Policy
National Planning Policy Framework (NPPF)

Core Strategy
CS4 Central Telford
CS10 Community Facility
CS11 Open Space
CS15 Urban Design

LDF Central Telford Area Action Plan (CTAAP)
CT6a Leisure, Culture and Tourism
CT17 Public realm
CT21 Protection of Green Spaces

Wrekin Local Plan
OL3 Green network
OL4 Development in the green network
OL5 Extensions and redevelopment in the green network
OL6 Open Land
UD2 Design Criteria
LR1 Provision of community facilities

CONSULTATION REPONSES:

Great Dawley Parish Council: No comment

Drainage: No development shall take place until a scheme of surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to commencement. Reason: To ensure satisfactory drainage of the site and to avoid flooding.

Geotechs: Apply standard informative: I20 and I17 and written informative: The developers need to take into nature the adequacy of the ground conditions to support the structure

Ecology: Comments awaited

Parks and Open Space: Support - This is a welcome addition to the range of free children's play opportunities available to the local community.

KEY ISSUES AND PLANNING CONSIDERATIONS:

Green Network and Principle of Development

The green network is an interlinked system of green spaces, which are afforded significant protection under the local plan and provide informal and formal recreational facilities along with ecological and visual impact benefits. Saved policies OL3, OL4 and OL5 of the Wrekin Local Plan and Policy CT21 of CTAAP protect the land from development which is not predominantly open or is not for a community or ecological benefit. The proposal is a facility for community benefit, and will support the high quality public realm to the new visitor centre to enhance the role of the Town Park, as valuable sports, recreation, open space, ecology and leisure asset, and will offer a complementary services to the function of the green network in this location and is therefore consider to accord with 'saved' policies OL3 OL4 and OL5 of the Wrekin Local Plan, and policies CT6a and CT21 of the CTAAP.

Impact on character and appearance of area

The proposed development is linked to the Town Centre regeneration scheme 'Southwater' and improvements with the Town Park. To manage the changes in facilities, the applicants have undertaken a master plan which follows a vision 'To enhance and sustain the primary routes between Telford Town Park and Southwater providing opportunities for relaxation, inspiration, exploration and adventure; incorporating sustainable landscape principles that reflect the natural, green, species rich environment of the Park and the exemplar architecture and high quality public realm landscaping of Southwater.

This proposal forms part of this master plan by creating a landscaped environment around the new visitor centre and links to existing park features and the new Southwater development to the north. The proposal will create a safe and accessible environment, with high quality public space and encourage active and continual use of this public area in accordance with guidance in NPPF.

It should be noted that the amount and quality of play provision within Telford Town Park was reduced with the loss of equipment to facilitate the Southwater development. This new facility will include specific pieces that are fully inclusive and accessible for all children. This is also a new type of play experience and supports the overall vision for the Town Park. Officers therefore consider that the proposal complies with policy CS9 in promoting accessibility and social inclusion and CS10 for new community facilities.

Officers consider that the siting of the proposed equipped play is appropriate and helps promote accessibility and social inclusion in accordance with policy CS9. Furthermore, it enhances the community facilities within the Town Park in accordance with policy CS10 of the core strategy. In addition the design is appropriate and makes a positive contribution to the open space, and is therefore in accordance with policy UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

The play equipment is supported by the need for a plant room; this is located adjacent to visitor centre and is to be clad in timber to match the appearance of the existing visitor centre. Whilst the design is utilitarian to be robust in this remote location, the timber cladding that matches the visitor centre will enhance the appearance, give cohesion and reflect the site context. Accordingly, the proposed plant room is considered by officers to comply with policy UD2 of the Wrekin Local Plan and CS15 of the core strategy.

Ecology

The applicants have a 10 year flora and fauna managements plan for the park, which incorporates recommendations for a programme of works relating to habitat creation, management and protection, along with training, education and monitoring. This plan has been in implementation for one year and new habitats have been created and other habitats enhanced in this period.

Officers consider that this site wide level of management and works is effective to mitigate any potential impacts on ecology arising from this development and ensure linkages to habitats are retained and it is considered to comply with policy CT19 of CTAAP and guidance in NPPF in terms of biodiversity and ecology, as it exploits opportunities to incorporate biodiversity in and around the development.

Conclusion:

The proposal seeks to improve the quality of the public realm in the vicinity of the new Visitor Centre. The design of the play equipment is good and will positively enhanced the existing area creating a high quality environment, which will be functional, helps to create a sense of place and responds to the local character, whilst creating a safe and accessible environment which is integral to other buildings and functions of the park in this vicinity. Furthermore, the proposal seeks to contribute and enhance the wider natural environment and minimising impacts on biodiversity. The development is considered to accord with guidance in NPPF and policies in the Core Strategy and Wrekin Local Plan.

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

1. Time Limit
2. Details of Materials
3. Drainage details
4. Development in accordance with deposited plans

Informatives:

- I17 - Minerals Area
- I20 – Contaminated Land
- Custom - The developers need to take into nature the adequacy of the ground conditions to support the structure

- I40 – Conditions
- I41 – Reasons for Grant of Planning Permission

Reason for Approval

The proposal seeks to improve the quality of the public realm in the vicinity of the new Visitor centre. The design of the individual elements and collectively is good and will positively enhanced the area creating a high quality environment, which will be functional, helps to create a sense of place and responds to the local character, whilst creating a safe and accessible environment. Furthermore, the proposal seeks to contribute and enhance the wider natural environment and minimising impacts on biodiversity.

