

TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE

2nd July 2014

Schedule 1 - Planning applications for determination by Planning Committee
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TWC/2013/0887

Former Focus DIY Ltd, Audley Avenue, Newport, Shropshire, TF10 7DW
Demolition of former DIY store and erection of a foodstore (Use Class A1) and
associated car parking, servicing and landscaping *****AMENDED LOCATION
PLAN*****

APPLICANT

Aldi Stores Limited

RECEIVED

23/04/2014

PARISH

Chetwynd Aston and Woodcote,
Newport

WARD

Church Aston and Lilleshall, Newport
South

OFFICER

Gareth Thomas

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Retail Need, Impact on Town Centre, Sequential Assessment,
Impact on Highway Network, Sustainability

PROPOSAL:

This application is for full planning permission for the demolition of the existing Focus DIY store and its redevelopment with a new building to provide a foodstore (Class A1) comprising 1,745 sq m GEA, 1,687 sq m GIA and 1,254 sq m net sales area together with associate car parking, servicing and landscaping. highway improvements. Aldi is the named food retailer behind the application.

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

A total of 110 car parking spaces are proposed including six disabled spaces and nine parent-child spaces. Cycle facilities are included but only in the form of cycle hoops outside the main entrance canopy.

Improvements to the existing access onto the roundabout on Audley Avenue is proposed; however, the scheme will benefit from highway improvements provided by others (provided they go ahead) including the upgrading of two existing priority junctions to roundabout junctions that would serve the adjoining larger foodstore that has permission but which is subject to legal challenge. The applicants talk about improvements to bus services but again, this is probably dependent on the adjoining proposed retail food store going ahead. That proposal provided a substantial

financial contribution towards subsidising the provision of a new bus service. To facilitate this, it was also proposed to improve the existing one-way bus gate at Audley Avenue to allow two-way movement of buses only. Whilst a further contribution may be offered by Aldi towards further enhancement, in reality, this would probably mean seeking a financial contribution to extend the period for “testing” out the new bus service.

The existing Focus building is located in an out-of-centre location but constitutes a brownfield land opportunity. The eastern boundary’s existing tree line will remain to provide a natural screen to the main junction between the A518 and the A41.

The Council as Local Planning Authority has sought advice from WYG consultants to comment on this application as well as a competing application for the proposed 1,901 sq m (gross) Lidl food store at the Mere Park Garden Centre off Stafford Road and which is also on the agenda. WYG’s report has been published online and has informed officers when determining this application.

The WYG Report generated counter representations particularly from retail operators; these are included in the report under the section on consultation responses and given further consideration under the final section of the report on Planning Considerations. Following the receipt of those counter-representations, it was felt that the Council should seek further support from WYG and the further consultant advice is included. The WYG Report and further response report are appended to this committee report.

SITE AND SURROUNDINGS:

The site is a brownfield site located on the eastern edge of Newport within the built up area as defined in the Wrekin Local Plan Proposals Map. The site lies approximately 1.3 km south east of Newport town centre and approximately 0.5 km from the roundabout junction of the A518/A41. The site is located within a largely employment and commercial area of town; it adjoins the site of the proposed large foodstore allowed on appeal in 2012, which has yet to commence.

The existing Focus DIY buildings currently occupy the site. All existing buildings will be demolished to facilitate the development proposals. It can be treated as a brownfield site.

PLANNING HISTORY:

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

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

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

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

The site lies adjacent to the site that gained planning permission following an appeal against non-determination (TWC/2011/0632) – Land at Audley Avenue for a 5,084 sq m (gross) supermarket – appeal allowed August 2012. This appeal was subject to an unsuccessful Court of Appeal challenge; the original appeal decision stands.

Of some relevance is also the application at Station Road (TWC/2011/0916) for the erection of a 8,100sqm superstore currently the subject of call-in by the Secretary of State. An inquiry was held in January-February 2013 but the Inspector died before he made his decision and as a result the Planning Inspectorate has ruled that the Inquiry is to be heard again in its entirety.

TWC/2013/0959 – Full application for the construction of a new foodstore (discounter) with associated parking and landscaping on land fronting the A41 Bypass, at Mere Park Garden Centre off Stafford Road, Newport. This application remains undetermined.

Members will be aware that a similar discount food retail store application (W2009/1023) at Mere Park was the subject of an appeal. That store was 1,556sqm gross with a net retail, i.e. trading floorspace of 1,286sqm, and therefore slightly smaller than the current proposed application store at Mere Park (proposed store is 1,901sqm gross with 1,286sqm trading floor space). The applicant appealed against non-determination of the application and at its Plans Board on 2 June 2010 the Council resolved that if it had been able to determine the application it would have refused the application for the following reasons:-

1. The proposed development would have a significant adverse impact on Newport Town Centre and threaten its role as a market town and undermine its

position in the retail hierarchy of the Borough and hence is contrary to PPS4, Regional Spatial Strategy policy RR3, Core Strategy policies CS6 and CS8 and Wrekin Local Plan policy S1.

2. The proposed development is capable of being accommodated on a sequentially preferable site and hence the proposal is contrary to PPS4.
3. Notwithstanding the bus service close to the site, the location performs poorly (particularly compared with the town centre) in terms of access by a choice of means of transport. The proposed location is not reasonably accessible for food retailing, where good access for those without a car is key and where social exclusion issues are to be avoided. The proposed development is therefore contrary to PPS4, Regional Spatial Strategy policy RR3 and Core Strategy policies CS7 and CS9.
4. The proposed development would not meet needs limited to the Rural Area and where development is strictly controlled. It would therefore be contrary to Core Strategy Policy CS7
5. There are insufficient material considerations in favour of the proposal to overcome the identified significant adverse impacts and breaches of development plan policy.

The application was determined at appeal by Public Inquiry and the appeal was dismissed on 22 September 2010 (Appeal ref: APP/C3240/A/10/2125557). The Inspector considered there was a sequentially preferable site at Water Lane that could accommodate the development despite land being in multiple ownerships. He also considered that the location of the Mere Park site out of the town centre was difficult for pedestrians and cyclists to get to, and despite the 481 Arriva bus service stopping outside Mere Park on the A518, the Inspector considered that customers would still then need to walk across the Mere Park complex to the store itself and that this would be an ordeal for some. These factors combined to engender social exclusion which the Inspector considered to be contrary to policy.

As Members will note from the reading of the application at Mere Park that is also on this agenda for consideration (TWC/2013/0959), the 2010 appeal decision is a material planning consideration to that application; arguably, it is also material to this application also. Furthermore, there have been several issues that have arisen over the last two/three years, which has impacted on the retail scene at Newport and are summarized as follows, and picked up later under planning considerations:

- a) change to national policy with the publication of the NPPF in March 2012 and cancellation of PPS4; and in March 2014 the publication of national Planning Practice Guidance (PPG) and the cancellation of the "Planning for Town Centre: practice guidance on need, impact and the sequential approach"

which was a companion guide to PPS4. As a result impact tests for retail developments have changed.

- b) The present availability of sequentially preferable sites at Water Lane and the former concrete batching plant;
- c) The clarification following a High Court decision to allow a Certificate of Lawfulness in respect of an open A1 retail use within the existing Garden Centre at Mere Park, including the sale of food items, without the need for planning permission;
- d) The potential increase in population in Newport with the grant of planning permission for several large scale housing schemes.
- e) The recent appeal and High Court judgements including at Station Road, Audley Avenue
- f) Application at mere Park Garden Centre for a “discount” store –
TWC/2013/0959

PLANNING POLICY CONTEXT:

National Planning Policy:

National Planning Policy Framework

Planning Policy Guidance (published March 2014)

This guidance cancels the previous “Planning for Town Centre: Practice guidance on need, impact and the sequential approach.”

Local Planning and Policy Guidance:

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

No saved policies are specifically relevant to this site.

Saved Wrekin Local Plan Policies

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 and Core Strategy Policy CS6 and national policy (Planning Policy Statement 4) need to be considered alongside policy S1.

Policy S9 Retailing from Employment Areas

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

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

Local Development Framework Core Strategy (adopted Dec 2007) (CS)

Policy CS2 Jobs

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

Policy CS6 Newport

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

Policy CS8 Regeneration

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

Policy CS9 Accessibility and social inclusion

Locate development in centres. Promote sustainable forms of travel.

CONSULTATION RESPONSES:

Environment Agency: No objection

Sustainability (TWC) – There are several commendable elements to this proposal from a sustainability viewpoint. The development should be completed using BREEAM:

- BREEAM assessments for the scheme should be undertaken at the design stage and also at post-construction review.
- The development should be required to meet BREEAM 'Very Good'. Please note that BREEAM is updated regularly. The developer should refer to the latest version or the prevailing sustainable standards - whichever is the higher at the time of submission of reserved matters.
- Developers and designers should involve a BREEAM assessor as early as possible in the design process, to ensure the rating is achieved in a cost effective manner.

Drainage Engineer (TWC) – No objections subject to conditions.

Chetwynd Aston & Woodcote Parish Council - supports this application. Councillors feel that it is an excellent use of an unused brown field site.

Newport Town Council - are supportive of this development which is utilising an existing vacant brownfield site. They are appreciative of the minor design and architectural construction detail away from the normal business model of buildings used by the operator, especially as the building is on the periphery of the town, they would want the character of structures in this area to reflect the wealth of design and the conservation area of the town beyond. Concerns were raised for less able bodied and non-car user to the site as it is not on any public transport route. With regard to any community contribution (S106) members requested that consideration be given to providing some form of directional signage and information boards or such like to encourage and guide visitors to the historical and charming centre of Newport.

Ecologist (TWC) – No objection. An Ecological Assessment was carried out on this site in October 2013. There are some ornamental and ruderal species present on the site, including butterfly-bush (*Buddleja davidii*) which is a valuable plant for butterflies and which should be retained, where possible.

Hedgerows form the southern and eastern boundaries of the site. Both are species-poor and neither are 'Important' under the Hedgerows Regulations 1997 but they are Priority HAP (Habitat Action Plan) habitats. An 8m-long section of the southern hedgerow will be removed to provide access. The report says that this section of hedgerow 'is already relatively thin and will not provide significant shelter for use by nesting birds or be favourable for use by foraging bats'. Nevertheless, '...the client proposes to plant a 54 metre section of native species-rich hedgerow as compensation for this loss. The proposed new hedgerow will be present at the northern boundary of the site and link to the existing hedgerow at the eastern boundary of the site. It is considered that this will, overall, enhance the habitats within the site, as the proposals will result in a greater area of native-species rich hedgerow within the site. Recommendations are presented at Section 5.1 and 5.3 [of the report] regarding the planting of new hedgerow and the protection of the retained areas of hedgerow.'

The building is not suitable to support roosting bats and there are no trees on the site. 'The hedgerow along the southern and eastern boundary of the site is suitable for use by edge feeding species such as common pipistrelle. Habitats within the site are unfavourable for use by foraging bats, however, and the habitats surrounding the site do not support any areas of woodland or waterbodies which would provide favourable habitats for foraging or commuting bats.'

The hedgerows are suitable for nesting birds. Three common bird species were observed during the site visit. Removal of the building and vegetation should take

place outside the nesting season. The report recommends the erection of two house sparrow terraces on the new building.

Native species and species valuable for wildlife (e.g. nut-, seed-, berry- and blossom-producing species) should be included in the planting scheme.

The following informatives are recommended:

- Nesting birds
- Replacement and enhancement planting
- 'Bat friendly' lighting
- Bird boxes

Highways (TWC) – No Objection. The capacity assessment has been re-run. The Applicant believes that the development can be accommodated without adversely affecting the roundabout scheme proposed for the supermarket on the Classic Furniture site (TWC/2011/0632). Should that scheme not progress the Applicant has identified a need to improve the existing priority junction between the A518 and Audley Avenue which will involve localised widening around the bellmouth to allow left and right turning vehicle to queue in two lanes for a short distance along Audley Avenue. The indicative plan (drw.no.149-01/GA-02) indicates this. It also shows dualling of the A518 but the LHA would not do this to the extent shown without the roundabout.

The existing mini roundabout at the site access will also need to be adjusted for this development to control through traffic movements and to allow pedestrian connections to be made. Indicative layouts with and without the supermarket on the adjoining site have been submitted (drw.no.149-01/GA-03A and 149/01/GA-04A). I do not want the kerb line bulge that is shown so these will require further amendments to provide a suitable uniform kerb line to the circulating carriageway of the mini roundabout. The central island will need to be adjusted to dissuade vehicles from driving straight through the junction as this is a hazard. There is a requirement to continue the footway/cycleway connection alongside the east side of Audley Avenue and this will need to be shown. Whether a full link can be provided will depend on whether the adjoining development comes forward or not.

The layout has been changed slightly to improve the pedestrian routes off the site towards the north. They still show an opening on the A518 frontage for pedestrian/cycles but it will serve little purpose. The Applicant proposes a single bus stop be provided on the Audley Avenue frontage. This would work if a bus was operating on a one way loop down Audley Avenue. The Applicant has offered no

evidence to show how this would be timetabled or how this might work with the other developments around Newport. I do not believe this is practical solution. In the event that the supermarket proceeds on the adjacent site I would expect customers to utilise the bus terminus that has been secured on that site but I cannot see bus penetration down Audley Avenue just to reach this unit. I think it would be unreasonable to assume any public transport enhancements/subsidies secured by other developments will be able to accommodate the needs of this site. The Applicant also wishes to make a contribution to the Public Transport subsidy. They have offered £60k towards the administrative costs of setting up the new bus services proposed by the other development sites around Newport. It is not clear how this has been derived or to what purpose this could be put so I am unsure on how to respond to this particularly given my comments above. On balance, if viewed in isolation, you should assume that this site will not be served by public transport. Finally I understand the Applicant has acknowledged that this proposal will add to the additional traffic impact on the local highway network and that the cumulative impact of this with other developments will need to be mitigated. They have accepted the principle of contributing £94,230.14 towards various off-site highway works around Newport.

Recommend conditions (highways)

Planning Policy TWC - This is a site that currently comprises of a vacant DIY store at the edge of Newport's urban area (as defined on the Wrekin Local Plan proposals map). There are no specific designations affecting the site however there are a number of local planning policies that are directly relevant to the proposal; CS6, CS9 and CS15 of the Core Strategy and UD2, UD3, UD4, S1, S9, S25, T4 and T22 of the Wrekin Local Plan.

Core Strategy Policies: Policy CS6 relates to development in Newport. This states that development will support its role as a market town, directly benefit the town's economy and support the town's regeneration. It must also however be limited to that required to meet local needs (including the rural hinterland), increase accessibility to key services and facilities and respect and enhance the quality of the town's built and natural environments, including its townscape and impact on surrounding countryside.

The development of this site for a new supermarket would provide more jobs and economic activity in this area of Newport than the vacant site currently offers. The local need for convenience retail of this scale and in this location needs to be clearly understood and the design and layout needs to ensure that there is no detrimental impact on the surrounding urban and rural areas. Policy CS9 states that food store developments will promote sustainable forms of transport (i.e. public transport, cycling and walking), be located in existing centres to minimise the distance people travel, increase the safety of travel, and minimise the negative environmental

impacts of travel including congestion, air pollution and noise. The site is not located in a central location and there is no public transport service that serves the site. The primary users of the development will be road vehicle drivers and passengers.

Policy CS15 relates to urban design.

Wrekin Local Plan Policies:

Policies UD2 and UD3

Policy UD4 relates to landscape design and will be important to consider given the location of this proposal at the edge of Newport.

Policy S1 establishes a hierarchy of 'service centres' across the borough. This policy states that new retail development will only be permitted outside this hierarchy where the proposal conforms with other shopping and service centre policies within the plan. The proposal site lies approximately 1 kilometre away from Newport town centre, which is part of this service centre hierarchy.

Policy S9 relates to retailing development within existing employment areas. This is only permitted where the proposal is less than 300 square metres floorspace. The planning application form for this proposal identifies that the new development will be 1,687 square metres. However the existing site has a permitted comparison retail use and the proposed floorspace will present a reduction of 330 square metres of the existing use. The primary consideration here is how appropriate the redevelopment of the existing comparison to convenience floorspace would be.

Policy S25 states that new shops will be permitted where their size and scale can meet the needs of the community that they serve subject and where access, servicing and parking are sufficient. It will therefore be important to identify the need for convenience retail at this location in order to determine whether or not the development proposal would be in conformity with this policy. Comments should be sought from highways and transport officers in order to determine whether the access, servicing and parking arrangements of the proposal are sufficient.

Policy T4 states that retail development approved under policy S9 will also be permitted as an exception under this policy, i.e. that the development proposal must be located close to a public transport route with a regular service.

Policy T22 states that the transport needs generated by the development will be provided by transport improvement to be funded by the developer. Discussion with highways and transport colleagues will be needed in order to determine whether contributions will need to be sought for transport improvements.

Summary:

The current approved use of the development site is bulky goods comparison retail. The primary consideration for this proposal is whether or not the redevelopment of the site for convenience retail use is appropriate. There is proposed to be an overall reduction in retail floorspace brought about by the proposal however the local needs

for convenience floorspace should be identified in order to determine whether or not the principle and quantum of the redevelopment is appropriate. The applicant's assessment of the impact of the proposed development on Newport town centre and their assessment of sequentially preferable sites should be scrutinised for adequacy and robustness and accordance with paragraphs 24 to 27 of the National Planning Policy Framework. This will help to identify whether or not this is indeed the most appropriate location for convenience retail of this scale in Newport.

Third Party Representations

In support:

Over 500 letters of support have been received in relation to this application, many of which were prompted by Aldi themselves. Full details are available on the online file. The main thrust of the points raised in the letters is that there is a need in the town for such a retailer and that this site is well located, particularly now that the Audley Business Parks have obtained planning permission for a large retail store. In addition supporters mention that this site is preferable to a greenfield site given that it presently contains a retailing building, which is becoming an eyesore. Others point to the fact that shoppers have to travel to Donnington to shop at a discount store and this will help fuel costs. Others believe that Newport needs a discount store with cheaper prices to offset the high costs associated with the existing retail offer in the town and that it will help meet the needs of less mobile people. It will also help create jobs. Traffic congestion in the town centre will be relieved.

Objections:

Several letters of objection have been received. Full details of these can be viewed online but in summary include:

- a) NJL Consulting on behalf of Co-Operative Group.
- The applicant's assessment is deficient
 - The applicant's assessment of likely trade diversionary impacts and shopping patterns should be considered inaccurate
 - The Council have previously refused a planning application at the Mere Park Garden Centre site intended for occupation by Aldi
 - Nothing substantive has changed (local factors or planning policy) which would materially affect the appropriateness of this type of development at this location. If anything the presence of an permission at Audley Avenue for a foodstore further weakens such a case

Catchment area is unexplained; no information relating to population and per capita expenditure available within catchment; Aldi market share estimates are far too low; applicant's judgements on trade diversion flawed and contrary to Practice Guidance. Ultimately the existing town centre stores are the dominant facilities for food shopping within the Newport catchment, they each operate within the same sector as the proposed Aldi and are the closest facilities to the proposed Aldi store.

As a result of the proposed Morrisons, Aldi and petrol filling station, Audley Avenue is further strengthened as a stand-alone retail destination where customers will have a full offer of competing ranges of products which will directly compete with the existing providers within the town centre.

b) St Modwen's retail consultant Martin Robeson

- Failure against the sequential test – reminds the Council that it opposed development previously at Mere Park on grounds that a site was available in the town centre at Water Lane. Consistency of decision making is important.
- Harm to social inclusion objectives and therefore sustainable development objectives of NPPF are not met
- Erosion of planned investment elsewhere in Newport such that regeneration objectives are not met. Seriously underscores potential trade diversion from existing stores in the town – at the Mere Park appeal it was accepted that trade draw would amount to 7.7% but the applicants now suggest only 1.6% trade draw.

c) Further letter from St Modwen's retail consultant:

- Aldi's sequential assessment flawed – evidence suggests Water Lane is large enough to accommodate an Aldi store – indicative layouts prepared by St Modwen reveals that Aldi have reduced the actual size available to them and our scheme demonstrates that 109 parking spaces can be provided.
- No evidence put forward to suggest Water Lane is unavailable. A 5 year period is more appropriate test than 3.5 years to test the market. The Baptist Church is not required under our scheme.
- Aldi's proposals for bus stop provision does nothing to meet Policy CS9 on social inclusion.
- Aldi will draw trade from B&M Bargains, the store that meets the needs of the most vulnerable members of the local population.
- Aldi's section 106 package does nothing to regenerate the town.

d) Phil Jones Associates traffic consultant for St Modwen:

- The TA is flawed in suggesting that 2km is a reasonable walking distance. 300m for people carrying heavy shopping is the maximum. Nearest bus interchange is 1.5km from the site. Site is not accessible by bus.
- Only 1% of Newport's population live within 10 mins walk of the site. The site is not accessible by foot.

e) Local Resident – Objects on grounds of removing a much larger building – inefficient use of land.

f) Mango Planning (on behalf of Lidl):

- WYG report assumes only one store will be permitted – NPPF doesn't require the LPA to choose but to look at planning merits of each
- Neither store have said they wouldn't operate alongside each other if both permitted
- Retail impact is a consideration

- Wider considerations of accessibility is necessary – Mere Park is preferable and has better accessibility, particularly given public transport links with Mere Park. Mere Park is better in terms of travel by car.
- g) Indigo Planning (on behalf of Audley Business Parks)
- WYG have failed to properly take account of Morrison’s consent and the capacity estimates are incorrect
 - WYG have concluded that retail impact assessment is not required – but a previous appeal has concluded that a directly comparable development will result in reduction in range and quality of convenience offer in TC
 - Cumulative impact with Morrison will exacerbate impact
 - Sequential assessment is wrong – there will be a challenge if Audley Avenue is considered sequentially preferable to Mere Park
 - There will be a clear adverse impact on TC if an out of centre discounter is approved

PLANNING CONSIDERATIONS

Planning Policy

The National Planning Policy Framework (NPPF) was published in March 2012 and replaces previous government retail policy guidance in Planning Policy Statement 4: Planning for Sustainable Economic Development used in the previous Mere Park foodstore appeal in 2010. In addition, the previous “Planning for Town Centre: Practice guidance on need, impact and the sequential approach” has been cancelled by the recent publication of the national Planning Policy Guidance (which is the companion guide to the NPPF).

The NPPF is the most up to date national policy guidance that all development needs to be assessed against. Paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”. All applications “must be determined in accordance with the development plan unless material considerations indicate otherwise” (para 11), which is the NPPF, saved policies in the Wrekin Local Plan and the Core Strategy. The government seeks to promote economic growth, and in pursuing sustainable development has identified three mutually dependant dimensions of economic, social and environmental roles.

Para 23 of the NPPF seeks to encourage amongst other things, town centres as the heart of communities, a network and hierarchy of centres resilient to economic change, promote competitive town centres that provide customer choice and a diverse retail offer, and retain and enhance existing markets even if new ones are created.

The NPPF sets out two tests that should be applied when assessing town centre uses that are proposed out of centre - namely the sequential test and the impact test. The advice goes on to conclude at para 27 “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, it should be refused”.

At a local level both the Wrekin Local Plan and Core Strategy pre-date the NPPF and more recent national Planning Policy Guidance. The Wrekin Local Plan sets out a service hierarchy under its Policy S1. Telford Town Centre is a level 1 centre, where new retail developments are expected to be located. Newport, along with the District Centres of Oakengates, Wellington, Madeley, Dawley, Hadley and Donnington form the next hierarchy level of locations in which to focus retail development. Policy S12 relates to Newport town centre and the accompanying Proposals Map identifies the Primary Shopping Frontages in Newport and a “secondary zone” where greater flexibility of uses is allowed. The proposed site (as does the proposed Lidl) lies outside both the Primary Shopping Frontage area and Secondary Zone.

The Core Strategy policy CS6 seeks to ensure that development in Newport should support Newport in its role as a market town and enable it to fulfil its role as a rural service centre. The policy goes on to suggest that the town’s economy and its service and facility base will benefit from being bolstered and expanded and that the policy aim is to “achieve a sustainable economy”.

There are also longer term Core Strategy spatial development objectives that are to “support the role of Newport as a market town and to meet its local needs” and more generally to “create a sustainable pattern of development”; “improve social inclusion by improving accessibility of jobs, shopping..., while minimising the need for travel”.

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

Core Strategy Policy CS9 seeks to improve social inclusion and accessibility and expects development, amongst other things, to promote sustainable forms of transport by providing public transport, cycling and pedestrian routes and be located in existing centres to minimise the distance people travel.

The Core Strategy also contains longer term spatial development objectives that are to “support the role of Newport as a market town and to meet its local needs” and more generally to “create a sustainable pattern of development”; “improve social inclusion by improving accessibility of jobs, shopping... while minimising the need for travel”.

Retail Impact Assessment

With regards impact, para 26 advises LPA's: "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).

The recent NPPF Policy Practice Guidance on "Ensuring the vitality of town centres" gives decisive clarification on this matter as at para 016 it states "The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace, unless a different locally appropriate threshold is set by the local planning authority".

At present the Council does not have a locally set floorspace threshold, although this will be a consideration for the emerging Shaping Places Local Plan, hence the NPPF default threshold floor area of 2,500 sq m must be used. Only once a development exceeds the threshold does an impact assessment of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, need to be undertaken.

The proposed food store has a gross floor area of 1,745 sq m and net retail sales area of 1,254 sq m. As this falls below the default NPPF threshold of 2,500sqm there is no policy obligation on the LPA to require the applicant to undertake an impact assessment and consider the impact of other retail proposals in and around Newport and other nearby relevant towns. In addition, the Local Planning Authority's retail consultant draws attention to recent appeal decisions where Inspectors have ruled that impact assessments are not required where floor areas fall below the default NPPF threshold or any locally set thresholds.

Various representations from third parties, including those acting for other proposed retail developers in Newport (the Co-Op and the proposed supermarket at Station Road) have expressed concerns about the cumulative impact of retail developments on Newport town centre and other stores already trading there. WYG, the Council's retail consultants advise, and the Local Planning Authority agrees, that an impact assessment cannot be requested under the terms of the NPPF for the proposed retail store on Newport, alone or in combination as part of a cumulative impact assessment. Hence the only retail test against which to consider the application is the sequential test, and any other significant material considerations. Despite there being no need to consider impact, some consideration needs to be given as a response to representations from third parties on this issue.

The applicant however has submitted a trade diversion and cumulative impact assessment, along with the required sequential assessment. In so doing, the applicants believe it is clear (from consideration of a number of planning applications

and appeal inquiries over the last few years) that residents within Newport are travelling to stores outside of the town for main food shopping trips, predominantly to large format stores in Telford and Stafford. This equates to residents travelling between 9 km and 20 km to do their food shop. As shopping at discount stores is becoming increasingly fashionable, these trips will often be combined with visits on a linked-trip basis to discount operators such as Aldi or Lidl within those areas. As Members will appreciate there are currently two medium to large foodstore anchors within Newport (Waitrose and the Co-op) with the prospect of a large foodstore being built at Audley Avenue adjoining the Aldi store. From recent appeals for foodstores at Station Road and Audley Avenue, Newport is unable to provide the range of goods required by shoppers undertaking a main supermarket shop. The Council and others at recent appeals have successfully argued that leakage from Newport will continue to be a problem until there is an improved retail offer and range of suitable stores in Newport.

In terms of impact assessment, there are two tests within the NPPF, which are:

1. 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 proposals, and;
2. 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.

There are no specific proposals for Newport town centre that could be harmed by a further discount foodstore. Indeed this was clarified and confirmed at both the Audley Avenue appeal inquiry (with the Inspector accepting the evidence presented) and at the stalled Station Road inquiry (appeal still to be decided). The applicants argue that the Aldi proposal would positively benefit the town centre as it would encourage shoppers to stay in the town rather than shopping at centres well away from Newport. Representations received from St Modwen, the developer at Station Road whose application has been called-in point to the fact that the LPA has supported Station Road (and continue to do so) on the basis that it would contribute to the health of the town centre in terms of the wider benefits that would flow from such a development and as such would be contrary to the impacts test where retail developments should not be permitted to impact upon existing, committed or planned public and private investment in retail centres. This issue has not been tested through the inquiry process yet, but for now, there is a commitment at Audley Avenue that cannot be questioned. It is argued by the applicant that an Aldi store at Audley Avenue on a site adjoining a 'Big Four' operator would likely to be complementary to its larger neighbour and would certainly not inhibit this committed larger foodstore from being brought forward. This latter point is accepted.

The impact on town centre viability and vitality has been assessed by the applicant on the basis of a trade diversion assessment and by reviewing the qualitative need for the proposal and other benefits that could impact on Newport town centre. The store turnover has been estimated, which has increased for Aldi nationally over the last few years because of its increased popularity as a foodstore of choice. The estimated turnover at 2013 of the new store is £7.54m, rising to £7.71m in 2016 comprising £6.16m for convenience goods in 2013 rising to £6.18m in 2016 and £1.38m for comparison goods in 2013 rising to £1.53m in 2016. The applicant considers that the Co-op and Waitrose stores are edge of centre stores. The trading impact estimates arising from the proposed Aldi is -1.1% and -0.2% respectively, on the basis that the larger store at Audley Avenue allowed on appeal is expected to draw most trade from these stores in the first instance. The cumulative impact of the Aldi and Morrison's proposal is estimated to result in impacts of -10.1% and -16.9% respectively. The Inspector at the Audley Avenue appeal did not find the impacts on these two stores to be detrimental to the vitality and viability of Newport town centre.

In terms of trade diversion, the solus impact arising from the proposed Aldi appears to be modest, with the impact primarily being on the committed Audley Avenue foodstore when built and operational. This evidence has been seriously questioned by the Co-op and St Modwen's planning consultants in terms of the estimated trade diversion figures suggested by Aldi. There will always be debate over impact and retail figures used in retail impact assessments. However, your Officers are satisfied that the recent appeal decision at Audley Avenue is a material consideration and circumstances haven't really changed since then. The Inspector at the Audley Avenue appeal also acknowledged that there is a qualitative gap in foodstore provision in the town. It is argued that the Aldi proposal will off-set some of that qualitative deficiency and provide a store that will serve all sectors of the community.

While it is considered that the impacts from an Aldi store alone would be negligible and even in tandem with a 'Big Four' operator would be unlikely to have a significantly adverse impact on the town centre, objectors believe that should Aldi be granted permission, Audley Avenue will become a distinctive out of centre retail destination, which will lead to yet further trade draw and possibly have a significantly adverse impact particularly on the Co-op, a town centre store and, in turn, the town centre itself. Their agents have presented figures to suggest that the Co-op is perilously close to being forced to close.

As stated above, WYG, the retail planning consultants acting for the Council suggests that there is no need to undertake a retail impact assessment in its strictest sense as the application proposal falls substantially below the 2,500 sq m floorspace threshold specified in the NPPF where impact assessments are triggered and that this has been tested at appeal decisions in Bracknell and at Coggleshall. This has been questioned by objectors. But Queen's Counsel acting for Lidl at Mere Park in advising on this threshold points out that "...However paragraphs 26 & 27 do not say

that such considerations are irrelevant where one is dealing with proposals below 2500sq m. Nonetheless unless those decisions are succeeded by further cases then they remain powerful support for the contrary proposition.” This view is accepted by your officers and that arbitrary thresholds as to when impact assessments are necessary cannot be introduced unless the lower threshold can be justified by development plan policies based on local circumstances.

In terms of the qualitative benefits that will arise, the applicants maintain that the proposal will result in enhanced choice, that such a store will reduce the number of journeys to other discount operators and will assist in clawing back retail expenditure lost to Newport. It is also suggested that shoppers using Aldi would continue to shop at the larger retailers and would thus continue to shop at Newport, which is positive in terms of linked shopping trips. If all this happens, it is also argued that the proposal will be significantly more accessible to all members of the community that presently wish to shop at discount operators elsewhere in Telford and Stafford.

As a footnote, at the time of the Mere Park discount food application appeal (August 2010) the Inspector considered that the impact of a deep discount food store at Mere Park would not cause significant harm to the overall vitality and viability of the role of Newport as a market town, based on in-centre trade/turnover and on the trading characteristics of a “discounter” type food store. Both St Modwen and the Co-op point out that the trade draw estimates for the current Aldi proposal are far too low and that Aldi will have a much greater impact on the town centre. Since the Mere Park proposal of 2010 of course, the role and nature of “deep discounters” has changed with the likes of Aldi and Lidl attracting customers away from the “big four” supermarkets and having a far more aggressive policy towards trade draw. However on balance and recognising that this issue has been the subject of intensive scrutiny at two recent appeals, impacts arising from Aldi are unlikely to have any significant adverse cumulative impacts on the town centre.

The Development Plan is the starting point for any decision-making and so it is necessary to consider any relevant policies. Wrekin Local Policy S1 sets out a retail hierarchy whereby Telford is the first priority for locating new retail development, followed by District Centres, such as Newport town centre. This is broadly in compliance with the NPPF as new development is to be focussed on town centres first. Policy S1 then and this links with policies S12 and S13 and Newport’s primary retail frontages and secondary shopping zone. But this does not outweigh NPPF guidance and is not relevant to the assessment of an out-of-centre location of new convenience retail stores, such as this, beyond Newport’s primary and secondary shopping frontages. Core Strategy policy CS6 seeks to ensure that development in Newport supports its role as a market town and enables it to fulfil its role as a rural service centre. But this is a general policy about Newport and the NPPF retail guidance is town centre specific, so this is not relevant for retail impact purposes.

Core Strategy Policy CS9 seeks to improve social inclusion and accessibility. From the above analysis, it is acknowledged that there is a qualitative gap in foodstore provision in Newport and a need for a discount food retailer. Given that leakage from Newport continues, an improved retail offer and range of suitable stores in Newport is a material consideration. In terms of the qualitative benefits that will arise, officers consider that a discount foodstore will result in enhanced choice for shoppers and that such a store will reduce the number of journeys to other discount operators beyond Newport (such as Wellington, Donnington, Market Drayton) and will assist in clawing back retail expenditure lost to Newport as well as benefitting those without access to a car and who are unable or find it difficult to travel out of Newport. The proposed Aldi store will help off-set some of that qualitative deficiency and which will also make this retail offer significantly more accessible to all members of the community that presently wish to shop at discount operators but have to currently travel elsewhere. This in turn aids social inclusion in line with the aims of policy CS9.

In summary on the issue of impact, the LPA, and its retail consultants WYG, agree that an impact assessment cannot be requested under the terms of the NPPF for the proposed retail store, and hence need not be undertaken. There are no other development plan policies that serve to outweigh the NPPF on this matter.

Hence, the only retail test against which to consider the application is the sequential test, and any other significant material considerations, which are discussed further in this report.

Sequential Test

Para 24 of the NPPF requires LPAs to apply a sequential test “to planning 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 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 applicant has undertaken a sequential assessment to determine whether alternative sites closer to the town centre could accommodate the Aldi store requirements. Five sites were identified in discussion with your Officers, as follows:

- 1) The former concrete batching plant, Audley Avenue and Audley Road, south of Newport’s defined town centre;
- 2) The Water Lane burgage plots, east of Newport’s defined town centre;
- 3) Land at Station Road, south of Newport’s defined town centre.
- 4) Land on the A41, adjacent to Mere Park, east of Newport’s defined town centre; and,

- 5) The former Focus DIY unit, Audley Avenue, south east of Newport's defined town centre.

Before considering the out of centre application site, officers must first be satisfied that there are no available town centre or edge of centre sites. It is necessary to consider the two sequentially preferable sites at the Concrete Batching Plant off Avenue Road and Water Lane.

The Concrete Batching Plant off Avenue Road

The concrete batching plant is located within the town centre boundary has now been granted planning permission for 61 houses. It is currently being developed by a local building contractor and is therefore unavailable.

Water Lane:

The previous discounter store application at Mere Park was dismissed on appeal because there was a sequentially preferable site within the town centre along Water Lane that could accommodate the proposal. Water Lane is a large swathe of back land behind and including some of the town centre's St Mary Street's premises with frontage to Water Lane. At the time of the appeal one of the landowners came forward offering his site for retail development and the inspector accepted this as a sequentially preferable site. Land along Water Lane is in multiple ownerships that could make land assembly more difficult without owner co-operation, but the appeal Inspector for Mere Park considered that this did not make the task impossible.

Aldi has submitted justification as to why they believe Water Lane would not be a sequentially preferable site to the one at Audley Avenue and concludes there is insufficient land for a size and format of store desired by the applicant. Aldi has also confirmed that neither the Baptist Church land nor the Royal Victoria Hotel land are available, which further reduces land availability along Water Lane. While a store with an associated car park could be fitted on the site, the land available appears to be limited; Aldi firmly believes that the available area would not result in an ideal operating format. Moreover Aldi point to the sloping nature of the land, which would make car parking particularly difficult. Aldi also point out that the reduced area of land would only provide a 51 space car park and would be inadequate for their needs.

The Council's retail consultants WYG have commented that some three and half years have now passed since the Mere Park discount food appeal decision and the site has not come forward for retail development in that time. Furthermore, since the autumn of 2011, two supermarket applications have also been submitted and both applicants were directed to consider Water Lane, although it was agreed by all parties that land off Water Lane was not suitable for the size and format required of a large supermarket. It must be noted that officers have tried to assist another retail

operator (Lidl) to develop Water Lane as a discount supermarket but it is clear that they have encountered reluctance from landowners to allow the site to be assembled for the purposes of a supermarket. This is despite the fact that during this time, retail interest in Newport has increased and the need for sites have been common knowledge in Newport. It would have reasonably been expected that Water Lane would have come forward by now if it represented a suitable site. But no such schemes have come forward for a supermarket on Water Lane

In considering sequential sites, the NPPF directs both applicants and the Council to apply some degree of flexibility. The Council's retail consultants highlight recent case law on site suitability. One of the court judgements (Tesco Stores Ltd vs Dundee City Council) concluded that in considering alternative sites, one must have regard to whether the site is suitable for the development as it has been proposed, and not for an amended or altered form of that development, and that consideration needs to be given to the "real world" in which developers operate and not an "artificial" one.

Any new building on Water Lane would need to be very carefully designed and sited as the site adjoins Newport conservation area where developments are expected to preserve and enhance the character and appearance of the area – an area where this Council has undertaken enhancement work over the last two years (Victoria Park). Although this has not been tested through the planning process as yet, it is difficult to be certain that a supermarket development of the type proposed would meet these twin tests easily – the Council would expect an exceptionally high standard of design quality. In addition, the issue of the suitability of the access has also never been tested through the planning application process and which could yet prove an impediment to a more intensive retail use such as a foodstore. Whilst the possibility of developing at Water Lane did form a consideration at the Mere Park appeal and essentially formed a second reason for refusal behind the primary issue of 'accessibility', there remain some very serious doubts as to the potential of the Water Lane site to accommodate a foodstore at this time. This is of course contested by objectors who believe that the Local Planning Authority must apply a consistent approach in decision making. The applicants at Station Road has threatened that they will challenge any decision in favour of this application if proper account is not given to the Water Lane site, particularly given the Mere Park Inspector's findings.

In summary therefore, there are too many existing and potential constraints to development of the Water Lane site for retail development of this nature. The applicant at Station Road has threatened that they will challenge any decision in favour of this application if proper account is not given to the Water Lane site, particularly given the Mere Park Inspector's findings. However, the Council is entitled to review its previous stance given the change of circumstances, including the reluctance of at least one landowner to release its building to the developer, case law that alternative sites should be able to accommodate realistic development

formats, the environmental enhancements that have occurred along Water Lane thus favouring a development that would potentially more positively enhance the character and appearance of the adjoining conservation area and nearby listed buildings and the possible uncertainties that an acceptable means of safe access can be achieved.

Land at Station Road:

As an exercise, Aldi have looked at a small parcel of land that could be made available to them on a site adjacent to the Station Road foodstore proposal the subject of call-in. The applicants make the point that the proposals at Station Road are not yet sufficiently certain and that an Aldi development here might end up as an isolated element. Further, they also make the point that in any event the Inspector at Audley Avenue took the view, supported by the Court of Appeal, that Station Road was not sequentially superior to Audley Avenue. Officers are not aware that genuine efforts have been made to negotiate the purchase of this site and thus this is a very cursory exercise. However, there cannot be any further challenge to the Inspector's findings in terms of the comparative merits in terms of sequential preference between sites at Audley Avenue and Station Road and her conclusions that there is little difference between the two sites and were considered to be broadly equivalent in terms of sequential preference.

Land at Mere Park:

Mere Park has been submitted under the sequential test but, arguably, as the Garden Centre site at Mere Park is also located out of centre, a strict sequential test analysis is not entirely necessary (on the basis that there is little difference in planning terms between sites that are both out of centre and reasonably equidistant therefrom). What paragraph 24 of the NPPF requires when considering out of centre sites is that a preference should be given to sites that are well connected to the town centre. As the Inspector found at the Audley Avenue appeal, in relation to this 'preference', it is the single test relating to achieving connections with the centre by a choice of travel modes which is the prime consideration. The question is therefore not whether one of the out of centre sites is closer to the town centre but rather, whether one of the sites could achieve better town centre linkages than the other. It is the accessibility argument that is given further consideration later.

The applicants at Mere Park Lidl site reminds the Council that the Garden centre has the benefit of a Lawful Use Certificate that would enable a food retailer to operate from the Garden Centre building without further planning permission (that establishes the principle of development for that purpose). However, Officers do not attach significant weight to the applicant's fall-back position. The fall-back position does not form part of the NPPF sequential test and does not make the site more accessible. Officers do not attach much weight to the likelihood or reality of Lidl, or any other supermarket, occupying the garden centre building.

In conclusion, on applying the sequential test, it is agreed by all parties, including the Lidl applicants, that there are no town centre sites to be considered. In considering the two edges of centre sites, namely the concrete batching plant on Avenue Road and land off Water Lane, officers are satisfied that these too can be discounted. Thus on applying the sequential test and as the proposal is intended to replace the existing former Focus DIY store, it is considered that the site is suitable, available and viable for redevelopment to accommodate the Aldi proposals. Moreover it is a brownfield development opportunity.

Accessibility

As there are no alternative town centre or edge of centre sites available, consideration now needs to turn to the application site, which is an out of centre site. As has already been mentioned, the NPPF requires local planning authorities “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”. This necessitates looking at the potential for linked trips to the town centre together with their connectedness therewith and to then apply some degree of “preference” or choice between sites (if there are more than one) to ensure that the best location is chosen. There is another discount foodstore application lodged with the Council for determination that is also on this agenda involving the proposed Lidl store adjoining the Mere Park Garden Centre.

Lidl has presented the Council with its own legal opinion from Counsel, which concludes that in terms of accessibility, they feel that the Mere Park location is superior. But it has been recognised previously at two planning appeals that Mere Park is poorly located in terms of accessibility with the A41 representing a serious barrier to pedestrian and cycle movement.

Both the application site and the Mere Park site are accessible by car. Whilst the bus gates on Audley Avenue would mean that car users would need to drive round the by-pass and, as Lidl suggests cars would need to travel past the Mere Park site, the difference is not so significant as to be material or to make much difference between the two sites. In other words, the difference in mileage trips is inconsequential. This argument was played out at the Audley Avenue appeal (albeit in the context of comparing Station Road and Audley Avenue). The Inspector was far from convinced that Station Road should be preferred in terms of preference on accessibility grounds as being closer to the town centre because, in part, it was recognised that a large percentage of shoppers would inevitably travel to either site by car and that a few minutes extra drive would not be important.

It can also be argued that the Audley Avenue site is close to the secondary school and industrial estate and therefore in close proximity to this potential additional customer base.

Lidl believe that it is the issue of the availability of a bus service that is particularly important when considering issues of accessibility. The Arriva 481 bus service that operates between Telford and Stafford stops on the A518 outside the entrance to Mere Park garden centre. The owner of the Garden Centre presently subsidises this service, which enables passengers travelling between Newport and Mere Park to travel for free off-peak (9.30am - 3.30pm) Monday to Sunday. However customers alighting or catching this bus outside Mere Park would still need to cross the A518 and from the bus stop, customers would still need to walk another 300m across the Mere Park garden centre complex to the entrance door of Lidl's proposed new food store. In addition, there is no certainty that this arrangement will continue indefinitely and it is an agreement between the garden centre owner and Arriva and not between Lidl and the operator. It was not a factor that the Inspector at the last Mere Park appeal believed could be of material weight. Nothing has changed.

The Aldi site at Audley Avenue does not presently benefit from an existing bus service; a bus service will only be introduced if the larger foodstore allowed at appeal in 2012 goes ahead. Objectors point to the fragility of this permission following recent announcements by Morrison's (the assumed end-operator) casting doubts as to whether they will proceed and, consequently the equally fragile nature of the section 106 associated with that consent relating to bus subsidies that would have led to the introduction of bus services along Audley Avenue. But the LPA must recognise this commitment in planning terms. The applicant originally offered a financial contribution of £60,000 towards the provision of bus service infrastructure in association with the sums offered by the larger foodstore operator but objectors pointed out that this offer would have done nothing to provide the actual service itself. Aldi then suggested that this sum of money could be used by the Local Highway Authority to provide sustainable initiatives to promote non-car modes of travel.

Requiring Aldi to provide a bespoke bus service would run to hundreds of thousands of pounds and would be outside the scope of Aldi's ability based on the size of store and its (assumed) associated viability. What is now proposed by Aldi is to fund a private shopper pick-up service, operated on a club basis that would enable Newport residents to access a free of charge mini-bus service. The mini-bus would operate twice weekly (Mondays and Thursdays) and accommodate up to 16 passengers. The service would include two routes providing access from key residential areas of the town to both the Aldi store and the town centre. The service would operate for a minimum period of five years. This could be controlled via a section 106 Obligation. An indicative route for the service is also proposed.

Notwithstanding that this provision could contribute to sustainable patterns of travel, as the Audley Avenue Inspector concluded, Audley Avenue is reasonably located in terms of its accessibility for customers wishing to walk or cycle in any event. Measuring walking/cycling distances from the centre of town by the church, Lidl

would be some 1,561m away using Station Road, whereas Aldi would be 1,625m away travelling along Audley Avenue. Officers do not consider that some 64m between the sites to be significantly different as to be material. Walking or cycling to the proposed Aldi store would be safe and relatively convenient, as Audley Avenue has limited vehicular access due to the presence of the bus gates that prevents through traffic. Objectors though counter this by stating that only 1% of the population of Newport live within 10 minutes' walk of Audley Avenue (although this anecdote was challenged at the Audley Avenue appeal when raised there). Recent planning permissions including at Audley Avenue will bring further housing development to this area of town and increase the walking catchment to any supermarket development at this location.

The weight to be attached to the accessibility of the site by different modes of transport is a material consideration and of course there are merits associated with both present discount store proposals and sites. Officers are not entirely convinced by the Lidl's planning consultant's suggestion that additional weight should be afforded to bus provision over other modes including walking and cycling; however this is a matter of opinion and balance and has to be weighed against the fact that most people will undertake their main shop by car. This opinion was supported by the Inspector at Audley Avenue. The Aldi location is acceptable in terms of accessibility by car, walking and cycling but not in terms of bus provision at this point in time but this will change when the committed supermarket development is implemented at the Audley Avenue Business Park site adjoining the Aldi site. Moreover, the offer of a dedicated shoppers' mini-bus service is a positive measure and when the larger foodstore is built out, will be complementary to the bus service that will be provided there. This is a material consideration that assists in the planning balance when reaching a decision. On accessibility grounds alone therefore, there is no reason to withhold the granting of permission for this application.

As suggested above, the issue of applying a strict sequential assessment to the comparison of Audley Avenue with Mere Park is largely immaterial as both sites are of equivalent status as out of centre locations. But there is still a requirement to compare the sites, particularly if only one site will be supported. In the context of this application at Audley Avenue, it has been demonstrated that in terms of sequential assessment with all known alternative sites, this is the most acceptable site. The Lidl proposal follows much the same sequential analysis and officers have concluded that there are no sequentially preferable sites to that proposal either. Therefore the decision whether to grant either Aldi or Lidl must rest on their individual planning merits. A comparison will inevitably flow from this requirement.

A store of the size and type proposed by Aldi is unlikely to have significantly adverse impacts on the town centre, either on its own or in combination with the only other committed development (Audley Avenue Business Parks). The Station Road

developers point out that the Aldi store will draw trade away from the B&M Bargains Store in the High Street thus potentially impacting on the ability of those people who do not possess a car (arguably the more vulnerable sectors of the local population) to access goods at discounted prices. However, as described elsewhere in this report B&M have now withdrawn their objection stating that they could not justify that trade loss would inevitably occur to an Aldi trading at an out of centre location at Audley Avenue and that they remain comfortable with their location within the town centre and trading alongside Waitrose and the Co-op.

Given the above factors, it is considered that the Aldi store is unlikely to reduce the range and quality of town centre convenience shopping or lead to significant adverse impacts on the government's social inclusion objectives and would therefore not be contrary to Core Strategy Policy CS9 that seeks to improve 'social inclusion and accessibility'.

Other material considerations relevant to retailing

a) Brownfield vs Greenfield land

This site constitutes a brownfield re-development opportunity and is therefore in general accordance with the NPPF preference.

b) Job creation. There will be some modest job creation - the applicant states up to 35 new posts would be created and that Aldi seeks to source labour locally. Additional employment opportunities will also be created for the local area through employment of local contractors and labour during the construction stage, plus further employment opportunities for maintenance of the site, landscaping etc. Objectors comment that any job creation would not be net new jobs - only replacements for jobs lost to retail units that may close in the town centre. In any event, any job creation would help general economic development, but would not be a significant mitigating factor in any decision. The former Focus DIY store closed down in June 2011 and has remained vacant for more than two years. There have been no other interested operators in the site which has been marketed since the closure of the store. The site is located within a mixed commercial area. It is accepted that the redevelopment by Aldi would help reinvigorate economic activity in this part of Newport and new activity at the application site will help support other retail stores in the area such as the Countrywide store opposite the application site.

c) Potential population increase in Newport.

The population of Newport is set to increase. Since 2011 various residential applications have also been submitted and approved for some 900 dwellings to be built over the next 10-20 years, mainly to the west and south of Newport although the Council's emerging local plan Shaping Places is proposing two sites for some 140 dwellings in the north of Newport. This is potentially an argument that will be played out at the forthcoming Station Road call-in inquiry and has little relevance for either of the two discount store proposals other than to suggest that the growing population

at Newport will have a growing demand and need for a range and choice of foodstores; it is necessary for the Council as local planning authority to react positively to such requirements and ensure that the locations for retailing meet these needs without having a significantly adverse impact on the town centre.

For all the above reasons, the site at Audley Avenue is sequentially preferable in terms of accessibility and therefore offers the best opportunity to improve social inclusion.

DESIGN

The store has been designed to offer a contemporary building style, incorporating a simple palette of materials comprising a combination of horizontal cladding and brickwork alongside a white render. Large elements of the shop front glazing will dominate the western, Audley Avenue elevation. A contemporary entrance canopy at the southern elevation will direct customers to the entrance to the store and will help provide a focal point. High level glazing along the southern elevation fronting the A518 will help create an active façade to the store from the main public approach. The application describes the company's policy towards sustainable design; however, the details are very general and it is considered that a condition should be imposed to require the design to achieve BREEAM 'very good' which is now the established measure of sustainability and which has been imposed on other schemes of this nature in the Borough.

It is considered that the scale and mass of the proposal is acceptable in visual terms and will relate positively to its surroundings, which in real terms is generally bland. The applicants have improved the landscaping proposals, which benefits from existing planting/landscaping from the by-pass direction.

HIGHWAYS AND TRANSPORTATION ISSUES

The application proposals have been the subject of a Transport Assessment. The current proposals rely on the fact that the developers of the adjoining store granted on appeal (TWC/2011/0632) will be improving the access onto the A518 by creating a new roundabout. If this development fails to proceed, Aldi will be required to improve the existing priority junction between the A518 and Audley Avenue. This will involve localised widening of the bellmouth to this existing junction to allow turning vehicles to queue in two lanes for a short distance along Audley Avenue. Some further changes are required to the immediate area of the access, which can be conditioned. The applicants have now agreed in line with other developers to make a financial contribution to the strategic highway network, which amounts to some £94,230. This is acceptable to the LHA. Further some £60k is proposed to provide a mini-bus shoppers' pick-up facility. This will complement the bus service to be provided once the larger retail scheme on the adjoining Audley Business Park site

goes ahead. The LPA recognises that this is a planning commitment, which is likely to go ahead and with it, the provision of a dedicated bus service. The provision of Aldi's mini-bus service, while modest in scale and scope, is nevertheless complementary and is a material consideration that can be included in the planning balance. Under these circumstances, your officers advise that such contributions are necessary to ensure that the site's accessibility is enhanced.

OTHER TECHNICAL ISSUES

Drainage can be mitigated against by condition as can ecology issues. The LPA has undertaken a Habitats Regulations Assessment as the site lies within 5kms of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. The scale of the proposals is small and the proposals will not directly affect the Ramsar site or its hydrology. Moreover it is currently a brownfield site with buildings, service yards and car parking all with existing drainage arrangements. There will be no adverse impacts as a result of waste water or drainage. Impacts from air emissions are highly unlikely. There will be no increase in recreational pressure. Therefore the LPA is satisfied that the development will have no likely significant effect on Aqualate Mere alone or in-combination. The proposals can be 'screened out' of the Habitat Regulation Assessment process and an Appropriate Assessment is not required. Hence, there is no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 from this planning application and there is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

SECTION 106 CONTRIBUTIONS

There has been some considerable debate as to whether the contributions offered by Aldi are CIL compliant i.e. whether they meet the tests required under the CIL Regulations and therefore considered necessary to enable the development to proceed. Aldi has entered into discussions with various community groups and without direction from the LPA. As time has progressed however, Aldi's planning agent has also recognised that any contribution offered must serve a planning purpose and be required in order to help mitigate any adverse impacts arising from the development. Accordingly, the following section 106 contributions have been submitted and verified as being necessary to enable the development to proceed. There remains a commitment by Aldi to the local community following separate discussions outside the planning application; it is suggested that these items do not form part of the section 106 Agreement but that the Council recognises the intentions of Aldi to provide these contributions separately to any decision to grant planning permission. As such therefore, Aldi will be advised to make separate arrangements locally to ensure that these items are delivered to the local community as indicated by Aldi.

A. Highways –

- (i) Strategic Highway improvements a financial contribution of £94,230.14 towards the design and delivery of Off Site Highway Improvements to the highway network as required be proposed by the Council, the Local Highway Authority (LHA). Those works relate to works to the wider network to accommodate the predicted increase in vehicular demand in Newport as a result of a number of potential development sites currently being delivered. The financial contribution is calculated by the Local Highway Authority based on new trips on the network associated with the Development and the contribution will be used to provide support for the delivery of:
 - a) dualling the A518 between Station Road and the A41;
 - b) associated improvements at the A518/ A41 roundabout (“the Roundabout”);
 - c) the A518 Station Road roundabout; and
 - d) the A41 Stafford Road roundabout.
 - (ii) A contribution of £20,000 will be necessary to provide accommodation works to facilitate an all movements junction at the Audley Avenue junction with the A518 as part of the dualling process.
 - (iii) A commitment to provide for a period of five years from the date of opening of the store, a dedicated mini-bus service to be operated on the basis of a shoppers’ pick up service.
 - (iv) Bus Shelter - a financial contribution of £12,000 to be paid to the Council for the provision by the Council of a Bus Shelter and a bus stop and the Bus Shelter shall be constructed and/or placed in a location identified by the LHA as previously agreed with the Developer.
 - (v) Directional Signage: A financial contribution of £25,000 to be paid to the LHA for Directional signage.
 - (vi) Travel Plan Monitoring - a financial contribution of £5,000 to be paid to the LHA for the monitoring of the Travel Plan.
- B. Public Art : A financial contribution of £20,000 to be paid to the Council to be utilised for the provision of public art as agreed with the Council’s Public Arts Officer.
- C. Planning and Financial Monitoring – a sum of £10,000 to be paid towards planning and financial monitoring

Other initiatives falling outside the scope of s106: Aldi wishes to place on record that it will offer up a sum of £44,442 consisting of:

1. The Hub (formerly known as the Newport Youth Café).a contribution of £5,000. The contribution shall be used to train at least one voluntary youth worker or will be used to provide art based activities for members of The Hub.

2. Newport Town Council - a financial contribution of £5,000 to be used as a Community Grant to enable local groups and organisations to apply for support from worthwhile arts based causes. The contribution shall be managed by Newport Town Council.
3. Newport Carnival a financial contribution of £5,000 to be used by the organisers of the Newport Carnival Committee to support their fundraising efforts. The fund to be available for the 2015 Carnival.
4. Nova FM a financial contribution of £12,262.00: will be paid direct to Nova FM, a Community Radio Station, to assist with the purchase and/or maintenance of radio equipment as well as the cost of the FM licence covering a three year period.
5. Town Centre Improvements - financial contribution of £6,000 under the Recycling on the Go Scheme to be utilised towards the provision of new bins in Newport Town Centre; contribution of £10,000.00 to the Newport Town Team to fund the role of a Town Centre Manager; contribution of £1,180. For the provision of litter bins at Norbroome Park and Shuker Fields.

The above contribution of £44,442 is not necessary to make the development acceptable in planning terms and therefore will not form part of the section 106 Agreement.

CONCLUSION

Retail impact assessment cannot be considered in this instance as the application proposal for a 1,745 sqm (gross) retail food store falls below the NPPF threshold of 2,500sqm, and as yet there is no locally applicable threshold set through the Local Plan process. There are no other development plan policies that serve to outweigh the NPPF on this matter.

There are no sequentially preferable town centre or edge of centre sites that officers consider could accommodate the development proposal. Some objectors contend that Water Lane is still a sequentially preferable site, and that the Council should maintain a consistent position. However, the Council is entitled to review its previous stance given the change of circumstances. Taking the latest case law into account, the applicant's commentary on the unsuitability of Water Lane (endorsed by Aldi's application), the fact that no effective land assembly has taken place or retail schemes come forward on this land in the last three and a half years since the Mere Park appeal decision, the fact that if there was any genuine prospect of land off Water Lane being suitable for a discount food operator then it would have come forward by now, together with untested issues of the need for high quality design so close to the conservation area and possible access issues, officers consider that land off Water Lane can be discounted as a suitable alternative or sequentially preferable site, and that there are no other town centre or edge of centre sites.

In considering accessibility and connection to the town centre, the site as the Inspector at the Audley Avenue appeal found is considered sufficiently accessible to

the town centre. Inevitably there will be a comparison with the competing Mere Park garden Centre store proposal (Lidl) that is also on the same agenda of this Committee. The Inspector at the last appeal at Mere Park in 2010 concluded that the Mere Park site, despite the existing 481 Arriva bus service, is poorly accessible for pedestrians/cyclists who have to negotiate the heavily trafficked A41 and A518 and that this acts as a significant barrier to pedestrian movement. Also even if one caught the bus, there is still a 300m walk across the Mere Park complex to the proposed store entrance, which would represent an ordeal to those carrying heavy shopping bags.

Conversely, a mini-bus service for shoppers of Aldi is now proposed for this proposal and whilst it is not a tipping point, it represents a material consideration that can be considered in the planning balance. A dedicated bus service along Audley Avenue will only come about when the larger store allowed on appeal is implemented. But the Council must accept that this appeal decision is a commitment and must therefore assume in terms of the planning balance, that the scheme will go ahead. On its own, the mini-bus service would not be a determining factor. However, a full bus service together with the Aldi shoppers' mini-bus arrangement will be complementary and represent an acceptable solution in terms of enhancing Audley Avenue's accessibility.

The NPPF does require some comparison between sites in order for "preference" to be given to "accessible sites that are well connected to the town centre" in order to ensure the best sites are chosen. Neither the proposed Lidl site at Mere Park nor the proposed Aldi at Audley Avenue is particularly well connected. However, following the appeal decision for the Audley Avenue supermarket, Audley Avenue has been found to be accessible and sufficiently connected to the town centre and hence is marginally better than the proposed Lidl site at Mere Park.

Finally, the site would involve the development of a brownfield site and this is in accordance with NPPF guidance. Officers believe that this should be given substantial weight, particularly given the Inspector's findings at the Audley Avenue appeal, supported by Court of Appeal judgements.

Issues relating to the design, highways, ecology, and drainage are not in question and can be adequately dealt with by conditions.

RECOMMENDATION:

Subject to the applicants entering into a prior Section 106 Obligation requiring the following obligations, that permission be **GRANTED** subject to conditions summarized below (the exact wording and extent of conditions to be delegated to the Development Management Manager):

A. Highways –

(i) Strategic Highway improvements a financial contribution of £94,230.14 towards the design and delivery of Off Site Highway Improvements to the highway network as required be proposed by the Council, the Local Highway Authority (LHA). Those works relate to works to the wider network to accommodate the predicted increase in vehicular demand in Newport as a result of a number of potential development sites currently being delivered. The financial contribution is calculated by the Local Highway Authority based on new trips on the network associated with the Development and the contribution will be used to provide support for the delivery of:

- a) dualling the A518 between Station Road and the A41;
- b) associated improvements at the A518/ A41 roundabout (“the Roundabout”);
- c) the A518 Station Road roundabout; and
- d) the A41 Stafford Road roundabout.

(ii) A contribution of £20,000 will be necessary to provide accommodation works to facilitate an all movements junction at the Audley Avenue junction with the A518 as part of the dualling process.

(iii) A commitment to provide for a period of five years from the date of opening of the store, a dedicated mini-bus service to be operated on the basis of a shoppers’ pick up service.

(iv) Bus Shelter - a financial contribution of £12,000 to be paid to the Council for the provision by the Council of a Bus Shelter and a bus stop and the Bus Shelter shall be constructed and/or placed in a location identified by the LHA as previously agreed with the Developer.

(v) Directional Signage: A financial contribution of £25,000 to be paid to the LHA for Directional signage.

(vi) Travel Plan Monitoring - a financial contribution of £5,000 to be paid to the LHA for the monitoring of the Travel Plan.

B. Public Art : A financial contribution of £20,000 to be paid to the Council to be utilised for the provision of public art as agreed with the Council’s Public Arts Officer.

C. Planning and Financial Monitoring – a sum of £10,000 to be paid towards planning and financial monitoring

Planning Conditions:

1	Time Limit
2	B010 – Details of materials
3	B031 – Access Design
4	B045 – Travel Plan
5	B061 – Foul and surface water drainage
6	B062 – Surface water drainage
7	B074 - Surface water brownfield rates
8	C076 – Landscaping implementation
9	C012 – Car parking implementation
10	C113 – BREEAM Very Good
11	C119 – C Custom – retail floorspace limitation
12	B151 – Cycle Facilities
13	B150 – Site Environmental Management
14	C38 – Specifying plans
	INFORMATIVES

TWC/2013/0959

Land adjacent, Mere Park Garden Centre, Newport, Shropshire
Erection of a foodstore (Use Class A1) and associated car parking, servicing and landscaping

APPLICANT

Growing Enterprises Limited and Lidl UK GmbH, Growing Enterprises Limited & Lidl UK GmbH

RECEIVED

29/11/2013

PARISH

Chetwynd Aston and Woodcote, Newport

WARD

Church Aston and Lilleshall, Newport South

OFFICER Kate Stephens

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Retail need, impact on Newport town centre, accessibility, impact on highway network, sustainability.

PROPOSAL:

This is a full application for the construction of a new foodstore with associated car parking, servicing and landscaping on land fronting the Newport by Pass (A41), at the Mere Park Garden Centre complex.

The proposed store has a gross floor area of 1,901 sqm. The net retail floorspace would be 1,286sqm and there would be an additional 600sqm given to areas for offices, storage and staff accommodation. 80% of the net sales area would be given over to the sale of convenience goods and 20% to non-food items. There would also be a dedicated car park for the retail unit to accommodate 82 vehicles. Access would be off the spine road that runs through the Mere Park Garden Centre accessed off the A41 by-pass. The spine road connects to the Stafford Road (A518).

The applicant is Growing Enterprises Limited and Lidl UK. Lidl operate a foodstore on a “*discount retail food store*” concept, similar to Aldi, stocking a limited number of product lines and because of a set format and no-frills style presentation costs can be kept lower than most other supermarkets. Whilst the unit could be conditioned to only sell food, it would not be possible to restrict the unit to being a discount food retailer only, and hence there would be nothing to prevent any other supermarket operator, such as Tesco or Sainsbury’s.

The Design & Access Statement and submitted proposed plans show that the building would be of a contemporary design with mono-pitched roof, grey fascia

cladding, white render panels and with full height glazing on the side elevation facing the road. The design is similar to Lidl stores found elsewhere.

The development site is located outside the built up boundary of Newport, in an out-of-centre location and on a greenfield site in countryside. The proposed development is virtually the same as a previous proposal at Mere Park that was subject to an appeal in 2010 that was dismissed.

The Council, as Local Planning Authority, has sought retail advice from WYG consultants to comment on this application as well as a competing application for a proposed 1,745 sqm (gross) Aldi food store at the nearby former Focus DIY store off Audley Avenue (TWC/2013/0887), and which is also on this agenda. WYG's report has been published online and has informed officers when determining this application.

The WYG Report generated counter representations particularly from retail operators; these are included in the report under the section on consultation responses and given further consideration under the final section of the report on Planning Considerations. Following the receipt of those counter-representations, it was felt that the Council should seek further support from WYG and the further consultant advice is included. The WYG Report and further response report are appended to this committee report.

BACKGROUND

Members will recall a similar discount food retail store application (W2009/1023) at Mere Park. That store was 1,556sqm gross with a net retail, i.e. trading floorspace of 1,286sqm, so slightly smaller than the current proposed application store (proposed store is 1,901 sqm gross with 1,286sqm trading floor space). The applicant appealed against non-determination of the application and at its Plans Board on 2 June 2010 the Council resolved that if it had been able to determine the application it would have refused the application for the following reasons:-

1. The proposed development would have a significant adverse impact on Newport Town Centre and threaten its role as a market town and undermine its position in the retail hierarchy of the Borough and hence is contrary to PPS4, Regional Spatial Strategy policy RR3, Core Strategy policies CS6 and CS8 and Wrekin Local Plan policy S1.
2. The proposed development is capable of being accommodated on a sequentially preferable site and hence the proposal is contrary to PPS4.
3. Notwithstanding the bus service close to the site, the location performs poorly (particularly compared with the town centre) in terms of access

by a choice of means of transport. The proposed location is not reasonably accessible for food retailing, where good access for those without a car is key and where social exclusion issues are to be avoided. The proposed development is therefore contrary to PPS4, Regional Spatial Strategy policy RR3 and Core Strategy policies CS7 and CS9.

4. The proposed development would not meet needs limited to the Rural Area and where development is strictly controlled. It would therefore be contrary to Core Strategy Policy CS7
5. There are insufficient material considerations in favour of the proposal to overcome the identified significant adverse impacts and breaches of development plan policy.

The application was determined at appeal by Public Inquiry and was dismissed on 22 September 2010 (Appeal ref: APP/C3240/A/10/2125557). The Inspector considered there was a sequentially preferable site at Water Lane that could accommodate the development despite land being in multiple ownerships. He also considered that the location of the Mere Park site out of the town centre was difficult for pedestrians and cyclists to get to, and despite the 481 Arriva bus service stopping outside Mere Park on the A518, the Inspector considered that customers would still then need to walk across the Mere Park complex to the store itself and that this would be an ordeal for some. These factors combined to engender social exclusion which the Inspector considered to be contrary to policy.

In determining this current application, the 2010 appeal decision is a material consideration. However, members need to be aware of other issues that have come to light in the intervening three and a half years that may be material to this decision. The main changes to have occurred are listed below, but covered in more detail under the "Planning Considerations" section of this report:-

- a) change to national policy with the publication of the NPPF in March 2012 and cancellation of PPS4; and in March 2014 the publication of national Planning Practice Guidance (PPG) and the cancellation of the "Planning for Town Centre: practice guidance on need, impact and the sequential approach" which was a companion guide to PPS4. As a result impact tests for retail developments have changed.
- b) availability of previously sequentially preferable sites (Water Lane and Concrete batching plant);
- c) clarification following a High Court decision to allow a Certificate of Lawfulness in respect of an open A1 retail use within the existing Garden Centre at Mere

Park, including the sale of food items, without the need for planning permission. This is the applicant's 'fall-back' position.

- d) potential population increase in Newport with grant of several large housing applications including an Extra Care housing village opposite the site.
- e) additional retail food store applications in Newport, namely:-
 - TWC/2011/0632 - Land at Audley Avenue for a 5,084 sqm (gross) supermarket (outline planning permission) allowed on appeal in August 2012 and now intended for Morrison's - the appeal decision has also been subject to legal challenge at the Court of Appeal and High Court hearing. Both cases were lost and the appeal decision stands. (Appeal Ref: APP/C3240/A/11/2164505).
 - TWC/2011/0916 - Land west of Station Road for a 8,100 sqm (gross) supermarket (full application) is awaiting determination via a Call-in inquiry later in 2014. An Inquiry was originally held in January/February 2013 but the Inspector died before he made his decision and as a result the planning inspectorate has ruled that the Inquiry is to be heard again in its entirety.
 - TWC/2013/0887 - The former Focus DIY on Audley Avenue for a 1,745 sqm (gross) discounter foodstore for Aldi. This is a full application awaiting determination and is also on this agenda.
- f) The recent appeal and High Court judgements relating to Station Road and Audley Avenue.

THE SITE

Newport is a market town 16 kms north-east of Telford. It is close to the Staffordshire border, with Stafford only 21 kms to the east. The appeal site is located approximately 1.5kms east of Newport town centre on open land to the east of Newport By-Pass. To the north of the site lies the Premier Inn and Three Fishes public house/restaurant (built after 2010) and the Mere Park Garden Centre which has been in operation since 2003 following a planning permission granted in 2002 and which includes several other restricted retail units.

Within the general boundary of the garden centre complex there is the garden centre building itself. At a separate appeal in 2012 this 2,000sqm building was found to benefit from a Certificate of Lawfulness to allow it to operate as an open A1 retail use (that includes food sales) such that it is no longer restricted to just being a garden centre. To date the building still operates as a garden centre.

Within the overall Mere Park complex there are several extant planning permissions for restricted retail units, with restrictions on the sale of goods that may be sold. The outdoor camping unit has had its restriction on the sale of outdoor camping/leisure

products lifted to allow it to sell a wider range of products (but not food). There are two farm shop units (not yet built) that can sell limited food products - those usually associated with farm shops such as local and artisan foodstuffs. There is also a small retail unit used for the sale of aquatic goods which has been operating since 2004. A 50-bed Premier Inn hotel and restaurant have now been built since the previous appeal.

Access to the application site would be off the existing spine road that runs through the garden centre complex between the entrance/egress onto the A41 and entrance/egress on the A518 Stafford Road. The Arriva 481 half hourly bus service between Telford and Stafford (and stopping in the centre of Newport) stops outside the Mere Park garden centre on the A518.

The appeal site is irregular in shape and relatively flat, although it contains spoil from what looks like ground excavations most likely from the formation of the new access off the A41. The A41 forms the western boundary, the Strine Brook the eastern boundary, the estate road the northern with open land to the south.

The application site, the hotel, pub and the Mere Park garden centre complex all lie outside Newport's defined built up area in the rural area.

PLANNING HISTORY:

W2009/1023	Outline application for erection of a retail unit (use class A1) with store and car park. <ul style="list-style-type: none"> • <i>intended for a discount food store.</i> 	Dismissed on appeal 22.9.10
TWC/2014/0372	Display of 2no. internally illuminated fascia signs and 1no. internally illuminated post sign at existing garden centre building (Lidl signs)	Awaiting determination

However, the following applications relate to land occupied by the garden centre and other uses within the wider Mere Park complex which serve to give a complete planning history:-

W89/0694	Erection of motorists service area comprising petrol filling station, shop, restaurant, lodge (ie. motel), farm shop, car parking and landscaping (outline).	Granted
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Officer's report explained:

- *Seen as preferable to provide one comprehensive facility*
- *Preferred location would have been to west of*

	<p><i>bypass but no sites currently available</i></p> <ul style="list-style-type: none"> • <i>Should not be regarded as setting precedent for further development to east of A41(T).</i> 	
W90/0608 W90/0742	Reserved matters for constituent parts of service area, petrol station and hotel etc.	Granted
W95/0277	<p>Erection of motorists service area comprising petrol filling station, shop restaurant, lodge (i.e. motel), farm shop, car parking and landscaping (outline).</p> <ul style="list-style-type: none"> • <i>Although this was resolved to be granted, subject to a S106 agreement being entered into, it was subsequently refused (October 1997) as no progress had been made on the agreement</i> • <i>When the 1989 outline permission was granted, the Newport By-Pass network was not complete as the southern, A518, By-Pass links to the A41 had not been constructed. This was significant because at that time the site was probably the optimum site for a comprehensive motorist service area to serve the A41 / A518. However, with the completion of the southern section of the A518 By-Pass link, two applications (W98/0055 and W97/0995) for an alternative service station site further south on the A41 were approved in 1998.</i> 	Refused
W2000/1011	<p>Erection of a Garden Centre. <i>This permission was not implemented</i></p>	<p>Granted 16.07.01</p>
W2002/0715	<p>Erection of a Garden Centre and ancillary outbuildings with adjacent car parking</p> <ul style="list-style-type: none"> • <i>Condition 19 required details of products to be sold to be submitted and agreed. A range of garden centre and other related items was subsequently approved. The reason for this condition was "to ensure that the garden centre main business remains seasonal, specialist and leisure orientated as required by Policy S4 of the Wrekin Local Plan".</i> • <i>The Aquatic Centre building is part of this permission.</i> • <i>See comments under TWC/2010/0050 below.</i> 	<p>Granted 28.8.02 & implemented</p>

W2002/1125	<p>Erection of Farm Shop (651sqm) with associated car parking. (This related to land outside the permitted garden centre).</p> <ul style="list-style-type: none"> • <i>Condition 3 restricted use to a farm shop and for no other Class A1 retail use</i> <p><i>This permission was revoked when it was amalgamated with an ancillary garden centre building under permission W2005/1497.</i></p>	<p>Granted 13.5.03</p>
W2003/1403	<p>W2003/1403 Erection of 9 craft workshops (441sqm gross). (These related to land within the permitted garden centre).</p>	<p>Granted 21.1.04</p>
W2003/1515 (Outdoor camping unit)	<p>Erection of a retail unit (483sqm gross). (This relates to land within the permitted garden centre).</p> <ul style="list-style-type: none"> • <i>Condition 10 restricts goods for sale to those related to outdoor pursuits (as per an agreed list) and not for any other Class A1 retail use.</i> 	<p>Granted 11.8.04</p>
W2005/1497 (Unit 3)	<p>Erection of new retail unit amalgamating previous approvals for farm shop (W2002/1125) and ancillary retail (W2002/0715).</p> <ul style="list-style-type: none"> • <i>Condition 3 restricts goods sold to those previously agreed by exchange of letters and on W2002/1125 i.e. farm shop/garden centre type goods.</i> <p><i>See also W2009/0601 to vary condition to allow sale of pet related products and a veterinary practice</i></p>	<p>Granted 6.3.08. Not yet built</p>
W2005/1234	<p>50-60 bed hotel with ancillary restaurant and bar with associated parking and landscaping (Outline).</p> <ul style="list-style-type: none"> • <i>Then extant Local Plan Policy E7 was generally permissive of motel development at major highway intersections in or adjoining the built up areas of Telford or Newport.</i> • <i>This permission was not implemented.</i> 	<p>Granted 23.1.07</p>

W2008/0413	Erection of a 50 bed hotel, pub/restaurant with access road, car parking and associated landscaping (Full). <i>This has been implemented</i>	Granted 27.6.08
W2008/1308 (Unit 1 by Stafford Rd exit)	Erection of retail unit. (This relates to land outside the permitted garden centre). <ul style="list-style-type: none"> • <i>Condition 9 restricts sale of goods to those principally of farm shop/garden centre type products.</i> 	Granted 17.8.09 Not yet built
W2009/0601 (Unit 3)	Variation of condition 3 of W2005/1497 (see above) to allow the sale of pet related products and use as a veterinary surgery.	Granted 9.7.13 Not yet built
W2009/0905 (Unit 1 by Stafford Rd exit)	Variation of condition 9 of W2008/1308 to allow sale of comparison retail goods. <ul style="list-style-type: none"> • <i>The variation required by the application was not agreed, but a revised list of goods to be sold was approved.</i> 	Granted 2.6.10 Not yet built
W2009/1023	Erection of a retail unit (use class A1) (outline application) with store and car park	Appeal dismissed 22.9.10
W2010/0080	130 place Day Nursery and 50 place After School/Holiday Club. (A limited part of this site falls within the permitted garden centre curtilage).	Withdrawn
W2010/0185	Erection of retail unit (duplication of W2009/1023)	Withdrawn
TWC/2010/0050	Certificate of Lawfulness of Proposed Use for Development to use the site for any purpose in Use Class A1. <ul style="list-style-type: none"> • <i>The aim of the application was to obtain a certificate that the site benefits from an unrestricted Class A1 use, i.e. the use as shops, including those for the retail sale of goods.</i> • <i>At appeal the Inspector determined that the</i> 	Allowed appeal 5.4.12

- *unrestricted retail use was lawful.*
- *Council challenged the Inspector's decision in the High Court in December 2012, but the Court ruled that the appeal Inspector's decision stands. Hence this is the retail "fall-back" position at Mere Park.*

TWC/2010/0051	<p>Certificate of Lawfulness of Proposed Use and Development.</p> <p><i>This related to whether condition 19 of the garden centre permission (W2002/0715) was effective in restricting the sale of products to those agreed.</i></p>	<p>Refused 14.7.10</p>
TWC/2011/0262	<p>Erection of two canopies over part of existing garden centre external sales area (Full)</p>	<p>Granted 23.5.11 Not yet built.</p>
TWC/2011/0492	<p>Erection of a warehouse ancillary to existing garden centre (Outline with all matters reserved).</p>	<p>Granted 5.9.11 Not yet built.</p>
TWC/2011/1086	<p>Application under section 192 for a certificate of lawfulness for proposed development for the use of the land and buildings at the Mere Park Garden Centre (as outlined in red on the attached plan) for any purpose falling within Use Class A1 in the Schedule to the Town.</p> <ul style="list-style-type: none"> • <i>Duplicate of TWC/2010/0050</i> 	<p>Undetermined</p>
TWC/2012/0284	<p>Erection of 19 adverts (for Morrisons supermarket) on existing garden centre building</p>	<p>Granted 22.6.12 Not yet built.</p>
TWC/2013/0663 (Outdoor camping unit)	<p>Variation of condition 10 on previously approved application W2003/1515 so that the unit does not only have to be used for the sale of comparison bulky goods.</p> <ul style="list-style-type: none"> • <i>This allows the sale of DIY goods, gardening goods, and equipment, furniture, hard and soft furnishings (including fabric),</i> 	<p>Granted 9.7.13</p>

floor coverings, home wares, motor and cycle goods, cycles and accessories, leisure goods, office equipment and supplies, electrical goods, pet foods and products, and for no other purpose including any other purpose in Class A1.

CONSULTATION RESPONSES

TWC Highways

There have been no detailed pre-application discussions with the Local Highway Authority (LHA) about this proposal and the scope of the assessment has not been agreed, as a result the supporting Transport Assessment (TA) does not provide all the necessary information.

- The LHA did not comment on site accessibility during the 2009 application but it was discussed at the Appeal. The LHA was always of the opinion that the majority of trips to this site would be by car. I do not think many shopping trips will be made on foot. The distance to the bus stop was also raised by the Inspector and the distance is about the same.
- The Application states that there is an agreement with Arriva to subsidise bus trips between the site and Newport town centre - useful to see details and understand how this works, what trips are covered and how long this subsidy would last. Suggest this would need to be formalised in a S106.
- The TA includes isochrones for walking and cycling. As above I do not think this would really relate to a shopping trip. The isochrones are presented as a simple radius from the site which does not represent how far you can actually go by road/footway. The actual coverage will be less than this.
- The TA states opportunities will be explored with the LHA to identify whether there is scope to improve the attractiveness of routes for pedestrians. Anything to be offered needs to be agreed as part of the Planning Application. Nothing is included with this report.
- In terms of the submitted site layout there are no pedestrian links off the site or links into the existing footway network. The obvious answer based on the submitted layout is to punch through the frontage hedge but this would involve a footway link alongside the A41 and alterations to the site access splitter island. As the works would fall on the adopted highway they would need to be secured by a S278. A simpler solution would be to link to the existing facilities alongside the pub but the existing site layout for the A1 unit does not lend itself to this without changes to how it is set out.
- The TA has utilised a count carried out in May 2010. It is not recommended to use counts that are over 3 years old as they may no longer be representative of current traffic conditions. This count pre-dates the opening of the hotel and pub/restaurant so real trips associated with those uses do not appear in the counts. The TA therefore relies on theoretical trip rates to determine the impact of those uses.
- The 2010 count reflects the traffic patterns associated with the developments as they were at that date. But since that time the Applicant has secured an

unrestricted A1 use for the Garden Centre building which has the potential to intensify the use of this building and therefore changes the way this should be considered. Understand the Applicant may waive this right if this permission is granted - if I would like to see the mechanism that would achieve this. Presumably this would be in a S106.

- It should be noted that the Outdoor Products unit has now got Consent that varies the use of that building to other permitted uses. This is also not reflected in the TA.
- The trip rates used in this TA appear to be the same as those that have been used for other assessments in the history of this site. On the whole these still seem reasonable but subject to the caveats above.
- The list of other developments in Newport to be considered misses out a number of other sites that are committed by Panning Consent. An explanation of how these have been considered is required.
- The TA has assessed the implication of the development at the two site accesses (A41 and A518). In doing so they have utilised food retail trip rates which I suspect were agreed for the 2009 Application. These have not been revisited. The distribution has been based on turning flows and again this is taken from the old 2010 count. This may not necessarily be representative of a food retail trip. A gravity model would be a better way of distributing the trips.
- In terms of the results of the capacity assessments these indicate that there would be no issues at either access point. Unfortunately I do not agree. On site observations during the peaks shows that traffic leaving the site to the A41 are held up by the volume of through traffic. Right turning traffic particularly is held up at the moment and any additional flow would start to adversely affect the operation of this junction. This delay is not being reflected in the base assessment so must query whether the modelling has been suitably validated. As such cannot say if the DS assessments give a clear picture of how this junction will operate in the peak periods.
- As has already been explained there is a cumulative impact arising from all the recent development proposals on the local highway network. All recent developments have been asked to contribute a proportional amount to highway infrastructure improvements. I had asked for the trip distribution of this proposal across the wider highway network but this is not included with this report. This will need to be provided.
- The TA includes a sensitivity test where A1 food retail is considered in both the Garden Centre building and this proposal. For the purposes of the assessment the GFA for the garden centre has been assumed as 2,654sqm - need confirmation of this, as thought the building was smaller than that.
- Table 10 states it is the total development traffic generation for the site but it actually only shows the additional trips associated with the garden centre building if it became A1 food retail.
- In terms of the site access and layout the TA mentions that the garden centre is currently gated. As there are issues exiting the site via the A41 junction it would be beneficial if the alternative egress to the A518 was also available. That route would need to remain available and not just when the garden centre is open.
- I would like to see details of how delivery vehicles will access and egress the service area including the swept path analysis. With the layout as it stands it

looks like a manoeuvring lorry would obstruct the whole access which would cause issues for the access road.

Following discussions between the Highways officer and the applicant's engineer, additional information has been submitted and the Council's highway engineer now offers the following comments:-

- Additional information has been submitted in support of the Transport Assessment (Simon Tucker email 3 April) arising from my original memorandum of comments (dated 4 March).
- Now have sufficient information to offer a formal recommendation of no objection, but would make the following comments.
- The TA states opportunities will be explored with the LHA to identify whether there is scope to improve the attractiveness of routes for pedestrians. As yet nothing has been offered to or agreed with the LHA in this regard. Please be advised that the LHA feels that there are limited opportunities available for improvement of the existing routes beyond what is present at the moment without prejudicing the operation, capacity and safety of the strategic highway network and particularly the A41/A518 roundabout. The LHA has therefore assessed the proposal in light of the highway facilities present at the moment.
- Notwithstanding this the opportunity appears to exist to make a linked pedestrian/bus trip from the site. The shortest route would appear to be via the garden centre site. The Applicant should ensure that there is a direct pedestrian route, through the adjoining site under their control, to the A518 bus stops.
- The agreement between the Applicant and Arriva for free travel between the site and the town centre should be formalised and I would like to see this written into the S106 to give some certainty for the future of this facility.
- The Applicant has offered monies in the draft heads of terms to enhance a bus stop in the town. I do not think a shelter will be possible as it would obstruct visibility from an adjacent access but the principle of providing bus boarder kerbs is acceptable.
- Would also ask that they also enhance the two stops on the A518 by the garden centre. Both could use bus boarder kerbs and the westbound side should have a shelter as that is where shoppers could be expected to wait.
- The submitted site layout now indicates a pedestrian link through the site car park to the internal private road. This also needs to link to any internal route to the bus stops as mentioned above.
- The Applicant has validated the TA with new counts which confirm the trip rate assumptions used in the report. That said the Garden Centre is functioning in its current form. Understand the Applicant has offered to limit the use of the Garden Centre (rather than general A1 use) through S106 contingent on this proposal being granted approval. I would be supportive of this.
- In terms of the capacity assessment, still concerned that there will be a level of delay during the peak periods particularly for right turn manoeuvres out of the site at the A41 junction. As a result, it will be necessary for the garden centre gates to remain open so alternative egress can be made via the A518.
- The swept path analysis for the delivery vehicle confirms that a manoeuvring lorry will obstruct the site entrance and access to the car park. As such deliveries will need to be restricted to periods outside peak traffic and shopping times and the deliveries will have to be policed by the store management.

- Finally understand the Applicant has acknowledged that this proposal will add to the additional traffic impact on the local highway network and that the cumulative impact of this with other developments will need to be mitigated. Based on the proposed development a contribution of £108,479.61 will be sought towards various off-site highway works around Newport.
- The proposed development will need to make financial contributions through a suitably worded S106 Agreement for:-
 - i. Off site highway infrastructure - £108,479.61
 - ii. Public transport enhancements - £25,000 (for the improvement of the three bus stops).
 - iii. Travel Plan monitoring £5,000.
 - iv. In addition the S106 will need to include suitably worded Schedules to deal with the subsidised bus travel between the site and the town centre and which should formalise the duration for which this is to be offered and any land use restrictions that are to be applied to the existing Garden Centre.
- There are no physical highway works proposed on the adopted highway other than those that will be delivered through S106 contributions. Those physical works that have been conditioned fall on private land and as such would not require S278 Agreement with the Highway Authority.
- In light of the above I would recommend the following conditions:
 - i) Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating a footway link between the proposed store and the A518 Mere Park bus stops. Those works so approved shall be constructed before the development is occupied and shall be available for use at all times the proposed store is open.
 - ii) Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating the location of cycle stands within the curtilage of the site. Those works so approved shall be constructed before the development is occupied and retained for the life of the development.
 - iii) Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority providing the site management plan for the supervision and control of deliveries to the site including measures to ensure the safe operation of the site access, car park and pedestrian route. Those measures so approved shall be utilised for the life of the development.
 - iv) Before the proposed development is brought into use all associated internal access roads, parking footways and service areas as indicated on the submitted plan shall be laid out and available for use and thereafter retained for those purposes for the life of the development.
 - v) The vehicular access route to/from the A518 via the existing garden centre shall remain un-gated and shall be available at all times the proposed store is open to the public.
 - vi) Before any buildings are occupied details of the Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Workplace Travel Co-ordinator. The Travel Plan shall set out proposals, including a timetable, to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports

demonstrating progress in promoting sustainable transport measures shall be submitted annually to Local Planning Authority for approval for a period of five years from first occupation of the development.

TWC Drainage - Support subject to condition requiring surface water drainage details with attenuation rates and flows to deal with a 1 in 100 year event +30% for climate change.

TWC Ecology - support subject to conditions

Water voles

- 'There are local water vole records, some for sites along the stream that flows past the site, and some evidence of water vole activity on the golf course side of the stream.
- Harm to water voles can be avoided by protecting the river corridor, making habitat away from the stream unfavourable to them, and keeping earthworks back from the banks.
- These precautions will also avoid any impact on otters, which may use the stream as a dispersal corridor. Potential impacts on water voles would require mitigation, but translocation should not be necessary; key habitat features can be retained.'

Great Crested Newts

- The report states that the ponds to the east of the site (on the golf course) are unlikely to support great crested newts because they were surveyed in 2008 and no great crested newts were present.
- It has been five years since those surveys were carried out, so don't agree that this is sufficient to conclude that great crested newts are not present, but consider that the precautionary measures in section 4 of the Ecology report are sufficient, therefore no further survey work is required.

Bats

- Should any work be required to any of the mature trees on site then they should first be subject to a bat survey to ascertain whether they are used for roosting.
- The site is likely to be used by foraging and commuting bats, particularly the mature trees and stream corridor.

Birds

- Birds will use the site for foraging and nesting, although the report did not record any sightings.
- Hedgehogs may also utilise the site.
- The report concludes that there will be no direct risk to habitats or species 'provided that care is taken to protect the mature trees from damage, to protect surface drains and groundwater from pollution spills, and to avoid disturbance of water voles, hedgehogs and nesting birds.'
- Section 4 of the Ecology report sets out various precautionary methods of working, mitigation measures and enhancements.
- To prevent the inclusion of many conditions and informatives on the decision notice, recommend a condition requiring that the recommendations made in

section 4 of the Ecology report are followed in full and submit bat-friendly lighting scheme.

Habitats Regulations Assessment

- The site lies within 5kms of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.
- However, the scale of the proposals is small. The proposals will not directly affect the Ramsar site or its hydrology.
- There will be no adverse impacts as a result of waste water or drainage. Impacts from air emissions are highly unlikely.
- There will be no increase in recreational pressure. Therefore satisfied that the development will have no likely significant effect on Aqualate Mere alone or in-combination.
- The proposals can be 'screened out' of the Habitat Regulation Assessment process and an Appropriate Assessment is not required.
- There is no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 from this planning application and there is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Shropshire Fire Service:

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Newport Town Council - comments summarised below as follows:

- Members acknowledged that many residents had welcomed a Lidl Food Store.
- However, with the recent Aldi application and very vast consultation supported by residents, Members considered that there is little or no need for another deep discount retailer along with a Morrisons store.
- Following discussion, Members object to this application as development on a green field site, it is east of the A41 and not easily accessible by foot or public transport.
- Residents have raised concerns over the 'free Arriva bus service'.
- Any 'Red Bus' facility would need to be robust and effective in its operation.
- Contrary to the planning inspector's findings that there is no threat to the viability and vitality to the High Street, Members feel that this application would have a detrimental effect and there are other more preferable sequential sites to provide a low cost retailer.
- Members feel that the evidence provided by the very strong support provided by the public consultation is the mandate that the residents support the Aldi store.

Letter of objection from NJL (acting for the Co-Operative Group), summarised below as follows:

- The assumed store turnover of £2.38m is low and would represent relatively low patronage and is unfounded.

- But store has potential to perform better and the applicant's judgement lacks explanation - for example other recent schemes for Lidl represent turnover range of approx. £3.47m - £4.2m.
- There is a lack of supporting information and a lack of meaningful analysis as to how much trade the store would attract, where from.
- The catchment has been identified as that used by the Station Road supermarket application and the agents have taken data from the Statement of Common Ground prepared for the Station Road public inquiry.
- But it's unlikely that a Lidl store would attract significant levels of trade from the further reaches of the catchment - need to interrogate shopping patterns of the local area.
- The Martin Robeson Planning Partnership (MRPP) household survey (prepared for the station Road public inquiry) is a useful baseline - that catchment is split into three zones.
- Newport will always be influenced by the proximity to facilities and services in Telford and Donnington.
- The proposed Morrisons would attract an element of this trade.
- The proposed Lidl would encourage shoppers to spend more locally.
- But permitting 2 out of town foodstores in combination could equate to a reduction of town centre trade per annum of £7m, which was impact most on the main food anchors in Newport town centre, namely Waitrose and Co-Operative.
- At the Station Road Sainsbury's public inquiry the Co-Op considered that the Sainsbury's on its own could lead to a loss of £7.5m and £9.9m from town centre stores.
- The LPAs previous decision for Mere Park foodstore back in 2010 is material - if it had been able to it would have refused the discount foodstore for 5 reasons, and at the appeal the Council argued that the trade diversion would be greater than the applicant suggested.
- There are no material considerations that should change that position now, and in fact owing to other out of centre commitments, the strength to oppose this proposal is increased.
- The Co-Op maintains the view that the proposed Sainsbury's could impact exiting Co-Op turnover by as much as £3.3m (or 58%) without any other commitments (should the Audley Avenue decision be quashed). The proposed Morrisons have the potential to impact the Co-Op by the same amount.
- A 14% impact on turnover would mean the store no longer contributed to the business and would cost the Co-Op Group £32,000 per annum - this is not profitable or viable.
- Morrisons on its own would divert more than 14%, so cumulatively any further out of town stores further increases the losses for the Co-Op.
- The proposal at Mere Park would serve to help it become a retail destination which will directly compete with the town centre.
- Given existing shopping patterns and lack of general lack of expenditure currently spent at discount facilities, there is likely to be increased diversion from local facilities.
- Mere Park (or rather Actoris Developments) have previously objected to the Station Road and Audley Avenue supermarkets, stating that the garden centre benefitted from a lawful open A1 use and considered the potential turnover and impacts on Waitrose and Co-Operative - They concluded that a Mere Park plus

Station Road increases cumulative impact on the Co-Op to 20.8% and on Waitrose 36.8%, which they considered significant enough to jeopardise the future of the two stores.

- Impact levels lower than this will still cause serious operational and viability concerns for the Co-Op.
- Historically the Council has defended against retail provision at Mere Park including a discount supermarket that was upheld on appeal.
- There has not been any changes to policy or material considerations to render a different decision being reached now.

2 letters of objection from Martin Robeson Planning Practice (on behalf of St Modwen Development Ltd), summarised below as follows:

- Back in 2010 the Council had two discount food schemes (Mere Park and Audley Avenue) and recommend refusal for both.
- The Mere Park scheme is located in the same place as the previous refused Mere Park discount store and is an almost identical proposal.
- The Mere Park store was refused because there was a sequentially preferable site, the site wasn't accessible by a choice of transport to a satisfactory level, and a reduction in the range and quality of convenience offer in Newport would adversely impact on social inclusion.
- The Inspector's appeal decision is material consideration and there are no material changes to policy or material considerations since then.
- In making a decision the Council must have regard to previous expert advice on an identical scheme, officer recommendation to the previous Mere Park discount scheme in 2010 and the resolution of its Plans Board to refuse, the Inspector's appeal decision, policy remains the same, and maintain consistency.
- With regards the previously sequentially preferably site at Water Lane, no evidence has been put forward by the applicant to demonstrate beyond all reasonable doubt that the Water lane site is not suitable to accommodate the proposed development, after applying some flexibility.
- The applicants comment that Lidl sell only about 1,600 lines that means costs are kept low and the operator can offer deep discounts and are very popular, particularly to those on a limited income.
- The applicants advise that such stores tend to operate as complementary retailers.
- Policy CS9 seeks to improve social inclusion, locate such facilities in existing centres and make places accessible by public transport, walking and cycling.
- The previous Mere Park appeal, the inspector considered accessibility of the site was poor, despite the bus service, as shoppers would still need to walk 300m from bus stop to the store, no facility to help bus shoppers cross the busy A518, pedestrians and cyclists would need to cross the heavily trafficked A41 and A518 which would be intimidating and inconvenient, and the store's out of centre location would have a limited pedestrian catchment - there are no new material considerations to make a different decision.
- The appeal Inspector found that there would be a disadvantage to more vulnerable sections of society, particularly the elderly who are over represented in Newport, and that there would be a decrease in discount ranges on offer in B&M , Co-Op and Waitrose.
- Linked trips will not occur at Mere Park so there will be no planning benefit.

- Since 2010, appeal decisions have been made regarding larger supermarkets, where it has been demonstrated that there are no sequentially preferable town centre or edge-of-centre sites.
- Adverse issues relating to social exclusion have not been raised for the big supermarkets as they are more effective at clawing back local expenditure that is lost to larger superstores elsewhere.
- A discounter store at Mere Park would not be effective in securing positive benefits for Newport's town centre, unlike a larger supermarket which would have greater claw back and more regeneration and sustainable development opportunities.
- At the 2010 appeal it was argued that the proposed Lidl would divert 7.7% of town centre convenience goods trade - now the figures suggest a diversion of only 1.6%. Such a discrepancy cannot be credible.
- Also regarding turnover, the submission refers to an average trading density of £2,312m. However retail rankings most recently published figures for Lidl (UK) show Lidl trading at £3,825m on 2011/2012. This is 40% above the figure the applicants have incorrectly applied. It is also appropriate to deduct 20% for comparison goods. The applicant needs to address this.
- With regards the fall-back of the Certificate of Lawful Use at the Mere Park garden centre, for there to be a "commitment" there needs to be a likelihood of implementation. The Audley Ave Inspector did consider that it might be possible for a discount retailer to operate from it. However, Lidl do not wish to operate from it and Aldi have rejected it. Thus any covenant to restrict food use of the garden centre is of no practical effect or value and must be given no weight in the decision-making.
- To conclude the application should be refused as it fails to meet the NNPF requirements of the sequential test, is contrary to policy CS9 in terms of social exclusion, erosion of planned private sector investment in Newport and no weight can be given to a covenant preventing food retailing in the garden centre as there is no reasonable likelihood of such a use occurring.
- The Aldi & Lidl applications need to be considered within the context of there being a call-in appeal for a supermarket on Station Road and the LPA's position to support the Station Road proposal.

Letter of objection from Phil Jones Associates on behalf of St Modwen,
summarised below as follows:-

- Having reviewed the Transport Statement (TS) have several concerns.
- The TS says it is a robust assessment given the garden centre buildings have an open retail use that could operate without consent. But the proposal is for a standalone unit and is the only scenario that can be assessed.
- The TS reports that the nearest bus stop is 280m walk from store entrance - this is not an attractive walk distance for people with shopping bags and therefore it is unlikely that public transport is a realistic mode of choice for accessing a food store and the previous appeal inspector considered it would be an 'ordeal'.
- There is no pedestrian crossing facility from the bus stop and the severance issues associated with the A518 is a further disincentive - and this was considered by the previous appeal inspector.

- Pedestrian walk distance isochromes are drawn as 'crow flies', but this is not realistic representation of actual walk-in catchment. The catchment will actually be less than suggested.
- Whilst there are footways and dropped kerbs on the A41, the road still presents severance issues given high volumes of traffic and speeds and lack of active frontages this was considered by the previous appeal Inspector.
- With regards accessibility, the previous appeal inspector concluded the site's accessibility was not satisfactory and did not meet social inclusion objectives in policy CS9 .
- Traffic counts undertaken in May 2010 are beyond the typical 3 year period for traffic count data and so revised surveys should be undertaken.
- Not clear whether other development in Newport has been added to the base flows as committed development in the assessment.
- Some of the trip data may be out of date, because of different versions of trip data been used.
- There is no capacity assessment of the site access junction, therefore not possible to identify if operation of the site access will have implications for the operation of the A41/Mere Park access.
- Note that the Council's highways team has also raised a range of concerns.
- Clearly there are fundamental issues with the accessibility of this site, as summarised by the previous appeal inspector, and which this proposal does nothing to address - therefore the proposal should be refused.

Letter of objection from Jones Lang LaSalle on behalf of Aldi, summarised below as follows:-

- Do not consider the 'fall back' position of using the garden centre
- Lidl's plans show that significant structural changes are required including some demolition of the existing conservatories and extensions, which demonstrates that the garden centre building is not suitable for conversion.
- An extension to accommodate the delivery bay would be outside the existing building - this would require planning permission.
- The existing car park layout could not accommodate HGV access and would therefore need to be broken up and reformatted - this would require planning permission.
- No plans shown for the glass roof - foodstore operations do not allow for such glazing as creates risk of perishing stock.
- Elevation glazing would also be replaced on some elevations and rendered - will require planning permission.
- Lidl's suggested internal layout is tight, impractical and would cause shopper congestion.
- Plans don't show external plant equipment that would be needed - will require planning permission.
- Consider that Lidl cannot operate from the existing store as it stands.
- Aldi has assessed the garden centre for itself and has found it does not lend itself to the businesses' operation format, even with minor amendments to store layout and structure.

- Aldi foresee a situation where in reality the store would need to be demolished and rebuilt, or will require significant alterations - all of which will require planning permission, but this is not guaranteed and is not part of the current application.
- As part of the NPPF's sustainable development objectives, the NPPF encourages the use of brownfield land.
- Mere Park proposal is on a greenfield site which is not an effective use of land.
- Re-using the garden centre would be a more effective use of land, but would require the closure of the garden centre, which currently serves the local community.
- The proposal is not a sustainable form of development.
- In conclusion the 'fall-back' position cannot form a material consideration in supporting the Mere park Lidl proposal.

3 letters of objection from local residents summarised below as follows:-

- The Lidl development is not so easily accessible by foot with the site being on the far side from town of the very busy A41.
- Other areas proposed for supermarkets e.g. Aldi at the Focus site, sit within the town ring road and as a brownfield development, the Aldi proposal to redevelop the existing redundant Focus site has more merit.
- There are already sufficient food outlets within the town with Co-op and Waitrose, or within easy reach by private or public transport for Asda, Morrison's and Sainsbury's in Telford that meet everyone's budget.
- The council should be providing greater support for local smaller businesses rather than encouraging the larger supermarket chains to run further smaller local food operatives out of business.
- With the proposed new Aldi site so close to the Lidl proposal at Mere Park there is not a need for both these developments and with continued growth, Newport will lose its stature as the historic town it has always been.
- The comments made by Newport town council are accurate and agree with them.

1 letter of support - summarised below as follows:-

- It would be useful to have a supermarket on the northern side of the town, and this development is not impinging on local countryside as it lies adjacent to the Mere Park site.
- If Lidl do not develop here, undoubtedly someone else will.

PLANNING POLICY CONTEXT

National Policy and Planning Guidance:

National Planning Policy Framework (NPPF) published in March 2012 - this cancels the previous national retail guidance in PPS4.

Planning Policy Guidance (PPG) published March 2104 - this guidance cancels the previous "Planning for Town Centres: Practice guidance on need, impact and the sequential approach."

Local Planning Policy

Wrekin Local Plan 1995-2006 (adopted Feb 2000):

Policy S1 Service centre hierarchy

Policy S5 Garden Centres in the Rural Area.

Policy S12 Newport Retail Frontages

Policy S13 Newport Secondary Zone

Local Development Framework Core Strategy (adopted Dec 2007):

Policy CS2 Jobs

Policy CS6 Newport

Policy CS7 Rural Area

Policy CS8 Regeneration

Policy CS9 Accessibility and social inclusion

PLANNING CONSIDERATIONS

Planning policy

The National Planning Policy Framework (NPPF) was published in March 2012 and replaces previous government retail policy guidance in Planning Policy Statement 4: Planning for Sustainable Economic Development used in the previous Mere Park foodstore appeal in 2010. In addition, the previous “Planning for Town Centre: Practice guidance on need, impact and the sequential approach” has been cancelled by the recent publication of the national Planning Policy Guidance (which is the companion guide to the NPPF).

The NPPF is the most up to date national policy guidance that all development needs to be assessed against - paragraphs 13 and 196 advise that the NPPF is a material consideration in determining applications. Paragraph 14 of the NPPF (and which para 197 reiterates) states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” and that development proposals that accord with the development plan must be approved. Paras 11 and 196 advise that planning law requires all applications to be determined in accordance with the development plan unless material considerations indicate otherwise, which in this case is the saved policies in the Wrekin Local Plan and the Core Strategy. The government seeks to promote economic growth, and in pursuing sustainable development has identified three mutually dependant economic, social and environmental dimensions. The NPPF should also be read as a whole

Para 23 of the NPPF seeks to encourage amongst other things, town centres as the heart of communities, a network and hierarchy of centres resilient to economic change, promote competitive town centres that provide customer choice and a

diverse retail offer, and retain and enhance existing markets even if new ones are created.

The NPPF sets out two tests that should be applied when assessing proposals for town centre uses, including retail, that are proposed out of centre, namely the sequential test and the impact assessment. The NPPF advice goes on to conclude at para 27 “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 [set out in para 26 of the NPPF], it should be refused”.

At a local level both the Wrekin Local Plan and Core Strategy pre-date the NPPF and more recent national Planning Policy Guidance; however there are still relevant policies. The Wrekin Local Plan sets out a service hierarchy under its Policy S1. Telford Town Centre is a level 1 centre where new retail developments are expected to be located. The next hierarchy of locations (level 2) in which to focus retail development are Newport and the other District Centres of Oakengates, Wellington, Madeley, Dawley, Hadley and Donnington. Policy S12 relates to Newport town centre and the accompanying Proposals Map identifies the Primary Shopping Frontages in Newport and a “secondary zone” where greater flexibility of uses is allowed. The proposed site at Mere Park lies outside both the Primary Shopping Frontage area and Secondary Zone, as indeed does the proposed Aldi store at Audley Avenue, and is in an out of centre location.

The Core Strategy policy CS6 seeks to ensure that development in Newport supports Newport in its role as a market town and enables it to fulfil its role as a rural service centre. The policy goes on to suggest that the town’s economy and its service and facility base will benefit from being bolstered and expanded and that the policy aim is to “achieve a sustainable economy”.

Core Strategy policy CS7 relates to the rural area, which is where the application and the Mere Park garden centre are located, and that development should meet the needs of the area and development in the countryside will be controlled.

Core Strategy policy CS8 relates to development associated with regeneration initiatives which will be supported where it will, amongst other things, strengthen the market town role of Newport and the services and facilities it provides.

Core Strategy Policy CS9 seeks to improve social inclusion and accessibility and expects development, amongst other things, to promote sustainable forms of transport by providing public transport, cycling and pedestrian routes and be located in existing centres to minimise the distance people travel.

The Core Strategy also contains longer term spatial development objectives that are to “support the role of Newport as a market town and to meet its local needs” and

more generally to “create a sustainable pattern of development”; “improve social inclusion by improving accessibility of jobs, shopping... while minimising the need for travel”.

Retail impact assessment

With regards retail impact, para 26 of the NPPF advises LPA’s “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 sqm).”

The recent NPPF Policy Practice Guidance “Ensuring the vitality of town centres” gives further clarification on this matter as at para 016 it states “The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace, unless a different locally appropriate threshold is set by the local planning authority”.

At present the Council does not have a locally set floorspace threshold, although this will be a consideration for the emerging Shaping Places Local Plan, hence the NPPF default threshold floor area of 2,500 sqm must be used. Only once a development exceeds the threshold does an impact assessment of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, need to be undertaken.

The proposed food store has a gross floor area of 1,900 sqm and net retail sales area of 1,286 sqm. As this falls below the NPPF default threshold of 2,500sqm there is no policy obligation on the LPA to require the applicant to undertake an impact assessment and consider the impact of other retail proposals in and around Newport and other nearby relevant towns. In addition WYG, the LPA’s retail consultant, draws attention to recent appeal decisions in Bracknell and at Coggleshall where Inspectors have ruled that impact assessments are not required where floor areas fall below the default NPPF threshold or any locally set thresholds. The LPA therefore maintains the view that a retail impact is not required to be undertaken for this application.

However, various representations from third parties, including those acting for other proposed retail developers in Newport (the Co-Op and the proposed supermarket at Station Road) have expressed concerns about the cumulative impact of retail developments on Newport town centre and other stores already trading there, in particular Waitrose and the Co-op, which act as anchor stores in the town, and in light of the proposed new supermarket at Audley Avenue that was allowed on appeal. Queen’s Counsel acting for Lidl at Mere Park, in advising on this threshold, points out that the NPPF does not expressly say that impact considerations are irrelevant for proposals below the NPPF threshold. WYG, the Council’s retail consultants advise, and the Local Planning Authority agrees, that an impact assessment cannot be

requested under the terms of the NPPF for the proposed retail store on Newport, alone or in combination as part of a cumulative impact assessment. Hence the only other test is the sequential assessment.

Despite there being no need to consider impact, some consideration of the issue is considered appropriate as a response to third party objections.

In terms of impact assessment, there are two tests within the NPPF, which are:

3. 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 proposals, and;
4. 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.

There are no specific proposals for Newport town centre that could be harmed by a further discount foodstore. Indeed this was clarified and confirmed at both the Audley Avenue appeal inquiry (with the Inspector accepting the evidence presented) and at the stalled Station Road inquiry (appeal still to be decided). However, representations received from St Modwen, the developer at Station Road whose application has been called-in, point to the fact that the LPA has supported the proposed Station Road supermarket (and continue to do so) on the basis that it would contribute to the health of the town centre in terms of the wider benefits that would flow from such a development. They therefore consider that to allow a Lidl store at Mere Park (or indeed an Aldi at Audley Avenue) would be contrary to the impacts test where retail developments should not be permitted to impact upon existing, committed or planned public and private investment in retail centres. This issue has not been tested through the inquiry process yet, but for now there is a commitment at Audley Avenue that cannot be questioned.

The applicant accepts that as the proposed store is below the 2,500 sqm NPPF threshold that impact can't be addressed, although they have since submitted Counsel advice suggesting that cumulative impact assessments ought to be considered. Nevertheless the applicant has undertaken their own brief consideration of the likely trading effects the proposed store will have on Newport town centre, and in particular the two main convenience operators Waitrose and the Co-Op, bearing in mind the fall-back position of the re-use of the existing garden centre for open A1 retail use following the Certificate of Lawfulness appeal. They have taken information from the Council's previous position statements provided as part of the call-in appeal in January 2013 for the proposed supermarket on Land West of Station Road, as well as taking into account the cumulative impact of other retail commitments, namely the Audley Avenue supermarket allowed on appeal (apparently intended for Morrison's) and the fall-back position at Mere Park,. They have not considered the Station Road or Aldi proposals as commitments as these applications have not been granted.

Based on Lidl's company average trading density of £2,312 per sqm (at 2019 in 2010 prices), the applicant advises that turnover of convenience goods will be £2.8m and comparison goods £0.59m (total £3.39m turnover). A new store will undoubtedly take trade from other stores. The applicant estimates that the solus trading impacts arising from the proposed store will be -1.4% on Waitrose and -2.4% on the Co-Op. The applicant then estimates that the cumulative impact on Waitrose and the Co-Op will be -19.8.1% and -113.7% respectively. If the fall-back position was restricted, whereby the garden centre agrees to remove the convenience floor space from the garden centre, this cumulative impact would be reduced to -16.1% and -12.4%. The applicant therefore concludes that allowing a new Lidl store with the fall-back position of removing the floorspace from the existing garden centre by unilateral undertaking would reduce the potential impacts on stores in Newport town centre.

Objectors however consider that the trading density and overall turnover of the store have been underestimated by the applicant and that the store has the potential to perform at a much stronger level, such that the impact will in fact be greater than suggested. It has been suggested that the impact on the Co-Op could be significant and seriously affect the viability of the store. Objectors also query how robust the applicant's assessments are, especially in the absence of detailed supporting information, and consider that impacts will be much greater than the applicant has assessed them to be.

There will always be discussion and debate over impact and retail figures, and this has been borne out at several retail appeal inquires at Newport. At the Audley Avenue appeal evidence was considered relating to the cumulative impact of the appeal store supermarket plus Mere Park garden centre operating as a convenience (food) outlet. The Inspector was satisfied that a convenience store at the garden centre together with the appeal supermarket at Audley Avenue would have "no significant adverse cumulative impact on Newport town centre" (para 45). Officers are satisfied that the recent appeal decision at Audley Avenue is a material consideration and circumstances haven't really changed since then. In addition, the Mere Park appeal Inspector also considered that a discount foodstore (which at the time was the only new retail proposal in Newport under consideration) would not cause significant harm to the overall vitality and viability of the role of Newport as a market town, based on in-centre trade/turnover and on the trading characteristics of a "discounter" type food store.

As already stated above, there is no need to undertake a retail impact assessment as the application proposal falls substantially below the 2,500 sq m floorspace threshold specified in the NPPF where impact assessments are triggered - this has been tested at appeal decisions in Bracknell and at Coggleshall. However, this approach has been questioned by objectors. Queen's Counsel acting for Lidl at

Mere Park, in advising on this threshold, points out that “However paragraphs 26 & 27 do not say that such considerations are irrelevant where one is dealing with proposals below 2500sq m. Nonetheless unless those decisions are succeeded by further cases then they remain powerful support for the contrary proposition.” This view is supported by your officers and it must therefore be concluded that WYG’s advice is correct and that the Local Planning Authority should not impose arbitrary thresholds as to when impact assessments are necessary unless a lower threshold can be justified and supported by development plan policies based on local circumstances.

Qualitative Need

In terms of the qualitative benefits that will arise from a discounter food store, the Council and other parties have successfully argued at appeal that leakage of retail expenditure from Newport will continue to be a problem until there is an improved retail offer and a range of suitable stores in Newport. Both the Mere Park and Audley Avenue appeal Inspectors acknowledged that there is a qualitative gap in foodstore provision in the town. A discounter supermarket will result in enhanced choice for shoppers and such a store will reduce the number of journeys to other discount operators beyond Newport, and will assist in clawing back retail expenditure lost to Newport. It is also suggested that shoppers using Lidl would continue to shop at the larger retailers and would thus continue to shop at Newport, which is positive in terms of linked shopping trips. The applicant considers that a new Lidl store at the garden centre complex coupled with the subsidised bus service that the garden centre owner pays for, will only strengthen linkages between the Lidl site and Newport town centre. There is a case that the proposal will be significantly more accessible to all members of the community that presently wish to shop at discount operators elsewhere in Telford and Stafford, which has social inclusion benefits. Officers therefore consider that the Lidl proposal will off-set some of that qualitative deficiency.

The development plan is the starting point for any decision-making and so it is necessary to consider any relevant policies. Wrekin Local Policy S1 sets out a retail hierarchy whereby Telford is the first priority for locating new retail development, followed by District Centres, such as Newport town centre. This is broadly in compliance with the NPPF as new development is to be focussed on town centres first. Policy S1 then links with policies S12 and S13 and Newport’s primary retail frontages and secondary shopping zone. But this does not outweigh NPPF guidance and is not relevant to the assessment of an out of centre location of new convenience retail stores beyond Newport’s primary and secondary shopping frontages. Core Strategy policy CS6 seeks to ensure that development in Newport supports its role as a market town and enables it to fulfil its role as a rural service centre. But this is a general policy about Newport and the NPPF retail guidance is town centre specific, so this is not relevant for retail impact purposes.

Core Strategy policy CS9 seeks to improve social inclusion and accessibility. From recent appeals for foodstores at Station Road and Audley Avenue and from the Mere Park appeal in 2010, it has been acknowledged that there is a qualitative gap in foodstore provision in Newport and a need for a discount food retailer. Officers consider that a discount foodstore will result in enhanced choice for shoppers, will assist in drawing back retail expenditure lost to Newport, will reduce the number of journeys to other discount operators beyond Newport (such as Wellington, Donnington, Market Drayton), and will be of benefit to those without access to a car or who cannot travel beyond Newport. It is worth noting that B&M, who have a store in the in Newport town centre, have not objected to the proposed Lidl store and have now withdrawn their objection to the proposed Aldi store. Officers therefore consider that a discount food store, such as that offered by the proposed Lidl (or indeed Aldi), will off-set some of that qualitative deficiency and which will then make this retail offer significantly more accessible to all members of the community that presently wish to shop at discount operators but have to currently travel elsewhere. This in turn aids social inclusion in line with the aims of policy CS9.

In summary on the issue of impact, the LPA, and its retail consultants WYG, agree that an impact assessment cannot be requested under the terms of the NPPF for the proposed retail store, and hence need not be undertaken. There are no other development plan policies that serve to outweigh the NPPF on this matter.

Hence, the only retail test against which to consider the application is the sequential test, and any other significant material considerations, which are discussed further in this report.

Sequential test

Para 24 of the NPPF requires LPA's to apply a sequential test "to planning 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 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".

Before considering the out of centre application site, officers must first be satisfied that there are no available town centre or edge of centre sites. This is where it is necessary to consider town centre sites and the two edge of centre sequential sites previously presented at the Mere Park appeal in 2010, namely the Concrete batching plant and land off Water Lane.

Concrete batching plant (applicant refers to this as Avenue Road)

At the Mere Park foodstore appeal in 2010, the concrete batching plant site off Avenue Road was put forward by the Council as a sequentially preferable site. However, this site is no longer available as it is currently being developed and built

out for housing, having been granted full planning permission (it was subject to an outline application at the time of the Mere Park appeal pending the signing of a s106 legal agreement).

Land off Water Lane (and St Mary's Street)

The previous Mere Park foodstore appeal in 2010 was dismissed because there was a sequentially preferable site within the town centre along Water Lane that could accommodate the proposal. Water Lane is a large swathe of backland behind and including some of the town centre's St Mary Street's premises with frontage to Water Lane. At the time of the appeal one of the landowners (Mr Tyler) came forward offering his site for retail development and the inspector accepted this as a sequentially preferable site. Land along Water Lane is in multiple ownerships that could make land assembly more difficult without owner co-operation, but the Mere Park appeal Inspector did not consider this to be impossible.

The applicant has submitted justification as to why Water Lane would not be a sequentially preferable site to the one at Mere Park and concludes there is insufficient land to provide for a size and format of store desired by the applicant. The site has no street frontage onto St Mary's Street and not enough parking, which are key operational requirements for Lidl. The site is also long and narrow making suitable configuration difficult and the slope of the site would make level parking difficult. Aldi have also looked at Water Lane and have discounted it for similar reasons. Aldi have confirmed that both the Baptist Church and the Victoria Hotel are not willing to offer up their land, which further reduces land availability along Water Lane.

Whilst a store with an associated car park could be fitted on the site, the land available appears to be limited, and the applicant advises that the available area would not result in an ideal operating format. In considering sequential sites, the NPPF directs both applicants and the Council to apply some degree of flexibility. The Council's retail consultants highlight recent case law on site suitability. One of the court judgements (Tesco Stores Ltd vs Dundee City Council) concluded that in considering alternative sites, one must have regard to whether the site is suitable for the development as it has been proposed, and not for an amended or altered form of that development, and that consideration needs to be given to the "real world" in which developers operate and not an "artificial" one.

The Council's retail consultants WYG have commented that over three and a half years have now passed since the Mere Park discount food appeal decision and the site has not come forward for retail development in that time. Furthermore, since the autumn of 2011, two supermarket applications have also been submitted and both applicants were directed to consider Water Lane, although it was agreed by all parties that land off Water Lane was not suitable for the size and format required of a large supermarket. It must be noted that officers have tried to assist the applicant to

develop Water Lane as a discount supermarket but it is clear that they have encountered reluctance from landowners to allow the site to be assembled for the purposes of a supermarket. Despite retail interest in Newport increasing and the need for sites having been common knowledge in Newport, it would have reasonably been expected that land off Water Lane would have come forward by now if it represented a genuine suitable site. But no such schemes have come forward for a supermarket on Water Lane.

Any new building on Water Lane would need to be very carefully designed and sited as the site adjoins Newport conservation area where developments are expected to preserve and enhance the character and appearance of the area – an area where this Council has undertaken enhancement work over the last two years (Victoria Park). Although this has not been tested through the planning process as yet, it is difficult to be certain that a supermarket development of the type proposed would meet these twin tests easily – the Council would expect an exceptionally high standard of design quality. There is also a possible issue of the suitability of the access which has never been tested through the planning application process and which could yet prove an impediment to a more intensive retail use such as a foodstore.

Whilst the possibility of developing at Water Lane did form a consideration at the Mere Park appeal and essentially formed a second reason for refusal behind the primary issue of ‘accessibility’, there remain some existing and potential constraints to the Water Lane site being able to accommodate a foodstore at this time. This is of course contested by objectors who believe that the Local Planning Authority must apply a consistent approach in decision making. The applicants at Station Road has threatened that they will challenge any decision in favour of this application if proper account is not given to the Water Lane site, particularly given the Mere Park Inspector’s findings. However, the Council is entitled to review its previous stance given the change of circumstances, the passage of time and the site not coming forward in the intervening three and half years, the reluctance of at least one landowner to release its building to the developer, case law that alternative sites should be able to accommodate realistic development formats, the environmental enhancements that have occurred along Water Lane thus favouring a development that would potentially more positively enhance the character and appearance of the adjoining conservation area and the possible uncertainties that an acceptable means of safe access can be achieved.

Station Road

This is a greenfield site beyond the urban boundary limits of Newport, but enclosed by the A518 Newport by-pass - it is hence an out of centre site. The site earmarked for a 8,100 sqm superstore currently the subject of call-in by the Secretary of State. The applicant comments that the site is 850m from the Primary Shopping Frontage. There are only 4 buses a day and whilst the site is more accessible on foot than

Mere Park, it is less accessible by public transport. The land around the proposed Sainsbury's supermarket is earmarked for residential uses and this proposal now has a resolution for approval. The applicant advises that the developer of Station Road has told them that the remaining land at Station Road is not available. They also make the point that in any event the Inspector at Audley Avenue took the view, supported by the Court of Appeal, that Station Road was not sequentially superior to Audley Avenue.

Former Focus DIY site, Audley Avenue (Aldi site)

This is a brownfield site located within the urban boundary limits of Newport and is an out of centre site. The applicant comments that this site is currently the subject of a similar discount food store planning application for Aldi (TWC/2013/0887). Whilst it is suitable for a discount food store the applicant deems it unavailable, although the Council would contest this, as in general terms in relation to the sequential test the fact that there is an application on the site for a similar use does not render the site unavailable. The applicant considers that the proposed Lidl site at Mere Park is more viable because of its greater potential for linked trips and its accessibility. .

In conclusion on applying the sequential test, it is agreed by all parties, including the Aldi applicants, that there are no town centre sites to be considered. In considering the two edges of centre sites, namely the concrete batching plant on Avenue Road and land off Water Lane, officers are satisfied that these too can be discounted. Therefore there are no other town centre or edge of centre sites that are available, suitable and sequentially preferable.

Accessibility

As there are no alternative town centre or edge of centre sites available, consideration now needs to turn to the application site, which is an out of centre site.

As has already been mentioned, the NPPF requires local planning authorities "...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". This necessitates looking at the potential for linked trips to the town centre together with their connectedness therewith and to then apply some degree of "preference" or choice between sites (if there are more than one) to ensure that the best location is chosen. What paragraph 24 of the NPPF requires when considering out of centre sites is that a preference should be given to sites that are well connected to the town centre. As the Inspector found at the Audley Avenue appeal in relation to this 'preference', it is about achieving connections with the centre by a choice of travel modes which is the prime consideration. The question is therefore not whether one of the out of centre sites is closer to the town centre but rather, whether one of the sites could achieve better town centre linkages than the other. It is the accessibility argument that is now given further consideration. Indeed accessibility is also a

prominent factor of the development plan and NPPF as a whole and therefore is a material consideration in determining this application.

There is another discount foodstore application lodged with the Council for determination that is also on this agenda involving the proposed Aldi store at the former Focus DIY store on Audley Avenue (TWC/2013/0887). For the purposes of sequential site selection under the NPPF test, as both the application site and the proposed Aldi site are both located out of centre i.e. roughly equidistant from the primary shopping centre of Newport, there is no need to apply the narrowly interpreted sequential test. However, as stated above the NPPF does require a consideration of preference.

Both the application site and the Aldi site are accessible by car, and it is likely that the majority of visits to either store will take place by car. Whilst the bus gates on Audley Avenue would mean that car users would need to drive round the by-pass and, as Lidl suggests cars would need to travel past the Mere Park site, the difference is not as significant as to be material or to make much difference between the two sites. Lidl have submitted a map that shows the relative car distances from the centre of Newport (by the church) to the two proposed stores. This shows that by driving along Stafford Road, Lidl is some 1,561m away whereas Aldi is 2,526m. However if one drove to Aldi along Upper Bar and Station Road, the driving distance to Aldi is reduced to 2,180m (as measured by officers). Officers consider that overall the difference in mileage trips is inconsequential and is not so significant as to be material or make much difference between the two sites. This argument was played out at the Audley Avenue appeal (albeit in the context of comparing Station Road and Audley Avenue). The Inspector was far from convinced that Station Road should be preferred as being closer to the town centre because, in part, it was recognised that a large percentage of shoppers would inevitably travel to either site by car and that a few minutes extra drive would not be important.

It has been recognised previously at two planning appeals that Mere Park is not accessible enough, apart from by car, and this is a material consideration. The Inspector's decision on the Mere Park appeal in 2010 commented that:-

“32. The site [at Mere Park] is close to the route of the Telford-Stafford (481) bus service, which has a half hourly day time frequency. This provides a regular bus service to and from Newport Town Centre and those parts of Newport and its catchment area close to the route of this service. However, although accessibility to the current bus stops on Stafford Road is to be improved, by the construction/improvement of pavements within the Appellant's land holding, it would still involve a walk of about 300 metres, something of an ordeal to many people carrying heavy shopping. There is also no facility, existing or proposed, to assist bus users in crossing this busy road, to or from the north side bus stop, which is close to a roundabout.

33. Because of the out of town location, the potential pedestrian catchment of this store, which is often significant at discount stores, would be limited. Additionally, both pedestrians and cyclists visiting the store would have to cross the junction of the A41 and A518, which is heavily trafficked and includes the use of many heavy goods vehicles. Such an experience could be intimidating to some and inconvenient to others. In my view, the accessibility of this site by means of transport other than the car is far from ideal.

34. The Appellant appears to have been unable to persuade the bus company to divert the 481 service through its site. Although, it has offered to guarantee a free bus service from and to the town centre for a period of five years, from the date of the store's opening, much of this period would be covered by the existing arrangements. If service 481 were to cease operation, there is no guarantee as to the frequency of the alternative arrangements in the Unilateral Undertaking so that I cannot attach significant weight to this aspect of the proposal.

35. When compared to Newport Town Centre, which is additionally served by two, all be it less frequent, town services and potentially has a comparatively large walk in catchment population, the accessibility of the appeal site is poor. Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded a reasonable opportunity to access food shops. It also seeks to locate such facilities in existing centres in order to minimise the distance people travel and to make them accessible by public transport, walking and cycling. The proposal is clearly contrary to these objectives. I conclude that the accessibility of the proposal by a choice of means of transport is not satisfactory. This gives added weight to my conclusion that there are sequentially preferable sites on the edge of Newport Town Centre where the development of a convenience discount store would be more appropriately located.”

The Audley Avenue Inspector also considered accessibility at Mere Park. At para 33 of her appeal decision the Inspector observed that “Mere Park is in an out of town location that is slightly closer to the PSF [Primary Shopping Frontage] than the appeal site [Audley Avenue] and benefits from a regular bus service to the town centre. However its main disadvantage is that it is on the eastern side of the A41 which is a busy dual carriageway. Whilst it is possible to cross the roundabout this road would act as a considerable barrier to pedestrian movement”.

Officers consider that nothing has materially changed since both appeals and that the application site at Mere Park remains insufficiently accessible by modes of transport other than the car.

With regards walking and cycling, the Lidl and Aldi sites are similar distances from the town centre. Measuring walking/cycling distances from the centre of town by the church, Lidl would be some 1,561m away using Station Road, whereas Aldi would be 1,625m away travelling along Audley Avenue. Officers do not consider that some 64m between the sites to be significantly different as to be material.

However, the nature of those routes is worth considering. Since the Mere Park appeal the nature and type of walking and cycling routes to Lidl, as described in the Inspector's appeal decision above, remain the same, as does the need to cross the heavily trafficked A41/A518, which the Inspector thought would be "intimidating" and "inconvenient". There are still the same pavements, dropped kerbs and pedestrian refuge that were in place at the time of the 2010 appeal. Whilst the applicant has suggested willingness to make any necessary improvements, the Council's highways officer does not consider that there are any improvements that could be made without prejudicing the operation, capacity and safety of the strategic highway network and particularly the A41/A518 roundabout. For example, installing a signalised pedestrian crossing for the A41 near the roundabout would likely adversely impact on traffic exiting the roundabout to the detriment of the free flow of traffic and wider highway safety. The applicant advises that over time he has improved the route along Stafford Road with hanging baskets, but this is of no material significance in relation to ease of access or safety.

The Audley Avenue Inspector concluded that Audley Avenue is reasonably located in terms of its accessibility for customers wishing to walk or cycle. Walking or cycling to the proposed Aldi store would be safer and relatively convenient, as Audley Avenue has limited vehicular access due to the presence of the bus gates that prevents through traffic. Recent planning permissions including at Audley Avenue will bring further housing development to this area of town and increase the walking catchment to any supermarket development at this location.

The population catchment for Mere Park will also increase with the grant of recent planning permissions in Newport, including some 209 units for elderly persons for a care home village opposite the site (on the other side of the A41 by-pass). However, this won't improve the pedestrian/cyclist experience to Mere Park as the increased population would still have to negotiate the busy A41/A518 and as the Audley Avenue Inspector noted, crossing the A41 is a "considerable barrier to pedestrian movement". The court judgement on the Audley Avenue appeal, when comparing with the Station Road site, said that both sites were such a distances away from the town centre as to not derive meaningful likelihood of linked walking trips.

The Lidl site does benefit from an existing half hourly daily bus service (the Arriva 481 service between Telford and Stafford) that stops outside the Mere Park garden centre on the A518, and the applicants consider this to be a material advantage over the Aldi site at Audley Avenue. In addition to the existing bus service, the owner of

the Mere Park garden centre pays a financial subsidy to Arriva, such that at off-peak times (9.30am - 3.30pm Monday to Sunday) customers can travel between Newport town centre and Mere Park for free. This is generous and may entice some customers to travel to Mere Park and the proposed Lidl. However, the existing Arriva 481 bus service and subsidy arrangement was in place at the time of the 2010 Mere Park appeal and this arrangement did not serve to persuade the Inspector that Mere Park site was sufficiently accessible for a foodstore. Nor did it persuade him that the bus service should outweigh the poor walking and cycling access.

Other factors in the Mere Park Inspector's decision about accessibility and the existing bus service was that customers alighting the bus outside Mere Park would need to cross the busy A518. In addition, anyone getting off or catching the bus outside Mere Park would still need to walk another 300m across the Mere Park garden centre complex to get to the store entrance, even if footpaths were improved within the Mere Park complex. Whilst the applicants consider that 300m is less than the generally acceptable 400m walking distance for shoppers to undertake (which equates to approximately a 5 minute walk) the Inspector considered this would be "an ordeal to many people carrying heavy shopping". This situation remains unchanged since the 2010 appeal decision and officers consider that nothing has changed to outweigh this material consideration.

A further point with regards the bus subsidy is that whilst Lidl may benefit from this arrangement, the subsidy arrangement is between the garden centre owner and the bus company (Arriva) and there is no certainty as to its continued provision. The Mere Park inspector also considered that if the 481 service were to cease, there would be no guarantee as to the frequency of the alternative arrangements that could be employed in a Unilateral Undertaking, such that he did not attach significant weight to this aspect. The Arriva 481 bus service continues to operate with or without the garden centre owner's subsidy and whilst the subsidy arrangements to provide "free" bus travel are laudable the matter was not a persuading factor in the Mere park appeal Inspector's decision. As this appeal decision is a material consideration, officers do not consider it to be a material determining factor in this current application and hence do not attach much weight to it.

With regards the Aldi site at Audley Avenue, it does not presently benefit from an existing bus service; a bus service will only be introduced if the larger foodstore allowed at appeal in 2012 goes ahead. Objectors point to the fragility of this permission following recent announcements by Morrison's in the press (the assumed end-operator) casting doubts as to whether they will proceed and, consequently the equally fragile nature of the section 106 associated with that consent relating to bus subsidies that would have led to the introduction of bus services along Audley Avenue. But the LPA must recognise this commitment in planning terms and assume bus provision to Audley Avenue, although modest weight can be attached to this situation. What is now proposed by Aldi is to fund a private twice-weekly

shopper pick-up service, operated on a club basis that would enable Newport residents to access a free of charge mini-bus service that would include two routes around key residential areas of the town to both the Aldi store and the town centre. The service would operate for a minimum period of five years and could be controlled via a section 106 Obligation. On its own this is not a determining factor. However, the Aldi mini bus service is a positive measures and when the permitted larger foodstore is built out, will be a complementary service and will represent an acceptable solution in terms of enhancing Aldi's accessibility. Hence the Aldi site will have improved bus provision coupled with good walking and cycling access.

Neither the Lidl site at Mere Park, or the Aldi site at Audley Avenue is ideal for linked trips to Newport town centre and there are merits associated with both discount store proposals and sites. But Audley Avenue has been deemed able to have the potential for linked trips and be accessible by reason of the grant of planning permission for a supermarket and there is a planning commitment of a bus. In addition, the Aldi site benefits from a safe and relatively convenient pedestrian and cycling route along Audley Avenue. In contrast the previous Mere Park appeal Inspector considered that the Lidl site was not accessible to a satisfactory level, by means other than the car and did not accord significant weight to the existing bus service, or the subsidy arrangement, over other accessibility modes or other material considerations.

Officers consider that opportunities for linked trips with the Lidl site at Mere Park and the town centre to be limited due to the nature of the surrounding Mere Park garden centre and the restricted types of goods on offer (due to restrictive planning conditions), despite the existing bus service and the garden centre owner's subsidy arrangement with Arriva. The applicant states that discount stores tend to operate as complementary retailers. Indeed discount stores such as Aldi and Lidl are often seen in close proximity to other main supermarkets (and this would be the case if Aldi was approved at Audley Avenue adjacent to the supermarket allowed on appeal). The applicant argues that the proposed Lidl will form part of an established retail destination at Mere Park and, coupled with the subsidised bus service on offer, will only strengthen linkages between the site and Newport town centre. However, at Mere Park there are no other food retailers - only a garden centre and some units with restriction on the types of goods they can sell (including some farm shop type food products), a hotel and a public house. Expanding Mere Park as a retail destination will create an undesirable alternative retail focus to Newport town centre. The applicant has apparently carried out surveys of its garden centre customers to establish whether or not they were also visiting Newport town centre as part of their trip. The applicant advises that 31% of those asked had linked their garden centre visit with a visit to the town centre. This survey data has not been submitted so there is no way of assessing the survey and its results. However, officers consider that linked trips between the proposed Lidl and other units at Mere Park are limited, as are linked trips between the proposed Lidl and the town centre.

In contrast, the proposed Aldi site would be located adjacent to an approved supermarket, opposite the Countrywide store, adjacent and close to existing employment and offices in Audley Avenue, as well as staff and visitors to the nearby Burton Borough School on the other side of the Audley Avenue bus gates.

For the reasons set out above, officers consider that the issue of accessibility remains as it did for the Mere Park 2010 appeal, namely the application site is not accessible by a choice of means of transport to a satisfactory level. Hence the proposal does not meet social inclusion objectives of the NPPF and is contrary to Core Strategy policy CS9.

Other material considerations

Fall-back position at Mere Park

Currently any retailer including for food (but not necessarily a discounter) could operate from the approx. 2,000sqm gross floorspace of open A1 retail from the Mere Park garden centre building with almost immediate effect without needing planning permission for a change of use. Accessibility issues would not even need to be considered as planning permission would not need to be sought. The applicant considers that this is a significant factor when determining this application and should be given considerable weight.

Lidl have submitted written confirmation that whilst they would prefer a new purpose-built store at Mere Park, they could operate from the existing garden centre building. To demonstrate this they have submitted floor plans and elevations showing how the building could be utilised. The applicant has advised that if planning permission was not granted for a new Lidl store at Mere Park, Lidl would operate out of the existing garden centre building in any event. The applicant points out that if this was to happen the Council would miss out on the s106 financial contributions that would be triggered by a new store. And to reduce any possible adverse impact that there may be if planning permission is granted for a new Lidl store, the garden centre owner is prepared to enter into a Unilateral Undertaking to impose a restriction on the garden centre such 1,300sqm of floorspace of the garden centre would not be available for food retail. The garden centre building would be closer to the bus stops on the A518 and hence the 300m extra walk across the complex would not be necessary, which was one of the appeal Inspector's concerns.

Lidl have submitted plans showing alterations they would need to make to the existing garden centre building. These include replacing the glass windows with solid render and cladding some of the brick gables - these redevelopment works would require separate planning permission. Lidl's redevelopment works would also include removing some of the structures and conservatory and building the warehouse extension (that already has consent). Officers consider that these proposed alteration works serve to illustrate that the garden centre building is not

suitable in its current format for immediate occupation or use as a food store without the need of alterations and the securing of the necessary planning permissions, and would only offer compromised accommodation for a food store. Aldi have submitted commentary to this effect and also observe that they consider the proposed internal layout would not lend itself to easy use by discounter type supermarkets that tend to operate around a relatively fixed format and layout.

Lidl have now submitted an application for 'Lidl' signage on the existing garden centre as further demonstration of their commitment to occupy the garden centre. Members will be aware that this fall-back scenario has presented itself before. At the Audley Avenue appeal Morrisons produced a letter saying they would operate a supermarket from the existing Mere Park garden centre and even submitted an advert application for Morrisons signage on the garden centre building. But this did not materialise and indeed at the Station Road call-in inquiry in January 2013 it was announced that Morrisons were interested in the Audley Avenue supermarket site (and they subsequently submitted a reserved matters application for a store on the Audley Avenue site). As with the arguments about the Water Lane sequential site, there has been considerable retail interest in Newport over the last few years and if there was any genuine prospect of the garden centre building being suitable for a discount food operator or a "big four" supermarket, then it would have come forward by now.

Officers consider that this fall-back position does not form part of the NPPF sequential test and does not make the site more accessible. Officers do not attach much weight to the likelihood or reality of Lidl, or any other supermarket, occupying the garden centre building.

Brownfield vs Greenfield land

The application site at Mere Park lies outside the urban boundary of Newport, beyond the by-pass (A41) and on a greenfield site in the countryside/rural area. One of the NPPF's core planning principles to achieve sustainable development is that LPA's should "encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value" and this is reiterated in para 111. The development plan also encourages the efficient use of land as part of its spatial objectives. A food discount supermarket can be provided on a brownfield site within the urban boundary of Newport i.e. the proposed Aldi site on Audley Avenue. Officers consider that preference for brownfield development should be given substantial weight in this instance, particularly given the Inspector's findings at the Audley Avenue supermarket appeal, supported by the Court of Appeal judgement.

Countryside encroachment

The application site clearly lies outside the urban boundary of Newport in the countryside/rural area. The site is severed from Newport by the A41 and so is not

even contiguous with the Newport urban boundary. Whilst the NPPF seeks to encourage economic growth in rural areas in order to create jobs and prosperity, this development is not being promoted as a necessary rural enterprise. Core Strategy Policy CS7 deals with the Borough's rural area and seeks to limit and control development in the countryside such that development should be limited to that which is "*necessary to meet the needs of the area*". But Newport's rural area is provided for by Policy CS6 which deals with Newport's local needs as well as those of its "rural hinterland" all as part of Newport's role as a market town where services and facilities should be focused. Indeed the discount food offer can be provided on an urban site that is more accessible i.e. at the proposed Aldi at Audley Avenue. As such the proposed development unnecessarily extends development into the countryside and would tend to consolidate a mixed-use, out of centre location which would be undesirable in terms of creating an alternative retail focus to Newport's town centre. As such the proposal is contrary to the NPPF and Core Strategy Policy CS7.

Job creation

There will be some modest job creation. The applicant states up to 40 new posts would be created, although Lidl's own website says 25 jobs, and that Lidl seeks to source labour locally. Objectors comment that any job creation would not be net new jobs - only replacements for jobs lost to retail units that may close in the town centre. Notwithstanding this point of view, any job creation will help the general local economy but is not a significant factor in reaching a decision on this application.

Design

The Design & Access Statement and submitted proposed plans show that the building would be of a contemporary design with mono-pitched roof and grey fascia cladding and white render panels on the three main sides of the building, similar to Lidl stores found elsewhere. The store entrance is the far south east corner of the building closest to the road and fairly centrally sited within the car park and the corner and side elevation facing the road is full height glazing.

The building will be visible from the A41. Since the previous discount foodstore appeal at Mere Park, the A41 roadside frontage has changed as the Three Fishes public house and Premier Inn has since been built.

Officers consider that the design of the store, within the context of the mix of design and the generally larger buildings on the Mere Park complex, would not be wholly out of character.

Highways

Following initial concerns and the subsequent submission of additional information, the Council's highways officer no longer has an objection and has advised of the imposition of conditions. Highways do however comment that the applicant should

ensure that there is a direct pedestrian route through the adjoining site Mere Park site under their control to the A518 bus stops. The applicant's offer of a bus shelter on the High Street is not considered appropriate due to site constraints - therefore bus shelters to enhance the stops on the A518 by the garden centre would be more appropriate and this can be provided through s106 contributions. The highway officer would support the restriction on the garden centre that the applicant has offered.

However in terms of the capacity assessment, the highways officer is still concerned that there will be a level of delay during the peak periods particularly for right turn manoeuvres out of the site at the A41 junction. As a result, it will be necessary for the garden centre gates to remain open so alternative egress can be made via the A518. Due to the location of the store and the delivery area close to the access, it will be necessary to condition that deliveries are restricted to outside peak traffic and shopping times.

The applicant has acknowledged that this proposal will add to the additional traffic impact on the local highway network and that the cumulative impact of this with other developments will need to be mitigated. Based on the proposed development a contribution of £108,479.61 will be sought towards various off-site highway works around Newport. Other s106 contributions would be £25,000 towards bus stop improvements and £5,000 towards Travel Plan monitoring. In light of the Mere park Inspector's comments on the bus subsidy arrangement, planning officers do not consider that this can be adequately controlled, especially if the Arriva service ceased.

Other technical issues

Drainage can be mitigated against by condition as can ecology issues.

The LPA has undertaken a Habitats Regulations Assessment as the site lies within 5kms of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2. The scale of the proposals is small and the proposals will not directly affect the Ramsar site or its hydrology. There will be no adverse impacts as a result of waste water or drainage. Impacts from air emissions are highly unlikely. There will be no increase in recreational pressure. Therefore the LPA is satisfied that the development will have no likely significant effect on Aqualate Mere alone or in-combination. The proposals can be 'screened out' of the Habitat Regulation Assessment process and an Appropriate Assessment is not required. Hence, there is no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 from this planning application and there is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

S106/unilateral undertaking contributions

If planning permission is granted, the following financial contributions and other restrictions would be required to make the development acceptable:-

- £108,479.61 for off-site Highways contributions to network improvements.
- £25,000 for public transport enhancements for improvements to bus stops.
- £20,000 towards Public Art
- £5,000 for Travel Plan monitoring.
- Restriction on use of garden centre floor space for food.
- 5% of total contributions for S106 monitoring

CONCLUSION

Retail impact assessment cannot be considered in this instance as the application proposal for a 1,901 sqm (gross) retail food store falls below the NPPF threshold of 2,500sqm, and as yet there is no locally applicable threshold set through the Local Plan process. There are no other development plan policies that serve to outweigh the NPPF on this matter.

There are no sequentially preferable town centres or edge of centre sites that officers consider could accommodate the development proposal. Some objectors contend that Water Lane is still a sequentially preferable site and that the Council should maintain a consistent position from the Mere Park appeal when land off Water Lane was found to be a sequentially preferable site. However, the Council is entitled to review its previous stance given the change of circumstances. Taking the latest case law into account, the applicant's commentary on the unsuitability of Water Lane (endorsed by Aldi's application), the fact that no effective land assembly has taken place or retail schemes come forward on this land in the last three and a half years since the Mere Park appeal decision, the fact that if there was any genuine prospect of land off Water Lane being suitable for a discount food operator then it would have come forward by now, together with untested issues of the need for high quality design so close to the conservation area and possible access issues, officers consider that land off Water Lane can be discounted as a suitable alternative or sequentially preferable site, and that there are no other town centre or edge of centre sites.

The NPPF does require some comparison between sites in order for "preference" to be given to "accessible sites that are well connected to the town centre" in order to ensure the best sites are chosen, particularly if there is more than one site being considered. Neither the proposed Lidl site at Mere Park or the proposed Aldi at Audley Avenue is particularly well connected. However, following the appeal decision for the Audley Avenue supermarket, Audley Avenue has been found to be accessible and connected enough and hence is marginally better than the proposed Lidl site, where the Mere Park appeal Inspector found Mere Park was not accessible to a satisfactory level. These recent appeal decisions are a material consideration.

In then considering accessibility and connection to the town centre, the site is not considered accessible enough. This was the Inspector's view at the 2010 Mere Park appeal, despite the existing 481 Arriva bus service, as the site is poorly accessible for pedestrians/cyclists who have to negotiate the heavily trafficked A41 and A518 which acts as a barrier to pedestrian movement. This was endorsed by the Audley Avenue appeal Inspector in 2012. Officers consider that these appeal decisions are material and should be accorded significant weight. Even if one caught the bus to Mere Park, there is still a 300m walk across the Mere Park complex to the proposed store entrance and the previous appeal inspector considered this would be an "ordeal" to those carrying heavy shopping bags. This situation has not changed since the 2010 Mere Park appeal decision when the bus service and bus subsidy arrangement was already in place. Officers do not consider that the garden centre owner's bus subsidy arrangement with Arriva, allowing passengers between Newport town centre and Mere Park to travel free at off-peak times, to be a determining factor in the general accessibility of the site and should not outweigh other policy or material considerations. Hence, despite some social inclusion benefit of a discount food store for Newport, the social exclusion resulting from poor accessibility outweighs this benefit, which could be met elsewhere in Newport.

The applicant's fall-back position (whereby the existing garden centre benefits from a Certificate of Lawful Use allowing the building to be used for a food store and also the applicant's willingness to restrict the convenience floor space of the garden centre if a new store was built) does not form part of the NPPF sequential test and does not make the site any more accessible, apart from the garden centre building being slightly closer to the bus stop than the new store. Officers do not attach much weight to the likelihood or reality of Lidl, or any other supermarket, occupying the garden centre building and do not consider that this issue should outweigh other policy and material considerations.

In addition, the site would involve the development of a greenfield site. Both the NPPF and development plan seeks to encourage the effective re-use of brownfield land. Indeed a discount food store can be provided on a more accessible brownfield site i.e. at the proposed Aldi at Audley Avenue. Officers consider that preference for brownfield development should be given substantial weight in this instance, particularly given the Inspector's findings at the Audley Avenue supermarket appeal and supported by the Court of Appeal judgement.

The application site is also located beyond the urban limits of Newport in a countryside location where development is to be controlled and restricted, and where retail development is directed towards urban centres in preference to out of town or even countryside locations. Indeed a discount food store can be provided on a more accessible urban site i.e. the proposed Aldi at Audley Avenue. Development of this

countryside site would result in an encroachment into the countryside and consolidate a mixed use, out of centre location which would be undesirable in terms of creating an alternative retail focus to the town centre.

Issues relating to the design, highways, ecology, and drainage are not in question and can be adequately dealt with by conditions.

Taking all factors into account and applying planning balance, officers do not consider that there are material considerations that should outweigh the site's poor accessibility. In addition officers consider that the encroachment into the countryside and development of a greenfield are material and are not outweighed by the applicant's fall-back retail position for Mere Park or the garden centre owner's bus subsidy arrangement with Arriva. In conclusion officers consider that the application should be refusal for the reasons set out below.

RECOMMENDATION: REFUSE for the following reasons:

1. Notwithstanding the existing bus service close to the site, the application site is not accessible by a choice of means of transport to a satisfactory level for food retailing, where good access for those without a car is key and where social exclusion issues are to be avoided. The proposed development is therefore contrary to NPPF and Core Strategy policies CS7 and CS9.
2. The proposed development would unnecessarily extend built development into the countryside where development is strictly controlled and would tend to consolidate a mixed use, out of centre location which would be undesirable in terms of creating an alternative retail focus to the town centre and hence would be contrary to the NPPF, saved Wrekin Local Plan policy S1 and Core Strategy policy CS7.
3. The proposed development would involve the development of a greenfield site, which is in general conflict with the NPPF and there are no material considerations to outweigh this.

TWC/2014/0230

Land at Back Lane/Plantation Road, Tibberton, Newport, Shropshire, TF10 8NX
Outline planning application for residential development with all matters except
access reserved *****Additional Information Received – Indicative Housing
Number*****

APPLICANT

M Fisher

RECEIVED

20/03/2014

PARISH

Tibberton and Cherrington

WARD

Edgmond

OFFICER

Anna Adams

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Character, Impact on existing
infrastructure – Highways, Drainage, Education, Residential amenity, Ecology and
Habitat Regulation considerations, Section 106 Contributions

THE PROPOSAL: The application seeks outline planning permission for residential
development on the existing site at the junction of Back Lane and Plantation Road.
All other matters are reserved.

The proposed new access is indicated off Back Lane, and is some 25m from the
junction with Plantation Road, with visibility splays of 2.4m by more than 70m in
either direction along the highway.

In the supporting information, the applicant initially proposed 25 market dwellings on
the site; however they have since suggested that this may be increased to 34 units
to accommodate affordable housing. Whilst an indicative layout was requested by
the Local Planning Authority to aid the assessment of the proposal; under current
legislation, it is not mandatory for the applicant to submit such details for an outline
application. Subsequently, this has not been submitted, and will be provided at
reserved matters, subject to receiving outline planning permission.

Whilst the final number of units and layout will be determined at reserved matters,
the applicant sets out that the proposal would comprise a mix of terraced, semi-
detached and detached dwellings.

The application has been accompanied by a Planning Statement, information
regarding Highways, Drainage and Flood Risk, a Landscape and Visual appraisal
and Environmental (habitat) Survey. With regard to drainage arrangements, the

application form outlines the intention to use soakaway for surface water and package treatment plant for foul drainage.

The Planning Statement outlines the policies in National Planning Policy Framework (NPPF) and in the Core Strategy that the applicant deems to be most relevant in the consideration of the application. The applicant asserts that the principle of sustainable development has been established in Tibberton, and that appropriate measures can be taken to mitigate issues regarding highways, drainage and flood risk. Furthermore, the applicant considers the ecological, landscape and visual impacts of the development can be minimised and enhancements provided. The benefits of the scheme are set out as provision of affordable housing and community infrastructure.

SITE AND SURROUNDINGS:

The application site comprises a broadly rectangular shaped field, which widens to the northwest and is bounded by hedgerows and trees. The site measures approx. 1.3ha and comprises a red brick building and steel container, which are located towards the rear of the site, on the rear boundary with the adjoining residential dwelling, No.64 Plantation Road.

The site adjoins Back Lane to the east, Plantation Road to the south, further fields to the north and west, as well as garden land to No.64 Plantation Road, a large detached dwelling. It is located to the south of the village of Tibberton.

Three trees on the north, west and northeast boundaries of the site have recently been protected with Tree Preservation Orders. There is a further Tree Preservation Order covering the woodland area to the south of Plantation Road, which also includes a number of ponds.

There are no footways currently on Back Lane or Plantation Road. A Definitive Right of Way (DROW) runs from Back Lane, opposite the proposed indicative access point, across agricultural land to the west of the application site. There is a further DROW that runs from Plantation Road through the existing agricultural land and Sports Ground and linking to Maslan Crescent.

The site is detached from the main settlement of Tibberton, with the nearest property being No.64 Plantation Road. To the north of the application site on Back Lane, the development comprises established ribbon form of detached and semi-detached properties fronting the highway. The character of Tibberton consists of a mix of modest traditional cottages with large modern detached and semi-detached mid to late Twentieth Century properties.

PLANNING HISTORY:

W80/0048 Residential Development Of 15 Houses With Construction Of Vehicular And Pedestrian Access, Full Refused 02/06/1980

[W2003/0713](#) Erection of Two Detached Dwellings with Detached Garages and Construction of New Vehicular Access, Full Refused 22/08/2003, Appeal Dismissed 18/02/2004. Grounds for refusal based on Wrekin Local Plan and Shropshire and Telford & Wrekin Joint Structure Plan policies in relation to character, not infill, extension into open countryside, not for occupation by essential agricultural or forestry workers

Relevant history on adjoining sites:

Land at Orchard House:

TWC/2012/0961 Erection of 10 dwellings and partial demolition of Orchard House to provide access, Full Granted 18/10/2013

Land adjacent 12 Tibberton

TWC/2014/0236 Outline planning application for erection of up to 60no. dwellings with associated infrastructure (All matters reserved), Not yet determined

PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework

Core Strategy:

CS1 Homes

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS11 Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H10 Scale of Development

H22 Community Facilities

H24 Affordable Housing Rural Exceptions Policy

OL11 Woodland and Trees

LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Development

T22 Planning Obligations

CONSULTATION RESPONSES:

Councillor Burrell: no formal comments have been submitted, but has verbally discussed the main issues with officers regarding the scale of development and issues regarding existing infrastructure, in particular drainage arrangements and flooding.

Tibberton & Cherrington Parish Council: A meeting was held on 14th April and approx. 100 people attended. Of the attendees, only 2 supported this proposal and the other application TWC/2014/0236. Everyone else opposed the development on the following grounds:

- Scale and cumulative impact – the proposals constitute c.50% increase in existing number of households, which is excessive and unsustainable
- Existing road infrastructure and highway safety – the main roads are narrow in nature with poor visibility
- Lack of footpaths – safety of children walking to school/ bus stop
- Drainage infrastructure – combined sewer and limited capacity of the pumping station, and proposals in supporting statement for disposing of rainwater are uneconomic and unsustainable
- Risk of flooding due to existing site constraints and existing/proposed drainage arrangements – soakaways unsuitable due to underlying clay, and would require new surface water sewer
- Consider Severn Trent Water and Environment Agency need consulting
- Limited provision of public transport – no bus routes on Back Lane of Plantation Road, and constraints to commuting for work/ evening travel due to frequency of buses
- Schools - Tibberton Primary School is fully subscribed, and there are parking issues at start and end of school day. Limited secondary school provision as Burton Borough has a wide catchment area and the number of recent planning permissions in Newport itself; also the other Newport schools are selective
- Impact of additional vehicle movements on 'Quiet Lanes' project through the Weald Moors, and on nature conservation
- Impact of development on Newts, birds of prey and other wildlife
- Child safety due to proximity of marl pit pools
- Limited access to telecommunications – Broadband and mobile coverage
- Contradictions and omissions in supporting statement in relation to weight given to Core Strategy policies CS1 and CS7
- Reference to unmet need for housing in Parish outlined in Housing Needs Survey of March 2011, but not the actual figure of c.3 – 6 units

Highways: No objection subject to pre-commencement conditions relating to:

- Offsite highway works to provide 1 passing bay located on Plantation Road
- Details of access to include 2.4m x 43m Visibility Splays
- Design and construction of 1.5m pedestrian footway scheme from the site along Plantation Road to the southern access onto the Public Right of Way
- Design and construction of any new roads, footways, accesses together with details of disposal of surface water to a suitable outfall

- Details of parking, turning, loading and unloading of vehicles

There is also a requirement for a Section 106 contribution of £200 per dwelling towards improvements of the Public Right of Way which runs From Plantation Road to the Primary School and £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062 within the vicinity of the Back Lane/ B5062 Junction. The monies are to be paid upon the commencement of development, indexed and any unspent monies after 5 years refunded to the applicant.

Informatives are required regarding all off site Highway Improvement Works to be secured via Legal Agreement with the Local Highway Authority under S.278 Highways Act 1980, and the need to contact Highways prior to commencing work for permission to work on the adopted highway, under Section 184 Highways Act 1980.

Drainage: Support subject to conditions and make the following comments:

- An updated Flood Risk Assessment (FRA) at reserved matters with details of foul and surface water disposal and information on how the site will be restricted to greenfield rates of surface water discharge.
- The FRA has identified that there is a highway drainage system serving Back Lane. No connection to this or any other highway drainage system will be permitted. A detailed drainage investigation of any possible point of connection should also be submitted.
- There are known sewer capacity issues in Tibberton and the site is lacking an obvious point of connection for both surface and foul water flows, therefore Severn Trent Water should be consulted to determine if there is sufficient capacity in the sewerage network to cater for the proposed development.

Arboricultural: Objects to the application for the following reasons:

- Lack of information has been submitted regarding the trees on site.
- No proposed site plan therefore unclear as to where the properties would be and what impact on the existing tree stock during construction
- The most notable tree on site is the large Oak growing adjacent to the entrance which has a drainage ditch within its root protection area (RPA). There will be construction activity within its RPA during the development of the entrance into the site.
- The applicants have stated that they propose to erect up to 34 dwellings on the site and given that there is no tree survey or proposed layout, a tree preservation order has been made to ensure that the trees are paid due diligence throughout any proposed development of the site.

Ecology: Initial objection and request for further surveys to be carried out with regard to Great Crested Newts. Following submission of additional information, the proposal is considered acceptable subject to conditions regarding European Protected Species Licence, Ecological Mitigation Strategy and Method Statement – Great Crested Newts, Ecological Mitigation Strategy and Method Statement – Badgers, Pre-commencement inspection – Barn owl, Erection of artificial

nesting/roosting boxes, Erection of boxes – Barn owl, and Lighting plan; as well as informatives.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

The Ecologist has completed a Habitat Regulation Assessment screening matrix which concludes that there is no likely significant effect or likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of the proposed development

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

Education: no objection, but makes the following comment that given the number and type of dwellings a contribution towards primary and secondary education facilities in the vicinity of the development, as well as costs associated with transporting pupils to Newport would be required. Based on 34 units, the contribution would be £88,054 for primary and £50,784; totalling £138,838; (£4083.46 per unit).

Parks & Open Spaces: Requests that a sum of £600 per 2 bedroom property (and above) is provided towards offsite play/ recreational facilities; and that clarification is provided regarding the management of any open space proposed within the development. If the Council is to adopt this, a commuted sum for maintenance would also be required. If not, a management plan will need to identify how the area is to be managed and funded.

Affordable Housing: no comments received.

Severn Trent Water: Has become aware of several development sites that could significantly increase the population equivalent currently connected to the local sewerage system in Tibberton. As such they are gathering information from assets in the village to enable a hydraulic modelling exercise to commence to determine the impact of these proposals on the sewerage system in the area. The results of the modelling exercise will identify what action should be taken in respect of investment; but will not commit to investing in an area until there is reasonable certainty that a site (or sites) are going to proceed.

Recommends pre-commencement conditions should be imposed in relation to written confirmation outlining any necessary off site drainage improvements and

sewerage improvements; with a further condition stating no surface water should discharge to local foul sewers.

Shropshire Fire Service: Advice provided regarding fire safety guidance.

There have been 19 letters of objection submitted by local residents, with their comments summarised below:

- Existing highway is narrow - single track with passing places, and blind corner at junction of Plantation Road and Back Lane
- Impact of additional vehicles on road infrastructure in Tibberton and country lanes in the wider area
- Lack of footpaths and highway safety issues
- Impact on ecology – ponds/woods on opposite land – newts and nesting sites for birds
- Impact on trees and hedgerows
- Character of area – loss of agricultural land
- Area used by villagers and dog walkers – loss of amenity
- Understand need for affordable housing, but scale of development proposed in this application and TWC/2014/0236 (Outline application for 60 dwellings) is inappropriate
- Scheme represents 12% increase in size of village and an expansion of the settlement, and combined with other applications would increase village by 50%
- Continuation of small-scale infill development instead of these large developments
- Previous refusal for 2 dwellings on site
- Density of development too high – overdevelopment, and will not allow for sufficient landscaping and green space
- Parish Housing Needs Survey demonstrated only 5 affordable houses required; thus scale of development not established
- Is there really a need for this level of development, or is it speculative/ land-grabbing?
- Other planning permissions, (10 dwellings at Orchard House) have not yet commenced – cumulative impact on utilities and services – foul and surface water drainage capacity/ flood risk including on highways
- Orchard House development delayed due to drainage issues
- Need Severn Trent Water's opinion on the foul drainage proposals – if sewage treatment works required, would this meet sustainable criteria
- Lack of services in village – no mobile phone signal, poor broadband, inadequate bus service, no significant employment facilities
- National guidance emphasises development of brownfield sites before greenfield, as outlined by Nick Boles, Planning Minister in March
- Clarification also provided by Nick Boles regarding refusals on grounds of prematurity in relation to draft plan and refusing development on greenfield land where there would be significant impact on roads and sewerage systems
- Proposal is contrary to local planning policy CS1, CS7 and CS12 in Core Strategy and H9 and H10 in Wrekin Local Plan
- Lack of consultation

- Shropshire Council has turned down an application for a rural development on the edge of Whitchurch (despite being in the same position as Telford & Wrekin Council with no 5 year plan) on the grounds that the proposal would cause "demonstrable and significant environmental harm."
- Small communities such as Tibberton are being penalised because the Council has not produced a plan, in accordance with NPPF
- Query regarding removal of Phase 2 Environmental Survey from website

PLANNING CONSIDERATIONS:

The proposal comprises outline planning permission for residential development with all matters except access reserved at this stage. The number of units and the layout has not been provided.

The access is indicated to be located in a central position off Back Lane, which would require part of the boundary hedge to be cut back/removed to accommodate the new vehicular access and requisite visibility splays.

Principle of development

The National Planning Policy Framework (NPPF) requires Local Authorities to identify that they have a 5 year housing supply, and this is updated annually. It has recently been established that Telford & Wrekin Council has only a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5 year supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area and the policy relating to the Rural Area (CS7). Accordingly, the LPA cannot refuse applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development.

The application site is located within Tibberton, which is outlined in policy CS7 as one of the suitable settlements in the rural area where development to meet local needs should be focussed. The site is located within walking distance of the local facilities in the village, namely the primary school, shop, village hall, public house and church and the bus route. Therefore, whilst rural housing schemes should be limited in scale to meet local needs as set out in the Core Strategy; with regard to NPPF, the proposed housing can be viewed in terms of supporting and maintaining the existing local services. Accordingly, the site is considered to be sustainable and accessible and accords with the criteria in NPPF regarding housing in the rural area and the provision of affordable housing, and policy CS9 of the Core Strategy.

With regard to NPPF, it is considered that residential development can be supported in this location providing it is economically, environmentally and socially sustainable and does not have an adverse impact on existing services or infrastructure. The merits of the scheme and the development's impacts on existing services and

infrastructure have been assessed by officers. It is considered that the proposal will support existing services, can deliver a mix of housetypes and tenures including affordable provision and other community benefits through financial contributions towards highways, education and play/recreation provision. The imposition of appropriate conditions and measures can be taken to mitigate impacts on the existing infrastructure, in regard to highways, drainage and education.

Furthermore, whilst limited weight can be given to the draft Shaping Places Local Plan document at this stage; the application site, along with adjoining land to the north, east and west, is included within the Proposed Options document and was also included in the Strategic Housing Land Availability Assessment 2012 (SHLAA).

The number of dwellings committed in the rural area has exceeded 170 for the plan period, as outlined in CS1 of the Core Strategy; however this figure can no longer be relied upon, having regard to the NPPF requirements and the lack of housing supply. During the same plan period, the number of affordable houses approved and delivered in the rural area has been very limited. Planning permission has been granted for a development of 10 dwellings with 4 proposed as affordable units at an adjoining site to the north, (Orchard House, Back Lane, TWC/2012/0961), although this development has not yet commenced. The size of the proposed site and potential housing numbers should ensure that a significant number of affordable houses – a target of 40% of the total - are provided by the development. It is noted that the Tibberton and Cherrington Parish Housing Needs Survey Report (2011) outlined that a small number of affordable houses were required; however this proposal would help to meet the affordable housing shortfall for the rural area and wider housing needs for the Borough.

Character

The site is located on the southwestern edge of Tibberton and does not directly adjoin any other properties; thus the development would constitute an extension of development along Back Lane; however the development is contained within the main envelope of the village and bounded by the highways to the west and south; it would also follow a similar building line as existing housing on Plantation Road; therefore it is considered that the proposal will not significantly extend the settlement into the open countryside. The site is enclosed and there are no designated public rights of way through the land; and, although the development would lead to the loss of an area of agricultural land, this would not constitute a significant loss, having regard to the land surrounding Tibberton and the prevailing character of the area. Thus, whilst the proposal would not conform to some of the criteria in policy H10 of the Wrekin Local Plan, in terms of the scale of development, and not constituting an infill plot; it is considered that the proposal would not lead to the loss of important open space, nor extend the village into the open countryside.

A major consideration is the scale and density of development and appropriate design and layout at the edge of the village, having regard to national and local planning policies regarding design. The prevailing character of housing in the vicinity of the site, on Back Lane and on the northern side of Plantation Road is frontage development with a mix of traditional and modern detached and semi-detached properties. Existing development is low density, and officers have concerns that the proposed scale of development – up to 34 dwellings – would not be appropriate to the context of the area. Furthermore, the appropriateness of proposed terraced housing within the development would need to be demonstrated, given the prevailing character of housing on Back Lane and Plantation Road. The applicant has not submitted an indicative layout plan to demonstrate how the development would be accommodated, taking into account existing opportunities and constraints, such as hedgerows and trees. Officers would not wish to see a cramped and overly dense form of development, to the detriment of the area and environment; therefore, it is suggested that any planning permission is restricted to a maximum number of units, which would be significantly lower than the proposed 34 units.

The outline application has been submitted with a number of supporting documents, including a Landscape and Visual Appraisal, which asserts the landscape is unremarkable and the site cannot be easily viewed from the highway. The report suggests there is an opportunity to create a gateway to the village on the corner of Back Lane and Plantation Road; however no clear indication is given as to what this would be. At reserved matters, officers consider much more detail will be required demonstrating how the proposal will respond to the site's location on the edge of the village, as well as the relationship to and impact on protected trees and the hedgerow boundaries. A Character Assessment will be required. However, it is considered that a lower density of development and an appropriate layout can be accommodated on the site, which will relate to the character and appearance of the area and comply with design policies in NPPF and local policies CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

Impact on existing infrastructure

The local objections are noted with regard to the constraints to existing and new development in Tibberton. It is a relatively small settlement that is detached from other parts of the Borough, with a small number of local services, few employment uses, narrow roads, limited bus services, poor access to telecommunications, known drainage issues and a fully subscribed primary school. However, with these constraints in mind, the larger scale of the proposed development enables officers to request contributions and improvements to be made to the existing infrastructure to benefit the existing and proposed residents, which would not otherwise be achieved by small infill development. The main concerns relate to highways and drainage, as well as school provision.

Highways

The proposal comprises a single vehicular access point from the site on to Back Lane. The block plan indicates that the requisite visibility splays of 2.4m x 43m can be accommodated in both directions; although this would require the removal of hedgerows on the field boundary, and appropriate mitigation/ replacement planting would be required.

The number of units has not been established at this stage and only an indicative figure has been provided; however, it is noted that given the limited nature of existing bus services in Tibberton and the likelihood that the majority of the new residents will have at least one vehicle; it is recognised that the proposal will constitute an increase in vehicle movements in and out of the village. Whilst it is noted that the existing highway infrastructure in Tibberton comprises narrow roads with passing places and the junctions from the settlement on to the surrounding highway network have limited visibility; the Council's Highways Engineer considers the proposal can be accommodated, subject to a number of pre-commencement conditions relating to access, visibility, footways, parking and an additional passing bay, as well as informatives, as well as financial contributions towards the Right of Way and a traffic and speed management scheme, in accordance with T22 of the Wrekin Local Plan.

The requirement for the creation of new footways and financial contributions towards the upgrading of existing right of way and traffic management measures will provide community benefits, with safer and improved pedestrian routes. The traffic and speed management scheme is specifically for the B5062 close to the junction with Back Lane; however the Parish Council's comments are noted with regard 'Quiet Lanes' through the Weald Moors, and the implications on the wider highway infrastructure.

With regard to the other application which is also before Members to determine, (TWC/2014/0236), the Council's Highways Engineer has been liaising with the applicant and their proposal includes improvements to the main junction (crossroads) from Tibberton on to the B5062; therefore providing measures to increase highway safety.

Accordingly it is considered that the highways issues can be mitigated and the site can be adequately accessed, with a variety of measures through conditions and contributions to improve existing arrangements and ensure highway safety.

Drainage

Concerns from the Parish Council and local residents are noted in relation to existing capacity in combined drains and the distance of the site from the pumping station, as well as flood risk on site and on adjacent highways. Severn Trent Water is planning to undertake investigations to establish any required upgrades to the existing drainage systems; however, both Severn Trent Water and the Council's Drainage

Engineer consider the development can be adequately covered by planning conditions requiring drainage details to be submitted by the applicant and written confirmation outlining any required drainage improvements. Thus, whilst the problems associated with existing drainage arrangements and flooding are noted, it is considered that a drainage solution can be achieved, with the imposition of appropriate conditions and necessary improvements by Severn Trent Water. It is recognised that their 5 year plan did not include upgrading services in Tibberton; however, as a statutory undertaker; they are legally obliged to establish if improvements to existing drainage systems are required and to undertake this work.

Legal advice has been sought regarding the wording of the drainage conditions, due to time constraints which would be imposed on any such planning permission in the rural area to ensure the deliverability of the scheme; as a time limit of approx. 2 years to commence the development, (1 year to submit the reserved matters and a further 12 months to commence on site), would be required in order to address the current housing shortfall.

Education

It is acknowledged that Tibberton Primary School is close to capacity and that there are pressures on Burton Borough Secondary School in Newport, due to other planning permissions for residential development in Newport and other parts of the Borough. The Council's School Organisation Officers are assessing the impacts of this and adjoining potential developments on school capacity. They are investigating opportunities to expand the primary school to accommodate additional pupils; but also have regard to the fact that a significant proportion of the existing intake (65%) do not live within the catchment area for Tibberton. The children resident in the village and within the catchment area of the school would have priority regarding school places. These assessments by the School Organisation Officers are ongoing.

Given the location and scale of the development, having regard to policy H22 of the Wrekin Local Plan, it is requested that a contribution towards primary and secondary education provision, as well as transport costs; which would equate to £4083.46 per residential unit, is provided. Accordingly, the existing constraints to school capacity can be mitigated through appropriate contributions.

Residential amenity

No indicative layout has been submitted; however the layout at reserved matters would need to have regard to the significant shadowing effect of trees in the wooded area to the south of Plantation Road, to ensure that proposed dwellings have adequate residential amenity.

The nearest residential property to the site is No.64 Plantation Road. The layout will need to be designed ensuring existing and proposed privacy are maintained. No

other residential properties would be directly affected. Usual measures could be conditioned with regard to submission of an Environmental Management Plan to control construction traffic and hours of construction etc. to ensure the proposal does not impact on the amenity of residents in the wider area of Tibberton.

Ecology and Habitat Regulation considerations

The proposal is located close to a wooded area with ponds, comprising suitable habitat for Great Crested Newts and there is evidence of a badger sett.

Furthermore, the existing outbuilding on site is suitable habitat for barn owls; as well as the existing trees, some of which are protected by Tree Preservation Order, and hedgerows on the boundary of the site in regard to nesting birds and bats.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

The Council's Ecologist has completed a Habitat Regulation Assessment screening matrix, having regard to comments from Severn Trent Water in relation to waste water treatment and has concluded that there is no likely significant effect and no likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of the proposed development.

Officers consider all other ecological issues can be sufficiently addressed by conditions and informatives.

Section 106 Contributions

The scale and nature of the proposed development requires contributions towards primary and secondary education, parks & open spaces and highways, as well as provision of a proportion of affordable housing, in order to accord with planning policies H22, LR6 of the Wrekin Local Plan and CS7 of the Core Strategy and in providing necessary community benefits.

As set out in policy CS7, there is a requirement for development in the rural area to provide 40% affordable housing, but has not yet outlined the tenure split or if any types of affordable housing are being ruled out. The applicant has agreed this in principle. With regard to the other contributions, there would be a requirement for highway improvements with £700 per unit, (of which £200 would be towards improvements of the Public Right of Way and £500 towards a Traffic and Speed Management Scheme on the B5062), £4083.47 per unit towards education provision and £600 towards offsite play and recreation, with monitoring costs constituting 5% of total figure.

Other Matters

With regard to consultation comments regarding an emphasis on development of brownfield sites before greenfield, as outlined by the Planning Minister, it is outlined in the NPPF that Local Planning Authorities should encourage the effective use of land by reusing previously developed land; however there is no requirement for a sequential approach to be taken. With the current lack of 5 year housing supply and in order to meet housing needs; combined with planning policies encouraging sustainable development in existing settlements, providing the development does not impact on existing infrastructure – in this instance, conditions and mitigation can overcome additional impacts; officers are minded to recommend the application for approval.

In conclusion, the main consideration is whether residential development is suitable on this site, given the lack of a 5 year land supply and given that the core strategy identified Tibberton as a suitable settlement on which to focus rural development officers consider that on balance the need for housing out weights the concerns with regards to the design and character implications of the proposal as these issues can be reviewed, refined and mitigated through the reserved matters stages. Issues of highways, drainage, ecology and education can be mitigated through conditions and planning obligations.

RECOMMENDATION: That DELEGATED AUTHORITY is granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following:

- A) The Applicant entering into a Section 106 Agreement with the Council (final terms to be agreed by the Service Delivery Manager of Development Management) relating to:
 - i) Provision of affordable housing constituting 40% of total number of units;
 - ii) A contribution of £700 per unit, of which £200 per dwelling towards improvements of the Public Right of Way and £500 per dwelling towards a Traffic and Speed Management Scheme on the B5062;
 - iii) A contribution of £4083.47 per 2 bed unit (and above) towards primary and secondary education provision and transport costs;
 - iv) A contribution of £600 per 2 bed unit (and above) towards offsite play and recreation and a commuted sum towards maintenance (to be agreed);
 - v) Planning monitoring contribution of 5% of total sum.
- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):
 - 1. Time limit – 12 months for reserved matters to be submitted and 12 months from reserved matters for commencement of development

2. Time limit – submission of reserved matters
3. Standard outline
4. General details required
5. Character assessment
6. Highways – offsite works – passing bay
access and vis splays
design and construction of new pedestrian footway
design and construction of any new roads, footways, accesses
details of the parking, turning, loading and unloading
7. Drainage – modelling work of foul and surface water systems
specification for works required to implement capacity
improvements
Scheme and Specification implemented to satisfactory standard
8. Environmental Management Plan
9. Ecology - European Protected Species Licence
Ecological Mitigation Strategy and Method Statement – Great
crested newts
Ecological Mitigation Strategy and Method Statement – Badgers
Pre-commencement inspection – Barn owl
10. Erection of artificial nesting/roosting boxes
Erection of boxes - Barn owl
Lighting plan
11. Restriction on number of units

Informatives:

- | | |
|-----|----------------|
| I06 | S106 Agreement |
| I11 | Highways |
| I22 | Ecology |

TWC/2014/0236

Land adjacent, 12 Tibberton, Newport, Shropshire

Outline planning application for the erection of up to 60 no. dwellings with associated infrastructure (All matters reserved)

APPLICANT

White Acre Estates Ltd,

RECEIVED

18/03/2014

PARISH

Tibberton and Cherrington

WARD

Edgmond

OFFICER

Tim Williams

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of housing development in the context of the Council's current 5 year land supply and sustainable development with regard to this particular location, Impact on infrastructure, Design, density, character and impact on Listed Buildings, Highway safety and public transport provision, Ecology and Habitats Regulation considerations.

THE PROPOSAL:

This is an outline application with all matters (access, appearance, landscaping, layout and scale) being "reserved matters" for consideration at a later stage via separate application(s).

The application is applying for permission for residential development of up to 60 dwellings and associated infrastructure on an area of land totalling some 2.85 hectares. The proposals include details for off site highways improvements, in particular at the junction of Cherrington Road with the B5062 to the south east of the site. Of the 60 dwellings, the applicant form states that 36 would be market housing, 12 social rented and 12 intermediate housing.

The application form suggests that surface water would be disposed of via soakways and pond/lake. Foul water would be disposed of via a connection into the existing foul sewer network in Cherrington Road, subject to confirmation from Severn Trent Water Ltd.

An initial Masterplan Proposals plan indicated how a scheme for 60 dwellings could be accommodated on the land. Vehicular access to the development is proposed across the frontages of existing highways carriageways with the bulk of the development served from an all purpose T-junction access central to the site road frontage of Cherrington Road at the north of the site.

An updated Illustrative Masterplan Proposals Plan shows that 2 dwellings would also be served by a single access point off Planation Road. The initial Masterplan for direct vehicular access to some properties onto Hay Street are now shown as being removed, but there remains the possibility of a pedestrian link being incorporated into the site from Hay Street.

The application has been submitted with the following documents in support of the proposals:

- Design and Access Statement;
- Highways Statement and plans;
- Ecological Impact Assessment;
- Flood Risk Assessment & Developer Enquiry response from Severn Trent Water;
- Archaeological Report; and
- Draft Section 106 Legal Agreement

SITE AND SURROUNDINGS:

The application site is adjoins land around number 12 Tibberton in Tibberton, Shropshire. The site is some 2.85 hectares of existing agricultural land and adjoins the south eastern extent of Tibberton village. The site is generally level with a hedge running roughly central thorough the site in a north to south direction.

Number 12 Tibberton is a Grade II Listed 17th century timber framed range dwelling. The grounds of this property have been developed with modern agricultural storage buildings obscuring the view of the property from the south. Whilst this property and its outbuildings are not within the application boundary it lies within the centre to the north and is effectively 'wrapped around' by the application site.

The north eastern boundary of the site is a mixture of hedgerows and trees with an agricultural access onto Cherrington Road that runs along this boundary. The north western boundary comprises a hedgerow that runs parallel to Planation Road.

The eastern boundary of the site is defined by a hedgerow and the beyond the part of this boundary lies number 7 Tibberton, a Grade II Listed 17th Century timber framed cottage.

The western half of the southern boundary is defined by a hedgerow beyond which is a horse paddock, whilst the eastern half continues on as an agricultural field.

The western boundary is again comprised of existing hedgerows which run parallel with Hay Street. A gas governor is located on the western boundary and is excluded from the application site.

A number of other residential properties are present in the vicinity of the site, being a variety of traditional brick built cottages and more recently constructed properties.

PLANNING HISTORY:

The site itself does not have any relevant planning history.

PLANNING POLICY CONTEXT:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Saved Wrekin Local Plan policies

Policy UD2 – Design Criteria

Policy UD3 - Urban Design Assessments

Policy UD4 – Landscape Design

Policy H22 - Community Facilities

Policy H23 – Affordable Housing

Policy T22 – Planning Obligations

Policy OL12 – Open Land and Landscape – contributions from new development

Policy OL13 – Maintenance of Open Space

Policy LR4 - Outdoor recreational Open Space

Policy LR6 – Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

Policy CS1 – Homes

Policy CS7 – Rural Area

Policy CS9 – Accessibility and Social Inclusion

Policy CS10 – Community Facilities

Policy CS 11 – Open Space

Policy CS12 – Natural Environment

Policy CS13 – Environmental Resources

Policy CS14 - Cultural, Historic and Built Environment

Policy CS15 – Urban Design

SUMMARY OF CONSULTATION RESPONSES:

For all consultations received by the Development Management Team the following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Plans Committee via the Council's eplanning system.

Development Plans – Comment.

The Council is currently unable to demonstrate a five year supply of deliverable land against its targets, as such the Council's housing land supply policies are considered out of date until such time as this situation is remedied. The key policy consideration

is therefore the National Planning Policy Framework (paragraph 49), which states that housing applications in this context should be considered against the presumption in favour of sustainable development.

The scheme is located within one of the 3 suitable settlements, named in Core Strategy Policy CS7 and is considered to be within walking distance to some local services (shop, public house, village hall). Residential development in Tibberton is therefore considered acceptable providing the development is economically, environmentally and socially sustainable without having an adverse impact on existing services and infrastructure.

Supporting uses are proposed within the application including education and public open space financial contributions in line with Wrekin Local Plan Policy LR6 and Core Strategy Policy CS10 (Community Facilities). The provision of these facilities will be important as the development will generate additional demand for such facilities in the local area.

Policy T22 relates to planning obligations for transport improvements from developers. These include improvements to existing highways and provision of new roads; provision for public transport improvements; traffic calming measures; infrastructure to meet the needs of the pedestrians, cyclists and horse riders; access for people with disabilities.

The existing bus service that operates in Tibberton is an irregular one therefore the appropriateness of seeking highway contributions in relation to the scale of housing proposed should be considered in negotiation with the appropriate officers and the developer. The improvements required under this policy will be integral towards improving the accessibility of the site and ensuring that the development will be sustainable.

Any reserved matters application should seek to deliver a mix of housing types and tenures to meet the range of needs in the area. This should include provision for affordable housing, in line with Wrekin Plan H23 (Affordable Housing) and Core Strategy Policy CS7 (Rural Area).

The scale, layout and wider impact of the proposed development should seek to reflect the character of the surrounding area and be in accordance with policies UD2, CS14 and CS15.

On this basis (and subject to the scheme being acceptable on all other relevant planning considerations) the principle of development would constitute sustainable development in line with the National Planning Policy Framework.

Highways – Comment.

In principle there is no objection to the proposal. This is subject to the following conditions:

- Implementation of a junction improvement scheme at the Cherrington Road and B5062 junction, as indicated in the submitted Highways Statement showing minimum Visibility Splays;
- Implementation of a scheme of off site Highways works to provide 2 passing bays located along Cherrington road between the B5062 and the site access and provision of 1 passing bay situated on Plantation Road;
- Details of the parking, turning, loading and unloading of vehicles within the site;
- Means of vehicular access to the site should be from Cherrington Road with the exception of a single point of access off Plantation Road to serve no more than 5 units. Development shall not take place until details of the means of access, including the layout, construction and provision of 2.4m x 43m Visibility Splays have been submitted;
- Implementation of details of the design and construction of any new roads, footways, accesses together with details of disposal of surface water to a suitable outfall; and
- Implementation of details for a 1.5 m pedestrian footway scheme from the site along Plantation Road to the southern access onto the Public Right of Way no.3.

In their response Highways also ask for a Section106 contribution of £200 per dwelling towards the improvement of the Public Right of Way which runs from Plantation Road to the Primary School.

Drainage – Support subject to conditions.

Whilst a Flood Risk Assessment (FRA) has now been submitted this document provides a limited amount of information on how the site will drain. The FRA has identified that infiltration will not be possible and that a connection to the public sewer will be required. There are known capacity issues associated with the public sewer network in Tibberton therefore Severn Trent Water should be consulted as soon as possible regarding any connection and the permitted rate of discharge which may be lower than the standard greenfield rate.

Suggest conditions relating to details of surface water drainage and also confirmation that any necessary off site drainage improvements have been completed by Severn Trent Water, or that there is no need for these to be provided to cater for foul and surface water flows from the site following Severn Trent Water investigations.

Parks and Open Spaces – Comment.

The development will contain a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby proposed play / recreational facilities for children and young people that could be upgraded /

enhanced in order to maximise the capacity and meet the need arising out of this development.

Therefore suggest that should development provide 2 or more bedroom properties; that they meet this need through conditioning of WLP Policies LR4 and LR6. This could be provided by providing a contribution towards the upgrading of the nearest community use recreation facilities (which would serve the development area). Suggest an appropriate sum to request would be £600 per property in relation to this policy and has been previously agreed on past approved applications.

There is open space proposed within the development but no indication as to how and who is to manage this. If this is not to be the council there will be a requirement for a landscape management plan which not only identifies how the area is to be managed but also identifies how this is to be funded.

Affordable Housing – Support subject to conditions.

The proposal to provide 40% of the development as affordable housing is welcomed and is consistent with policy. Of these, 75% should be for rent and 25% for shared ownership in order to reflect local need.

An appropriate mix of affordable dwelling types/sizes and development standards should be agreed with the local authority prior to start on site and should be fully integrated within the overall development and provided in small clusters.

The affordable homes should be allocated/let using the local Choose Your Home arrangements (or any successor). A Local Lettings Plan (LLP) should be agreed with the local authority prior to any advertising, with priority given to existing long term residents of the parish or those with a strong local connection (and in housing need). This may then cascade to those within adjacent rural parishes in the Borough and then to those in overall rural parts of the borough.

Following national policy, provision should be made for the affordable homes to be retained as affordable in perpetuity or for any proceeds from their disposal reinvested for a similar purpose in a timely manner.

Education – No objection (updated response)

Have been advised that there is the potential to increase the capacity at Tibberton Primary School, however the impact of the development may actually result in the displacement of potential pupils from outside the area who are currently able to access the Primary school. We would therefore seek the contribution to ensure there is sufficient provision of places within a reasonable vicinity of the development.

Given the number and type of dwellings we would seek the following contributions; in respect of Primary education this figure is £145,410 and for Secondary education it is £83,864. Overall the contribution per dwelling is £3,821.

In addition Education would seek a contribution towards transport costs as the Council would be required to provide transport to the nearest Secondary school. For this development the figure is £56,250.

Arboriculture (Trees) – Comment.

There is no information within the application pertaining to the trees. However there are a number of trees on the site which make up the field boundaries in and amongst the hedgerows.

If this application is to progress the existing tree stock on site including the hedges will be required to be surveyed and taken into account in the planning process.

The most notable arboricultural features on site are the hedges which enclose the site and the trees growing within them. The oldest tree on site is an Ash growing on the southern boundary between the application site and the horse field. Given its age and form it should be retained within any proposal.

If consent is afforded to the proposal the following information will be required via conditions: Tree Survey, Landscaping Design, Tree Protection in reference to the Ash above, Hedge Protection.

Ecology – Comment.

The site comprises arable fields and poor semi-improved grassland with species poor hedges and some tall ruderal vegetation. There are no priority habitats present on the site. The hedgerows on the site do have conservation value and contain young trees. The site masterplan shows the majority of hedgerows on the site as being maintained, a 20m section is lost for access, and new native species hedgerow and shrub planting is proposed as part of the detailed landscaping proposals at the Reserved Matters stage.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

This proposed development will generate additional demands upon the sewerage and waste water infrastructure within 10km of the European Designated Site and confirmation has been received from Severn Trent Water in an email from Jim Wincott to Andy Gough dated 17 June 2014, that this additional waste water demand

can be met within their existing system and that the output from the Sewage Treatment Works which will receive this waste flows away from Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 Site.

The Ecologist has completed a Habitat Regulation Assessment screening matrix which concludes that there is no likely significant effect or likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of development proposed under planning application reference TWC/2014/0236 at Land adjacent, 12 Tibberton, Newport, Shropshire for the Outline planning application for the erection of up to 60 no. dwellings with associated infrastructure (All matters reserved).

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

Suggest a number of conditions and informatives to be attached to any consent issued.

Built Heritage Conservation – Comment (updated response).

A revised scheme has been submitted which addresses the immediate concerns raised previously in respect of immediate impact on the setting of the adjacent listed buildings. The road front properties here are now limited to two and are set back from the road by more than simply soft planting. This is a welcome change and addresses my initial outright objection. The lack of detail on this application, with no indication whatsoever as to any proposed house types will continue to cause some concern until the details are formalised. The density of the remaining properties continues to be an unknown issue and so also, therefore, does the overarching question of the effect of the proposed development on the setting of the settlement of Tibberton.

Environmental Health (Pollution Control) – Consulted but no response received.

Environmental Health (Contaminated Land) – Support subject to condition.

The end-use for this development is sensitive, and there is the potential for there to be diffuse contamination across the site. In view of this, and in relation to Paragraphs 109 and 121 of the National Planning Policy Framework, recommend inclusion of a land contamination condition, should permission be granted.

Urban Design Officer – Comment (updated response).

Initial response was an objection on the basis there is a need for further information here including a site and context evaluation which should have been undertaken as a matter of course and some design principles formulated which are not just general statements, but relate directly to the site and the intended treatment in regard to the Listed Buildings adjacent in order to safeguard their setting.

In response to the submission of a new Illustrative plan the response is Comment. The submission of a new illustrative plan is welcomed to establish some design principles which will limit the number of dwellings along the frontage of the site adjacent to existing Listed Buildings. However, this doesn't address some of the other issues raised previously in terms of character, since there is no analysis and evaluation of the site and its context which would influence issues such as an appropriate density and not just what is considered viable.

In limiting the dwelling numbers along the frontage but not reducing the overall numbers of units within the scheme, it is likely the majority of the scheme is more cramped in than previously envisaged, thus potentially exacerbating associated issues such as adequate parking provision, etc.

As previously stated, although the proposed density is "relatively low" at 21 dph this is by modern standards where typically densities range from 30 – 50 dph, there is nothing to indicate how this compares with the density in the immediate area. Given that this site is towards the periphery of the settlement where densities traditionally tend to be reduced, it would seem reasonable that a comparative study is undertaken to establish what the appropriate density should be for this scheme.

If officers were minded to approve the application on the information submitted, it is requested that a condition requiring some additional work on the assessing local character and how this is to influence any detailed design proposals for the reserved matters scheme is prepared and submitted.

Shropshire Fire Service – Comment with Informative.

West Mercia Constabulary – Comment.

Ask for a condition requiring Secure by Design award status for the development should permission be granted.

Environment Agency – Comment.

Standing advice given in relation to development over 1 hectare in Flood Zone 1 and the requirements for a Flood Risk Assessment.

Severn Trent Water – Comment.

Are aware of several development sites that could significantly increase the population equivalent currently connected to the local sewerage system in Tibberton. The response from STW states that it is gathering information from assets in the village to enable them to commence a hydraulic modelling exercise to determine the impact of these proposals on the sewerage system in the area. What that exercise will do is simulate the current system performance and then the performance with the developments added in. This allows them to forecast the impact of the sites on

the system and determine whether any local improvements are required to accommodate them in line with their legal and regulatory obligations.

Once they have the results of the modelling exercise STWs response says they will take the appropriate action in respect of investment. STW say they wouldn't commit to investing in an area until they have reasonable certainty that a site (or sites) are going to proceed – which is usually the granting of Planning Permission. With this in mind, STW ask that conditions are added to the any permission granted covering the following matters:

- The development hereby proposed should not commence until written confirmation is provided to the Local Planning Authority confirming whether any necessary off site drainage improvements will need to be completed by Severn Trent Water.
- The development hereby proposed should not be occupied until any necessary off site sewerage improvements have been delivered by Severn Trent Water Ltd.
- No surface water from the development hereby proposed should discharge to local foul sewers.

Shropshire Archaeology – Comment.

An archaeological Desk-based Assessment and walk-over survey of the proposed development has been commissioned and carried out. The desk-based assessment notes that the majority of the site is of low archaeological potential, but that the north eastern part of the site was occupied by dwellings in the later post-medieval period. In view of this and in and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development.

Campaign to Protect Rural England – Comment.

While Tibberton is identified as a settlement for growth in the saved policies H8 and H9 of the local plan and the CS7 requirement for 40% affordable dwellings is acknowledged, the scale of this single proposal in relation to the existing settlement size is excessive. The site is on the south edge of the village, and would have an intrusive effect on the vehicular approaches to the village from the south and surrounding countryside. A careful landscaping scheme would be necessary to mitigate this and to screen the development from view. Access to the village is along narrow lanes and the existing road infrastructure would be significantly impacted by additional demands from development on this scale.

Local consultation and representations

Tibberton and Cherrington Parish Council – Object.

Parish Council believe this proposals in in combination with other developments recently permitted and under consideration is excessive and, in the context of the village infrastructure, it is unsustainable. This objection is based on following concerns:

- Highways & Highways Safety: The roads infrastructure is inadequate for the scale of the development proposed. Many of the existing residents of Tibberton are retired and so the scale of the increase in traffic arising from the new development, expressed as a percentage of existing traffic, is likely to be very high. The roads infrastructure is not designed to cope with this. It would be dangerous and unsustainable.
- Drainage, Foul Sewerage and Sewage Treatment: Relying on discharging stormwater from an estate of 60 houses into a highway drain of which little is known, and which has no access points, is unwise. The applicant's suggestion that the site naturally drains into the highway drain in Cherrington Road ignores the contours and visual inspection, which shows otherwise. The cost to TWC ratepayers and resultant disruption to local residents, of providing a new larger highway drain through Tibberton to serve this development, make the proposed development unsustainable.
- Public Transport: Limited public transport in the form of buses serving the village meaning that any new residents would have difficulty accessing jobs in Newport, Telford and Shrewsbury.
- Schools: Tibberton Primary School is fully subscribed with many more applications for places than there are places available. The school's location and complexity of land ownership on the site means very little scope is available for the school to grow. Insufficient secondary school provision as result of changes resulting from BSF Programme in the wider area would mean that there may be no secondary school place available for children living in the proposed development.
- Quiet Lanes scheme: In 2006/7 Telford & Wrekin Council implemented the 'Quiet Lanes' project, aimed at removing or at least deterring through traffic from using the narrow lanes which cross the Weald Moors. This would be put in jeopardy because of an increase in traffic disturbance from Tibberton, arising from large-scale development.
- Broadband & Mobile Services: Existing residents currently struggle to use the current slow Broadband service for business or commercial use preventing some from working from home in Tibberton. An effective broadband connection is now regarded by many as an essential requirement of modern day living and housing. Without this service property can become much less attractive to prospective purchasers and thus less sustainable. Tibberton suffers with a very poor and patchy signal on all providers with the new 4G systems being even more sporadic or unavailable.

Representations from Local residents

22 representations of objection, raising the following points:

- No need for development, enough houses already built in village recently. Other sites in the village are more appropriate and could be prejudiced by these plans.
- Size of development is excessive, especially in relation to number of existing dwellings in village.
- Development is outside of village boundary and intrudes into countryside. Loss of good agricultural land and brownfield land should be used first. Village should be preserved and its character protected.

- Negative visual impact of proposals as well as negative impact on adjoining Listed Buildings.
- Development is of an inappropriate density and out of character for village. Design needs to be in keeping with village.
- Inability of existing infrastructure to cope with development and new residents e.g. electric, water, broadband. Cumulative impact with other developments needs to be considered. Sewerage network at capacity and so enough capacity.
- Impact on highways and highways safety for car users and pedestrians. Increase in traffic created, roads in village are single track and narrow with limited visibility on accesses at junctions with B5062. Lack of footpaths and street lighting in the village. Limited public transport in village and new residents would be reliant on private car for transportation.
- Village school is oversubscribed.
- Roads in village frequently already flood. Storm water drainage at capacity
- Lack of other facilities in the village such as supermarket, doctors, dentists etc and lack of employment opportunities in village
- Proposals would have a detrimental impact on existing residential amenity including disturbance whilst building takes place.
- Disturbance to wildlife. Bats to west of site. Impacts on trees/hedgerows
- Development not sustainable or deliverable.

7 representations of support, raising the following points:

- New residents would help support local school, shop and public house which could be lost without further developments.
- Development would offer opportunity to move back to the village, young families need to be encouraged back.
- Development would help towards better bus service and broadband.
- There is provision for affordable housing which is needed as not enough in local area.

PLANNING CONSIDERATIONS:

Principle of housing development in the context of the Council's current 5 year land supply and sustainable development with regard to this particular location.

In accordance with the National Planning Policy Framework (NPPF), Telford & Wrekin Council must identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of housing against its housing requirements as set out in the adopted development plan, the Core Strategy (2006-2016).

As outlined in the response from the Council's Development Plans Team, the Council is currently unable to demonstrate a 5 year supply of deliverable land against its targets, and as such the Council's housing land supply policies are considered out of date until such time as this situation is remedied. The key policy consideration is therefore the National Planning Policy Framework (paragraph 49), which states that housing applications in this context should be considered against the presumption in favour of sustainable development.

The conclusion of the Development Plans Team is that subject to the scheme being acceptable on all other relevant planning considerations (that will be deliberated on later in this report); the principle of development would constitute sustainable development in line with the National Planning Policy Framework.

With regard to this particular location, the application site is located on the south eastern edge of the village of Tibberton. The village itself has no defined boundary in either the Proposals Map of the Wrekin Local Plan or the Core Strategy. The view is that this area of land can be considered to be part of the settlement. Tibberton is one the 3 suitable settlements, named in CS7, where development in the rural area will be focussed and it is considered to be within walking distance to its existing local services (primary school, shop, public house, village hall). Furthermore, in line with other requirements of policy CS7, the application proposes to deliver affordable housing to the level of 40% and this could be secured via a Section 106 legal agreement to any permission granted.

Residential development in Tibberton and in this particular location is therefore considered acceptable in principle in light of Core Strategy Policy CS7 and the current lack in the Borough of a 5 year land supply of deliverable housing sites. The view is taken that the proposals constitute sustainable development subject to regard on the ability of existing services and infrastructure to accommodate the scale of the development proposed and with regard to all other relevant planning considerations in the Development Plan.

Impact on infrastructure

As outlined above, many of the concerns that residents and the Parish Council have expressed in relation to this application are those in connection with the existing state of the physical and social infrastructure in the village and its ability to cope with additional pressures that would arise from this development and the new residents that it would attract. The impact on infrastructure that needs to be considered in the context of this application relates to that on highways, education provision, open space and leisure provision and drainage.

Highways infrastructure.

The village of Tibberton is served by a number of local roads from a variety of directions. The village's main connection to the wider road hierarchy that connects it with the larger settlements of Newport, Telford and Shrewsbury is the B5062 to the south of the village. There are three roads that lead from the B5062 to the village. This includes Cherrington Road that runs from north from the junction of the B5062 past the site and into the village. Vehicular access to the development is proposed across the frontages to highways carriageways with the bulk of the development served from an all purpose T-junction access central to the site road frontage of Cherrington Road where a 30mph speed limit is currently in force.

An updated Illustrative Masterplan Proposals Plan shows that 2 dwellings would also be served by a single access point off Plantation Road. The initial plans for direct vehicular access to some properties onto Hay Street are now shown as being removed, but there is the possibility of a pedestrian link being incorporated into the site from Hay Street.

The application was accompanied by a Highways Statement that considers access to the proposed site and what affects the development many have on the local network. The report acknowledges that the development is considered to be a medium size development and as such the increase in traffic numbers would likely have some effect on the highways network. The Statement includes details of improvements at the junction of Cherrington Road with the B5062. It is stated that this would provide significant improvements for all existing road users in the village that use this junction and would also cater for the likely traffic generation by the development.

The response of the Council's Highways Section states that in principle there is no objection to the proposal. However, this is subject to conditions including details and implementation of a junction improvement scheme at the Cherrington Road and B5062 junction, as indicated in the submitted Highways Statement showing minimum Visibility Splays.

In addition to this Highways say there is a requirement for details and implementation of a scheme of off site highways works to provide 2 passing bays located along Cherrington Road between the B5062 and the site access and provision of 1 passing bay situated on Plantation Road.

Similarly, and in recognition of the lack of formal footpaths in the immediate vicinity of the site, there is a requirement for details and implementation of details for a 1.5 m pedestrian footway scheme from the site along Plantation Road to the southern access onto the Public Right of Way no.3. Highways also ask for a Section 106 contribution of £200 per dwelling towards the improvement of the Public Right of Way which runs from Plantation Road to the Primary School.

Given the response of the Council's Highways Section it appears that any impact on the surrounding Highways infrastructure is acceptable in principle provided that the off site improvements to roads and footpaths are secured by planning conditions and contributions via a legal agreement. The requirements stipulated above accord with Wrekin Local Plan Policy T22 which states necessary improvements to meet the transport needs will be funded by the development.

Education provision.

The village has an existing Primary School to the north west of the site which is a distance that pupils and parents could walk to from the proposed development. Secondary education for children in the village is provided outside of the settlement and the area forms part of the Newport catchment area.

Concern has been raised on the capacity of both the Primary and Secondary schools in the area to accommodate the additional pupils that would arise from this development.

However, the Council's Education Section is not objecting to the application. They state in their response that they have been advised that there is the potential to increase the capacity at Tibberton Primary School. However, the impact of the development may actually result in the displacement of potential pupils from outside the area who are currently able to access the Primary school. Education would therefore seek the contribution to ensure there is sufficient provision of places within a reasonable vicinity of the development.

Given the number and type of dwellings we would seek the following contributions; in respect of Primary education this figure is £145,410 and for Secondary education it is £83,864. Overall the contribution per dwelling is £3,821.

In addition Education would seek a contribution towards transport costs as the Council would be required to provide transport to the nearest Secondary school. For this development the figure is £56,250.

Open space and leisure provision.

New residents to the area would increase demand upon the existing recreational resource in the village. The Council's Parks and Open Spaces Officer notes that there are some nearby proposed play / recreational facilities for children and young people which could be upgraded / enhanced in order to maximise the capacity and meet the need arising out of this development.

In line with Wrekin Local Plan Policies LR4 and LR6 this could be provided by securing a contribution towards the upgrading of the nearest community use recreation facilities (which would serve the development area). The appropriate sum which the applicant has indicated an agreement to pay as part of any Section 106 legal agreement would be £600 per property for dwellings of 2 bedrooms or more.

There is open space proposed within the development but no indication at this stage has been given as to how and who is to manage this. As is common with other outline planning applications this matter can be clarified and addressed via the inclusion of clauses within a Section 106 legal agreement and via appropriately worded conditions.

Drainage

The first part of this issue relates to the disposal of foul water arising from the occupation of up to 60 dwellings into the public sewerage network for treatment. The NPPG states that adequate water and wastewater infrastructure is needed to support sustainable development. A healthy water environment will also deliver multiple benefits, such as helping to enhance the natural environment generally and adapting to climate change.

Severn Trent Water (STW) in their consultation response acknowledge that several development sites, of which this application is one, could significantly increase the population equivalent currently connected to the local sewerage system in Tibberton.

The response from STW states that it is gathering information from assets in the village to enable them to commence a hydraulic modelling exercise to determine the impact of these proposals on the sewerage system in the area. What that exercise would do is simulate the current system performance and then the performance with the developments added in. This would allow STW to forecast the impact of the sites on the sewerage system and determine whether any local improvements are required to accommodate them in line with their legal and regulatory obligations.

Once they have the results of the modelling exercise STWs response says they would take the appropriate action in respect of investment. STW say they wouldn't commit to investing in an area until they have reasonable certainty that a site (or sites) are going to proceed – which is usually the granting of Planning Permission. With this in mind, STW ask that conditions are added to the any permission granted covering the following matters:

- The development hereby proposed should not commence until written confirmation is provided to the Local Planning Authority confirming whether any necessary off site drainage improvements will need to be completed by Severn Trent Water.
- The development hereby proposed should not be occupied until any necessary off site sewerage improvements have been delivered by Severn Trent Water Ltd.
- No surface water from the development hereby proposed should discharge to local foul sewers.

The NPPG states that local planning authorities can use planning conditions and/or obligations to secure mitigation and compensatory measures where the relevant tests are met. They can, for example, be used to ensure that new development and infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to sewage treatment have been carried out.

It is considered that the precise wording of the conditions suggested to Severn Trent

Water would need to be amended so they comply with the NPPF “six test” approach as conditions cannot require that any aspect of the development should be carried out to the satisfaction of, or by, a third party (Severn Trent Water). Also they would need to be written as “Grampian style” conditions because the foul/surface drainage works include works on land off-site and there is a requirement for this issue to be resolved prior to commencement given it is fundamental to the consideration of whether the development is acceptable.

The second aspect relates to the disposal of surface water created as a result of new built development. Whilst an initial Flood Risk Assessment has been submitted as part of the application further work needs to be undertaken on how the site will be drained address issues arising mitigated. Whilst local representations have been raised concerning this issue, in principle there is no objection to the proposals from either the Council's own Drainage Engineers or Severn Trent Water subject to conditions that no surface water directly enters the local foul system and is there restricting on run off rates for the final point of discharge.

In conclusion, the indication from the consultation process is that the resulting demands of the proposed development on the physical and social infrastructure in the village can be addressed so that those demands are controlled and catered for should the proposals be given permission.

This can be achieved by the use of planning conditions requiring physical off site improvements to the surrounding highways as identified by TWC Highways which would need to accompany any permission. Similarly, Grampian style conditions can be imposed requiring investigations on the need for any necessary off site foul drainage improvements prior to any development commencing, together with a condition requiring that no dwellings are occupied until any necessary off site improvements to the foul drainage network have been carried out.

The additional demand on social infrastructure connection to education provision and community use recreation facilities arising from the development can be met though the applicant making financial contributions to account for the extra demand the development would create in the village.

In terms of wider social infrastructure such as doctors/dentists etc. these are not present in the village and therefore local provision is found elsewhere, most notably Newport. Despite this there is no evidence to suggest the scale of development would justify the need for contributions to such facilities.

There is no evidence to suggest that other infrastructure necessary to service a residential development, i.e. electricity, gas and telecommunications could not be supplied to the site. Whilst it is noted that broadband speed and mobile coverage may be poor in the village this is not considered to be a material consideration.

Policy is largely silent on the need for such services to accompany housing developments and any new residents to the village can seek information on speed and coverage when deciding whether to they wish to live in the area. Any problems regarding broadband speed and mobile coverage are more likely to be addressed for this area if there is further demand which this development would add to if it is given permission and implemented. Similarly, demand for other services such as the village shop and public house could benefit from additional custom arising from any future residents, thus contributing to their future viability.

Design, density, character and impact on Listed Buildings

This is an outline application with all matters including layout and appearance being reserved matters for later consideration should this application be permitted. The application under consideration is therefore seeking to establish the principle of the proposed development.

In response to the concerns of the Urban Design Officer and Built Heritage Conservation, the applicant has submitted an updated Illustrative Masterplan Proposals Plan. This shows some design principles which would limit the number of dwellings to a total of 2 on both the Cherrington Road and Plantation Road frontages. The road front properties would be set back from the road and mirror the building line of the adjacent Listed Buildings and therefore would provide a continuation of the street scene along these roads. It is considered that this addresses the immediate concerns raised previously in respect of immediate impact on the setting of the adjacent listed buildings.

However, this doesn't address some of the other issues raised by Officers in terms of character, since there is no supporting analysis and evaluation of the site and its context which would influence issues such as an appropriate density and the overarching question of the effect of the proposed development on the setting of the settlement of Tibberton.

The application is for a maximum of 60 dwellings equating to 21 dwellings per hectare. In isolation this a relatively low density compared to other residential schemes, especially those in more urban setting. However, there is nothing within the submitted Design and Access Statement accompanying the application to indicate how this compares with the density in the immediate area. In limiting the dwelling numbers along the frontages but not reducing the overall numbers of units within the scheme, it is likely the majority of the scheme would be more crammed behind those frontages.

It is acknowledged that a full assessment of the proposed impact of this scheme still remains difficult given the lack of information submitted about the site and context in the form of a considered evaluation. With regard to density this is relatively low (21 dwellings per hectare) in comparison to modern standards where typically densities

range from 30 – 50 dwelling per hectare, however officers are concerned that there is potential that this edge of settlement site would have a high density form of development which pushes the envelope of the village out into the open countryside

However, as the application is in outline and only seeking the principle of development detailed examination of the layout and the appearance of buildings can be considered as part of any reserved matters application should this application be given consent. However, in recognition of the issues arising on this subject to date and in line with the advice of the Urban Design Officer, a condition requiring some additional work on the assessing of local character and how this is to influence any detailed design proposals for a reserved matters application can be attached to an outline permission.

Highway safety and public transport provision.

This issue is partially considered above in relation to physical highways infrastructure whereby improvements to the junction of Cherrington Road and the B5062 together the passing bays on Cherrington Road and Planation Road are required to be implemented in line with details to be agreed.

Highways in their response to this application state in principle they have no objection subject to conditions including those providing suitable visibility splays into the site and details of parking, turning, loading and unloading of vehicles within it. It is therefore considered that with regard to vehicle users the mitigation sort by these conditions, both within the site and off site is acceptable from a highways safety viewpoint.

With regard to pedestrian safety, the improvements to footpaths in the vicinity of the site as requested by Highways would appear sufficient to address this concern and would afford safer and enhanced connectivity for any new residents to access existing facilities in the village (school, shop and public house) that are within a walkable distance. It is acknowledged that the range of facilities in the village is somewhat limited to those just described and therefore for any new resident's arising from this proposed development their main shopping, recreational and employment needs and opportunities would lie outside of the village. Given this fact the existing public transport provision in the village needs to be considered.

There is existing bus stop close to the site on Cherrington Road to the north west and other bus stops in the centre of the village. The local bus service serving villages in the area is limited in nature but the village is on the Shrewsbury to Newport service which is more frequent. Nevertheless the service is limited for those wishing to use public transport to access employment opportunities in Telford, Newport or Shrewsbury and therefore it is likely that there private transport would be the main means that any new residents would access jobs as well as higher order services not provided for in the village.

It is acknowledged that this is a weakness to the sustainability credentials of the proposed development. The NPPG states that Plans and 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. However this needs to take account of policies set out elsewhere in this NPPF, particularly in rural areas as the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It is noted that the Highways Section has not requested any contributions towards public transport improvements.

Ecology and Habitats Regulation considerations

The site comprises arable fields and poor semi-improved grassland with species poor hedges and some tall ruderal vegetation. The Council's Ecologist confirms there are no priority habitats present on the site. The hedgerows on the site do have conservation value and contain young trees. The site masterplan shows the majority of hedgerows on the site as being maintained, a 20m section is lost for access, and new native species hedgerow and shrub planting is proposed as part of the detailed landscaping proposals at the Reserved Matters stage.

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations) since it is within 5km of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2.

As outlined in the response from the Council's Ecologist above, a Habitat Regulation Assessment screening matrix has been undertaken which concludes that there is no likely significant effect or likely effect on the integrity of the European Designated Site at Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 as a result of development proposed under planning application. Accordingly it is considered that there is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

All other ecological issues have been addressed on the site and conditions and informatives as considered necessary can be attached to any permission granted

CONCLUSIONS

Residential development in Tibberton and in this particular location is considered acceptable in principle in light of Core Strategy Policy CS7 and the current lack in the Borough of a 5 year land supply of deliverable housing sites. The scheme is also compliant in respect of Policy CS7 in that it would provide affordable housing at a level of 40%, equating to some 24 units.

The indication from the consultation process is that the resulting demands of the proposed development on the physical and social infrastructure in the village can be addressed so that those demands are controlled and catered for should the proposals be given permission. This can be achieved by the use of planning conditions requiring physical off site improvements to the surrounding highways as identified by TWC Highways which would need to accompany any permission. Similarly, Grampian style conditions can be imposed requiring investigations on the need for any necessary off site foul drainage improvements prior to any development commencing, together with a condition requiring that no dwellings are occupied until any necessary off site improvements to the foul drainage network have been carried out.

The additional demand on social infrastructure connection to education provision and community use recreation facilities arising from the development can be met though the applicant making financial contributions to account for the extra demand the development would create in the village. There is no evidence to suggest that other infrastructure necessary to service a residential development, i.e. electricity, gas and telecommunications could not be supplied to the site.

The demand for other services such as the village shop and public house could benefit from additional custom arising from any future residents, thus contributing to their future viability.

An updated Illustrative Masterplan Proposals Plan limiting the number of dwellings to a total of 2 on both the Cherrington Road and Plantation Road frontages addresses the concerns raised previously in respect of immediate impact on the setting of the adjacent Listed Buildings.

It is acknowledged that a full assessment of the proposed impact of this scheme still remains difficult given the lack of information submitted about the site and context in the form of a considered evaluation. With regard to density this is relatively low and it would probably be unrealistic for the density to be much lower when there is a requirement to provide 40% affordable housing as part a development.

With the application being in outline and only seeking the principle of development detailed consideration of the layout and the appearance of buildings can be considered as part of any reserved matters application should this application be given consent. However, in recognition of the issues arising on this subject to date and in line with the advice of the Urban Design Officer, a condition requiring some additional work on the assessing of local character and how this is to influence any detailed design proposals for a reserved matters application can be attached to an outline permission.

The scheme is considered to be acceptable from a highways safety perspective. The bus service serving Tibberton is limited for those wishing to use public transport to access employment opportunities in Telford, Newport or Shrewsbury and therefore it is likely that there private transport would be the main means that any new residents would access jobs as well as higher order services not provided for in the village. However, this needs to take account of policies set out elsewhere in this NPPF, particularly in rural areas as the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It is noted that the Highways Section has not requested any contributions towards public transport improvements.

It has been considered that there are no ecological issues arising and also that there is no legal barrier under the Habitat Regulation Assessment process to planning permission being issued in this case.

Overall, it is considered that on balance the residential development proposed represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework in the absence in the Borough having a 5 year land supply of deliverable housing sites, in addition to being broadly in accordance with policies with the Core Strategy and Wrekin Local Plan as detailed above and this outweighs any concerns relating to the impact on the character of the village and design implications which can be refined through the reserved matters process.

Given the absence of a 5 year land supply of deliverable housing sites it is considered necessary for planning applications granted to assist in meeting this need by requiring them to be implemented in a shorter timescale than is normally the case. As such conditions can require the commencement of any development within 2 years of permission being issued, with 1 year to submit a reserved matters application and a further 12 months to commence development on site.

Recommendation to Plans Board

Based on the conclusions above, the recommendation to Plans Board on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

- A.) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
 - (i) Provisions ensuring that 40% of the dwellings to be built shall be affordable housing;

- (ii) An open space contribution as required by Policy LR4 and LR6 of the Wrekin Local Plan equating to £600.00 per 2-bedroom property (or above);
 - (iii) The provision of Open Spaces, to include (if that option is exercised by the applicant) a transfer of the open space and recreation areas to the Council at a suitable time and with payment of a commuted sum for maintenance to be agreed. Or alternatively, provide for a residents management company to maintain those areas.
 - (iv) An education contribution in respect of Primary education of £145,410 and for Secondary education £83,864 or a contribution per dwelling of £3,821 if less than 60 dwellings come forward in reserved matter application. An additional Education contribution towards transport costs as the Council would be required to provide transport to the nearest Secondary school of £56,250.
 - (v) A highways contribution of £200 per dwelling towards the improvement of the Public Right of Way which runs from Plantation Road to the Primary School; and
 - (vi) Provision of a Planning and Financial Monitoring contribution to a sum equivalent to 5% of the total financial contributions payable under such an Agreement.
- B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):
1. Time limit – Outline – reduced timescale.
 2. Time limit – Submission of Reserved Matters – reduced timescale.
 3. Character Assessment prior to Reserved Matters
 4. Standard outline some matters reserved.
 5. Details to be submitted of affordable housing inc clusters
 6. Details of materials
 7. Programme of archaeological work
 8. Land Contamination
 9. Open space management and maintenance
 10. Landscaping Design and Ecological Mitigation
 11. Tree Survey and protection details for trees to be retained
 12. Off site Highways improvement details and their implementation - Cherrington Road/B5062 Junction improvement scheme, passing bay scheme Cherrington Road & Planation Road, and footway from the site along Plantation Road to the southern access onto

- the Public Right of Way no.3
13. On site Highways details and their implementation relating to means of access details including visibility splays, parking, turning, loading & unloading details, and design and construction of any new roads, footways etc
 14. No development until a scheme for modelling work in respect of foul water and surface water discharges submitted and approved
 15. Specification of works required to implement capacity improvements to foul water network and their implementation if so required
 16. Surface water drainage details and management
 17. External lighting scheme details
 18. Site Environmental Management Plan for construction works.
 19. Hedge protection
 20. Site Clearance in accordance with ecology report
 21. Development in accordance with deposited plans
 22. Maximum number of dwellings permitted to be 60 units

Informatives:

I106 – Section 106 agreements

I32 – Fire Authority

ICustom – Ecology informatives

I40 – Conditions

I41 – Reason for grant of permission

RANPPF - Approval – National Planning Policy Framework

TWC/2014/0256

Burton Borough School, Audley Avenue, Newport, Shropshire, TF10 7DS
Minor material amendment to TWC/2013/0832 to include changes to roof plant and flues, roof lights, gable end feature, plant screen wall, fenestration of gable end and alterations to doors

APPLICANT

Telford & Wrekin Council

RECEIVED

25/03/2014

PARISH

Newport

WARD

Newport South

OFFICER

Emma Green

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Principle of development and design,

PROPOSAL

Proposed schedule of minor amendments:

01-Roof Plant and Flues - Size and location of roof plant and flues revised following detailed design development of Mechanical and Ventilation requirements

02-Roof lights – Size and location revised following detailed design development of Daylight requirements and Health & Safety requirements.

03-Gable End Feature Profiled Metal Cladding – Originally shown with vertical orientation. Revised to horizontal orientation due to technical requirement for movement joints that cut across cladding.

Interface detail tidier with horizontal orientation than vertical orientation.

04-Plant Screen Wall – This was originally intended to mask Mechanical and Ventilation ducts on the roof. This function was revisited after realising that raising the roof light perimeter to 1100mm not only satisfies Health and Safety but it also gave opportunity to mask Mechanical and Ventilation ducts on the roof. Mechanical and Ventilation ducts have now been designed to sit between the 1100 high roof lights, removing the need for a plant screen wall.

05-Doors Along building perimeter – Size and location revised following detailed design development of Fire Strategy requirements.

06-Main Entrance - Projecting wall shortened to avoid unnecessary additional cost

07-Fenestration on Gable End - Revised following detailed design development of Structural, Mechanical and Ventilation requirements.

To the previously approved scheme for the erection of a two storey rear learning block extension, with associated landscaping. Relocation of four temporary classroom blocks and creation of new football pitch and demolition of part of existing

two storey building and associated remedial works to existing buildings

SITE AND SURROUNDINGS

The site is situated off Audley Avenue in the east of Newport. The site is broadly level with a marginal fall from south to north, and is bounded by industrial development to the east, Newport Cricket Club to the west, and residential development beyond the playing fields to the north.

Access to the site for vehicles, cyclists and pedestrians is from Audley Avenue with three access points, two located to the north west of the site, and one to the north east of the site which also serves the sports block.

The site is only partly secured with fencing along the eastern, western and southern boundaries. While the existing buildings form a partial secure line there is currently no means of securing the three access points.

There are some attractive mature trees to the frontage to Audley Avenue which add positively to the street scene and more dense trees to the eastern boundary which screen the site from the adjacent industrial development. Within the site there are few trees which are mainly confined to north of the sports block. There are hedgerows and semi mature trees which straddle the residential boundary to the south and west.

SUMMARISED CONSULTATIONS

Standard consultation responses

Newport Town Council: No objection to these minor changes as there are technical and building regulation requirements to meet standards.

Urban Design: No objection in principle; but it is unfortunate that there seems to be so much of it exposed on the roof. It is suggested that the plant needs to be screened as much as possible and if it had been considered earlier, a stronger eaves line could have perhaps been introduced and been more of a feature of the design to divert visual emphasis away from this equipment.

Drainage: no comments

Highways: no comments

Shropshire Fire Service: no comments

Ecology: no comments

Summary of neighbour consultation responses

Following consultation no letters of representation have been received.

RELEVANT HISTORY

TWC/2013/0832 - Erection of a two storey rear learning block extension, with associated landscaping. Relocation of four temporary classroom blocks and creation of new football pitch and demolition of part of existing two storey building and associated remedial works to existing buildings. – Granted 13/12/13

Various school related applications but none are relevant to this application

RELEVANT POLICIES

National Planning Policy Framework (NPPF)

Core Strategy:

CS6 Newport;

CS8 Regeneration;

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

UD4 Landscape Design

LR1 Provision of Community Facilities

OL11 Trees and Woodlands

PLANNING CONSIDERATIONS

Principle of Development

The application site is designated as white land in within the Wrekin Local Plan and it is therefore acceptable for sustainable development to extend the existing school premises.

Policy CS10 relates to community facilities, which include schools. The loss of such facilities is resisted but new provision is supported. Any new facilities should be located in existing centres or have good accessibility by foot, cycle and public

transport. This proposal is for new facilities on an existing site in close proximity to the centre of Newport and serving a well-established community and therefore conforms to this policy.

Design

Good design is a key policy theme at the national and local level. The NPPF (paragraph 56 and 57) attaches great importance to good design in development proposals where it states: *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'*

Policy CS15 of the Core Strategy notes that the design of development will assist in creating and sustaining safe places, strengthening local identity and projecting a positive local image through influencing the appearance and use of the local environment. It is considered the proposal that the proposal will create a much needed alterations and refurbishment of the secondary school and creation of a new sixth form facility in the local area which will have facilities available for community use including more useable area of playing fields.

The new school building and its associated components provide for a high standard of design within an existing educational site. Whilst the new building has not been designed so as to be a prominent feature in the locality it will following amendments to the external elevational treatment have an appearance appropriate to its setting of the existing school buildings reflecting the scale, and form of existing buildings, whilst been a focal point within the school environment.

With respect to scale and form, the building is two storey in scale, the formation of a two storey flat roofed building also ensures that the building will relate well to existing buildings on the site and will not appear incongruous within the schools wider setting. The two storey flat roof form to the building is particularly important in terms of the connection with and the juxtaposition between the existing single storey flat roofed buildings which is to be retained.

The proposed amendments are to meet a number of technical and building regulation objectives but retain the overall character of the previously approved scheme and do not detract from the setting of the overall site.

Accordingly, on balance it is considered the proposal meets the objectives of adopted design criteria as set out in policy UD2 of the Wrekin Local Plan and Policy CS15 of the Core Strategy. This being subject to the imposition of planning conditions relating to the samples of materials proposed as well as allowing for

consideration of some of the finer design detailing, especially around landscaping and street furniture.

Other Issues:

The application whilst primarily seeking to amend specific detailed elements of the scheme will result in a reissue of the original planning consent and will need to be conditioned in full accordingly, there are no changes to issues of drainage, highways, trees, ecology and playing pitches and these conditions shall be carried forward from the previous consent.

Conclusions:

The key benefit of the proposal is that in line with the Telford and Wrekin Building Schools for the Future programme, it would deliver a modernised school, sixth form and associated sporting facilities. The proposals focus is very much with the community in mind with the ability for facilities within the school complex to be available for wider community use out of school hours.

Locating the proposed school, within an existing suburban area will provide for social inclusion and a wider community benefit which accords with policies CS3, CS9 and CS10 of the Core Strategy.

The proposal is accessible for the local catchment area via local footpaths, is located in close proximity to a bus route, and has sufficient car parking.

The proposal will not have a detrimental impact on amenities of nearby residents and seeks to retain important landscape features and trees where possible and can be adequately drained.

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

1. Time limit (full application)
2. Sample of materials as approved
3. Landscaping design as approved
4. Landscape management and maintenance plan as approved
5. Site environmental management plan as approved
6. Foul and surface water drainage as approved
7. Ecology
8. Ecology site clearance
9. Lighting strategy for bats
10. Bat boxes
11. Highways details of bus arrangements

12. Bus parking
13. Cycle parking details
14. Travel Plan
15. Bus gate operation
- 16 Sport England community use
17. Sport England demountable classroom location restoration of sports pitches
18. Details of the playing pitch including drainage, fencing and lighting
19. Tree protection details
20. An Arboricultural Method Statement will be required to detail how the soil is to be removed from the root protection area of retained trees on the site and they will be protected during this as well as any ground protection required afterwards.
21. Trees Soil Levels.
22. Tree Material Storage; Contractors Compound
23. Development in accordance with submitted plans

Informatives

- I32 Shropshire Fire Service
- I40 Conditions
- I44 Reasons for approval
- ICustom Ecology
- ICustom Surface water
- ICustom Bats
- ICustom Nesting wild birds
- ICustom Trenches

TWC/2014/0271

Land adjacent 9 Hillside, Lilleshall, Newport, Shropshire

Outline application for the erection of 2no. detached dwellings and detached garages
(All matters reserved) *** Amended location plan received ***

APPLICANT

Jane Woolrich

RECEIVED

15/05/2014

PARISH

Lilleshall, Donnington and Muxton

WARD

Church Aston and Lilleshall

OFFICER

Diane Ferriday

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Access and highway safety, Residential amenity

THE PROPOSAL:

This application seeks consent for Outline application with all matters reserved for the erection of 2no. detached dwellings with garages on land to the west of Hillside House, 9 Hillside, Lilleshall. Following consultation it was discovered that the application site boundary drawn in red on the location plan submitted on 25th March 2014 was inaccurate. The agent was notified and an amended location plan was duly submitted on the 15th May 2014. The changes to the site plan were minimal therefore re-consultation was not deemed necessary.

BACKGROUND

Outline applications W2012/0372 for the erection of a detached dwelling and creation of new vehicular access on the same site was refused in July 2012 on the grounds the Local Planning Authority considered that the erection of a new dwelling on this highly unsustainable site was unacceptable as it is outside the settlements of High Ercall, Tibberton and Waters Upton. It exceeded the maximum housing numbers permitted in the rural area which undermined the Core Strategy approach; furthermore, no special circumstances were demonstrated to justify the proposal as an exception to general housing policy. Accordingly, the proposal was contrary to 'saved' policies H10 and H24 of the adopted Wrekin local Plan 1995-2006 and policies CS1 and CS7 of the Local Development Framework Core Strategy, 2007 and the National Planning Policy Framework.

SITE AND SURROUNDINGS:

The application site is land to the west of Hillside House; rectangular in shape with evidence of a timber stable sited towards the north east of the site.

The land is relatively level, bound on all sides by established hedging and post and rail fencing; at the south eastern corner are double gates providing access. Several trees are located along the southern and eastern boundaries.

Hillside is a narrow lane which slopes upwards east; Hillside House is prominent within the street scene due to the gradient of the land in addition to its size and height; it is a detached house with white render finish, balcony and flat roof features. Along Hillside are detached houses and bungalows different in terms of age, style and appearance. To the north rear of the site is open agricultural land.

Hillside is to the west of Lilleshall village with residential property and agricultural open land prominent within the immediate surrounding area; the local school, tennis and cricket grounds are to the south/east all within walking distance.

Lilleshall has local services including a church and bus service providing links to Telford and Newport Town Centres.

PLANNING HISTORY:

TWC/2012/0372 - Erection of a dwelling and creation of new vehicular access- Full Refused 6th, July 2012

PLANNING POLICY CONTEXT:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Core Strategy:

CS1 Homes

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS15 Urban Design

Wrekin Local Plan:

H9 Location of New Housing

H10 Scale of Development

H24 Affordable Housing: Rural Exceptions.

UD2 Design Criteria

SUMMARY OF CONSULTATION RESPONSES:

For all consultations received by the Development Management Team the following text below represents a summary of the comments made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Planning Committee via the Council's eplanning system.

Parish Council: Object on the following grounds;

- Safety of Children – this route is often used by the walking bus to Lilleshall Primary School. Danger to children using this route to school.
- Access – Concerns were raised as to how heavy goods vehicles and plant would access/egress the proposed site.
- Green Field Site – Councillors were concerned that this was a green field site and if permission was granted for this application then it may set precedence for future development in this area.
- Key Settlement Status – Lilleshall does not have Key Settlement Status and as such special circumstances should not be awarded for the development of this site.
- Village Boundary – this piece of land is not within the boundary of Lilleshall village.
- However, if Telford & Wrekin Council considers allowing development on this site then it should stipulate that bungalows are erected due to the current shortage of this type of dwelling and to protect the inward view of Lilleshall hill for other bungalows situated nearby.
- A previous application to erect a single dwelling on this site in 2012 (TWC/2012/0372) was refused by Telford & Wrekin Council on 6th July 2012. It has been requested that Councillor Andrew Eade “calls in” this application for discussion by T&W Council.

Shropshire Fire Service: Recommend informative

Drainage: Support subject to conditions

Highways: No objection as the dwellings parking and turning can be accommodated within the site and adequate visibility splays can be provided.

Aboricultural Officer: Having looked at the proposed site lay out plan, it would appear that both Holly trees can be retained to the front of the development. Condition required.

Ecology: Supports; an ecological survey was carried out on this site in May 2014. There is a pond 150m to the east of this site. A great crested newt Habitat Suitability Index assessment was carried out and the pond scored 0.55 (below average). Using the risk assessment tool from Natural England, it is considered that it is highly unlikely that an offence would be committed should the development proceed. No further surveys with respect to great crested newts are therefore considered necessary. To remove any remaining risk of harming great crested newts, section 6.1 of the report contains reasonable avoidance measures. These should be followed during the works. The report identifies ‘no other ecological constraints to the development as planned.’

Local consultation and representations

Following consultation 7 letters of objection have been received on the following grounds;

Previous application refused, not aware of change of policy
Greenfield site, outside Lilleshall designated planning area
Lead to further applications along where genuine infill plots remain
Out of character in relation to size of surrounding properties
No green notice displayed
Inaccurate plans – boundary not accurately shown in relation to our deeds
Access is problematic
No heavy goods access.
Previous building projects have required repeatedly blocking the lane during daylight by arrangement with neighbours
No need for two large dwellings and garages
No notification but own land that abuts the site
Dangerous for children walking up Hillside to Lilleshall School.
Additional development spoils the semi-rural nature of Hillside
Increase in traffic using narrow single track road
Significantly affected by the construction of development

PLANNING CONSIDERATIONS:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements. At the heart of the NPPF is a presumption in favour of sustainable development and for decision taking means where development plan is absent, silent or relevant policies out of date, grant permission unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It states that local planning authorities' should identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of housing against their housing requirements to ensure choice and competition in the market for land; if the LPA cannot demonstrate a 5 year land supply then relevant policies for the supply of housing should not be considered up-to-date. Telford & Wrekin Council set out their policies in the adopted development plan, the Core Strategy (2006-2016); however evidence has now come to light demonstrating only a 2.5 year supply exists. For Telford & Wrekin Council this affects policies CS1 and CS7 of the Core Strategy and applications cannot be refused on the grounds of housing supply alone and there will be a presumption in favour of sustainable

development. Furthermore, to promote sustainable development, housing in rural areas should not be located in places distant from local services.

Lilleshall has the benefit of a primary school, post office and store, church, cricket and tennis club and a regular bus service with a bus stop within walking distance of the site. Newport Town and Muxton are both around 3 miles away with public transport, shops, schools, surgeries and leisure facilities. Accordingly the proposal is considered sustainable within the relevant paragraphs of the NPPF.

Policy CS9 aims to improve social inclusion and accessibility by making sure that new development is close to work, schools, recreation and open space and other key services. The proposal meets the aims of this policy as the site is close to key services and within walking distance of public transport.

Policy CS7 Rural Area provides the spatial interpretation of the housing target defined by CS1 Homes, with an emphasis on helping to sustain rural communities. On this basis, policy defines that new development be focussed on the three suitable settlements of High Ercall, Tibberton and Waters Upton. Outside of these settlements development will be limited.

Following the introduction of the NPPF, policies H9 and H10 of the Wrekin Local now carry less weight than they once did. The reasoning behind Policy H10 was to ensure that building plots fell within the confines of the villages and did not result in the spreading of development into areas of open countryside. The NPPF still considers the protection of the rural area against sporadic development important and this issue is pertinent to sustainable development principles.

The site was previously land within the curtilage of Hillside House which was sold in 1993 but this section of land was retained for garden purposes. In the last years it was used to house two Shetland ponies; the site has not sought consent to change from garden land to paddock or agricultural land. The land is adjacent to Hillside House, within a group of residential properties along Hillside and does not have an agricultural use or appearance. The proposal for two dwellings are of an appropriate scale and location that would not represent isolated features as the site is close to other residential properties, nor cause demonstrable harm to the setting of the village; therefore the proposed development would not be contrary to the aims of rural local plan policy or NPPF as it does not represent isolated rural development. The land is designated as a residential use in connection with an adjacent property and the appearance of the site is domestic in nature. Whilst the built development of two dwellings would be intensification, this proposal does sit within the existing village envelope and does not constitute an expansion of the village into an area of open countryside. On balance, the lack of a 5 year housing supply outweighs policy CS7 which seeks to limit development to three core rural villages, given that the level of services in Lilleshall, officers consider that Lilleshall is a sustainable location for limited rural development.

Policy CS12 aims to protect and conserve the natural environment; the Ecology Officer has assessed the application and supports subject to conditions in relation to the Phase 1 Environmental Survey, artificial nesting/roosting boxes and a lighting plan to ensure the protection of great crested newts, ensure the provision of roosting/nesting opportunities for wildlife and minimise disturbance to bats in accordance with section 11 of the National Planning Policy Framework. These biodiversity improvements can be secured by conditions.

Policy CS15 of the Core Strategy and 'Saved' policy UD2 provides guidance to assess whether or not proposals are of an appropriate design, quality and relate positively to their context. It advises the Council to assist in creating and sustaining safe places, strengthening local identity and projecting a positive image. The design and access statement has indicated that a traditional Duke of Sutherland style property would sit comfortably in this location being sympathetic to older properties in Lilleshall; however this is an outline planning application with all matters reserved, therefore details of layout, scale, appearance, access and landscaping will be for consideration at a later stage with the submission of a 'reserved matters' application. However in principle Officers have no objection for two dwellings on this site conforming to the character and appearance of this rural village location.

Amenity

An indicative block plan shows that the site could accommodate two dwellings with garages, turning areas and driveways whilst still maintaining adequate amenity space to the front and rear. The dwellings themselves would be side by side but of a suitable distance apart. The indicative scale is not deemed to be disproportionate to other properties along Hillside. The site for development is a reasonable distance separation from Hillside House to the east and Tan-y-Bryn opposite south and with existing screening it is considered that the impact on these nearby properties is limited. The full details and impacts will be assessed at the reserved matters stage.

Access

The indicative block plan shows the plots having their own vehicular accesses and drives where vehicles could enter and exit the site in forward gear. The Highway Officer has considered this plan and accepts that the dwellings, parking and turning can be accommodated within the site and adequate visibility splays provided. These indicative access points would require the removal of two Cherry Trees along the front southern boundary; however these could be conditioned to be replaced if necessary and will be fully assessed at the reserved matters stage.

In response to the highway concerns mentioned by the Parish and residents it is expected there will some degree of disturbance when work commences but this is relatively short lived and consideration should be given to existing highway users. Previous work has resulted in blocking the lane during daylight by arrangement with neighbours which may have caused some inconvenience at times but is a solution.

A condition for on site management is considered appropriate given the constraints of the site and access.

It is stated that children walk along Hillside to get to Lilleshall Primary School; however the children are accompanied by responsible adults who would be mindful of vehicle movement during construction and remind their children to remain vigilant at this section of the route. The proposal is for two dwellings and although it is considered that more traffic on the lane will have some impact on the amenities of other residential properties along Hillside, once developed the increase in traffic movement is not considered to be of a significant increase to have an adverse impact on the safety of the children or other highway users.

Time limit constraints on approvals

This site is an exception from local rural policies given the lack of a 5yr deliverable housing supply. To boost housing provision and ensure deliverability of schemes the Local Planning Authority are reducing the usual timescales to commence development allowing 1 year for submission of the Reserved Matters and a further year to commence development.

Other constraints

The site is within a coal mining area but does not have legacy issues that are a risk to the surface and can be dealt with via an informative note within the decision. The indicative layout plan shows a scale of dwellings that is acceptable within the context of the site and the plots indicate adequate sized gardens; however to ensure the dwellings are continually provided with an adequate level of amenity the decision will be conditioned to remove permitted development rights.

Conclusion

Due to the lack of a 5 year deliverable supply of housing land development cannot be restricted to the three key rural settlements identified in the core strategy. The proposed development is considered to be within a sustainable location and does not represent isolated rural development; the site is close to residential properties and can be considered as an infill plot along Hillside. The site is able to accommodate two detached dwellings without having a detrimental impact on the amenities of nearby residential properties and the traffic movements generated by the development can be accommodated without detriment to highway safety. The planning history is noted; however the proposal is considered to comply with national and local planning policy and is therefore recommended for approval subject to conditions and informatives.

RECOMMENDATION: TO GRANT PLANNING PERMISSION subject to the following conditions

Conditions

1. Time limit Outline – 1yr
2. Time limit – Submission of Reserved Matters – 1yr
3. Standard Outline – all matters reserved
4. General Details required
5. Soakaway test, soakaways more than 5m from
6. Protective fencing
7. Custom Ecology condition
8. Custom Ecology condition
9. Custom Ecology condition
10. Site Environmental Management Plan
11. Development in accordance with deposited plans
12. Removal of permitted development rights

Informatives

- I17b Coal Authority (Standing Advice)]
- I25 Ecology Informatives
- I32 Fire Authority
- I33 Removal of Permitted Development Rights Rural Area
- I33b Broadband
- I40 Conditions
- I44 Reasons for Outline Consent

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

TWC/2014/0430

Land at 1 Dawley Road, Arleston, Telford, Shropshire
Erection of 7No. two bedroomed dwellings

APPLICANT

Cedarvale Developments

RECEIVED

21/05/2014

PARISH

Wellington

WARD

Arleston

OFFICER

Matthew Thomas

COUNCILLOR ANGELA McCLEMENTS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Sustainability of development, impact on residential amenity, character and appearance of area and highway safety

PROPOSAL

This application seeks Full planning permission for residential development on vacant land off Dawley Road in Arleston. The proposed development involves the erection of 7no. 2 bed properties comprising 4no. semi-detached dwellings and a terrace of 3 houses with each dwelling providing two bedrooms.

The proposed dwellings have a relatively traditional design, being set beneath pitched roofs with chimneys with proportionately sized windows with finer detailing to include window heads and cills. Finishing materials are to include facing brickwork, plain roof tiles and upvc windows and doors with final specifications to be agreed at a later date.

Access to the site is to be created directly off Dawley Road which will lead to a courtyard parking area where there will be 14 on-site car parking spaces i.e. 2 spaces per dwelling. The proposed dwellings will each have a sizeable rear garden with rear access and storage provisions. Final boundary treatment and landscaping proposals will be agreed at a later date through conditions. A communal bin store will also be provided within the site, to the rear of the bus shelter which is located on Dawley Road. Refuse collections will be by way of new pedestrian access adjacent to the bin store.

Following consultation response, amendments to the scheme have been submitted and relate to improved on-site parking and provisions for bin storage and access.

SITE AND SURROUNDINGS

The application site lies off Dawley Road in Arleston, to the rear of Communications House, which sits on the junction with Dawley Road and Watling Street. The site has had a number of previous uses including a Highways Office/yard and

subsequently a Centre for Young Offenders. All former buildings have been removed and the site is currently in a neglected condition. The site is enclosed to the front by a mixture of block and brick walls. An existing central gated access provides access into the site. Other boundary treatment includes palisade fencing and hedging.

Communications House stands to the north-west corner of the site and to the south is the 'One-Stop' convenience store and car park to the rear. Neighbouring properties to the east are residential properties which back up to the site from Watling Street. Opposite the site on Dawley Road is a mixture of residential dwellings, including semi-detached dormer bungalows, semi-detached two storey properties and garages. There is no real set vernacular surrounding the site.

The application site lies within a sustainable location, being within walking distance from Wellington Town Centre. Similarly the site is within walking distance to shops, schools, colleges, takeaways, pubs, bus and train stations and other local conveniences. The site is close to access on to the M54, and public transport is available for connections to the wider area.

SUMMARISED CONSULTATIONS

Standard consultation responses

Wellington Town Council: No Objection

Highways: Comment

- Prior to first occupation of development, the boundary wall along the site frontage shall be reduced to and maintained at a maximum height of 600mm above the adjacent carriageway level
- C13 – Parking, Loading, Unloading & Turning
- Access to remain un-gated for the life of the development
- S106 contribution of £3000 towards removal of the parking restrictions to the south of the proposed access and implementation of double yellow lines along the site frontage. Changes to the Traffic Regulation Orders are required in order to provide adequate visibility splay at the access

Drainage: Support subject to conditions

- Whilst not identified on the Environment Agency's website, the application site lies within Flood Zones 2 & 3. It is recommended that any permission includes the following conditions;
 1. Flood Risk Assessment – concentrating on the risk of flooding to the site from this watercourse and provide details on flood resilience measures that will be incorporated in to the design
 2. Soakaway tests and proposed soakaway locations
 3. Scheme of foul and surface water drainage

Ecology: Comment

- Condition erection of nesting/roofing boxes and include wildlife informatives

Shropshire Fire Service: Comment

- Include Fire Authority informative

Cllr A. McClements: Object

- Concerns over the access in and out of the development site. It is near to a very busy junction at the bottom of Dawley Road (The Cock Hotel lights) and therefore movement in and out of the development would cause traffic flow problems as well as being a danger to road users

Neighbour consultation responses

No further representations received following neighbour consultation

RELEVANT HISTORY

W2005/1327 – Demolition of existing buildings and redevelopment of the site with 10 no. residential apartments (Outline) – Outline Granted (19/01/2006)

W2007/0738 - Demolition of existing buildings and erection of a two storey building containing 9 no. 2 bed flats and 5 no. bedsits (Full) – Withdrawn (20/08/2007)

W2008/0257 – Demolition of existing buildings and erection of 14 no. flats (Full) – Withdrawn (06/05/2011)

RELEVANT POLICIES

National Planning Policy Framework (NPPF)

Core Strategy:

CS1 Homes

CS5 District & Local Centres in Telford

CS9 Accessibility & Social Inclusion

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall Sites in Telford & Newport

T22 Planning Obligations

PLANNING CONSIDERATIONS

Principle of development and relevant planning policy

The principle of residential development has already been established on this site through the granting of outline planning consent for residential apartments back in 2006. The current scheme seeks planning permission for the erection of 7no. 2 bed properties comprising 4no. semi-detached dwellings and a terrace of 3 houses with each dwelling providing two bedrooms.

In assessing this application it is necessary to consider if there has been any change to policy or other material considerations that now need to be taken into account. Since the previous application was approved the Wrekin Local Plan policies remain

in force. However, national government advice (in PPP's and PPG's) has been replaced by the new National Planning Policy Framework (published in March 2012). For new housing development the new guidance advises that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and 'good design is a key aspect of sustainable development' and it further states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Furthermore, in accordance with the NPPF, Telford & Wrekin Council must identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of housing against its housing requirements set out in the adopted development plan, which comprises relevant saved policies in the Wrekin Local Plan and the Core Strategy (2006-2016). The Council maintains its position regarding the significant supply of housing land that exists across the borough, comprising committed sites and sites identified in the current Strategic Housing Land Availability Assessment (SHLAA). Nonetheless, a reassessment of the five year land supply position, particularly in terms of the deliverability of committed sites within five years, has produced a lower delivery figure of 2.5 years. This reassessment was carried out in the light of updated guidance issued in April on assessing housing requirements, the increasing number of appeal decisions and examinations that have occurred nationally which were favouring a more stringent approach to assessing the five year supply issue and one which the Council needed to respond to pro-actively. In the context of the Borough overall, the authority is facing a shortfall in house building rates and has a 2.5 year supply, which is less than the required 5 years. This has implications for decision-making on planning applications.

Having a 5 year housing land supply shortage indicates that para 49 of the NPPF takes on greater significance which states that 'relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites'. Paragraph 14 states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. This underlines that planning applications should not be considered on the grounds of housing supply alone and that they should be decided against the golden thread of the presumption in favour of sustainable development. Consequently the proposal should not therefore be considered against the housing numbers set within policy CS1; however the sustainability of the scheme should be tested against other local policies and the NPPF.

The development site is classed as white land and therefore there is a presumption in favour for development. In terms of local planning policy, Core Strategy policy CS5 outlines that new housing development will be focussed on Wellington, along with 5 other District Centres and in locations that are highly accessible to these centres. The application site lies within a sustainable location, being within walking distance from Wellington Town Centre. Similarly the site is within walking distance to shops, schools, colleges, takeaways, pubs, bus and train stations and other local

conveniences. The site is close to access on to the M54 and public transport hubs for connections to the wider area. Subsequently the proposal complies with policy CS5.

Policy H6 states that housing development within the built up area is permitted if it complies with certain criteria relating to parking, access, drainage, ground issues, impact on adjacent use and high quality design. This policy is then supported by Policy UD2 of the Wrekin Local Plan which asserts that development must respect and respond positively to the context, and enhance the local environment through high quality design, and it will be assessed in relation to its scale, form, density, orientation, layout, proportions, materials and access etc. Furthermore, policy CS1 of the Core Strategy aims to provide every household in the Borough with an affordable, decent and appropriate home with the type, size and tenure of new and improved homes to meet local need and be delivered in a way that creates locally inclusive sustainable communities.

Design and impact on existing amenities

The proposed development will be set back approximately 13m from the highway, Dawley Road, in order to provide a courtyard style on-site car park with two dedicated parking spaces per dwelling. Access to the site is already established from when the site was used for its previous uses and it is proposed to utilise this same access for the proposed development. It will be necessary to condition details of enclosure and appropriate screening measures to ensure that there is no adverse impact on the street scene as a result from this car parking. Although the site is enclosed by an unattractive screen wall along Dawley Road, officers are confident that subject to agreement of final details, this issue can be successfully resolved.

The proposed houses themselves have an acceptable appearance being built beneath pitched roofs with chimneys with proportionately sized windows with detailed headers and cills. The finishing materials include facing brick, plain roof tiles and white upvc windows; however final specifications will be agreed with the Local Planning Authority by condition. Internally, the proposed dwellings will provide comfortable living accommodation with a kitchen/dining room at ground floor level with a separate living area and at first floor level, two double bedrooms will be provided with a family bathroom. To the rear of the properties will be sizeable private garden areas ranging from approximately 40m² and 75m², which is appropriate for the size of the dwellings proposed. Each garden will have a private rear access and storage sheds. Boundary treatments and landscaping of the site will be agreed with the Local Planning Authority by condition. Finally, in the southern corner of the site, situated behind the bus stop on Dawley Road, a communal bin storage area will be provided which is located in an accessible location and in close proximity to the highway for collection. No details of this proposed bin storage has been provided and appropriate conditions will therefore be imposed for final designs. Such design will need to reflect the enhanced walling treatment to the Dawley Road frontage.

In terms of impact on existing amenity, visually the site appears much run down and in need of redevelopment having been left unoccupied following the demolition of the former buildings on site. The site is in a prominent location in an active part of

Arleston close to the Watling Street and its current condition has an adverse impact on the amenities of the area. It is therefore considered that the proposed redevelopment of the site will be a welcome investment having a positive impact on the street scene and for neighbouring properties. Immediately south of the site is the 'One Stop' convenience store which fronts Dawley Road. There is a single small sized window in the side elevation facing on to the application site; however this will not have an impact in terms of privacy for either party. To the north of the application site is Communications House which sits at the junction with Dawley Road and Watling Street with its rear elevation facing on to the application site. There are four relatively large first floor windows in this rear elevation facing the site however the proposed dwellings are to be set back some 13m from the highway and given the positioning of Communications House, officers are satisfied that there will be no significant loss of privacy, again for either party. To the east of the application site, lie the boundaries of No.133 Watling Street. This property fronts Watling Street and given the separation distances proposed and once adequate screening is in place, there will not be any adverse impact on the existing amenities. Finally, to the west of the site on the opposite side of Dawley Road there is a mix of residential properties with the closest of these neighbouring properties being a detached rendered property and semi-detached dormer bungalows. The proposed dwellings will be set back from the highway and set away from these neighbouring properties with a distance of approximately 24m which is sufficient for there not to be any adverse impact on amenity by virtue of any significant loss of privacy, light or any overbearing impact.

Highways

The entrance to the application site is situated approximately 25m away from the junction with Dawley Road, Holyhead Road, Watling Street and Mill Bank and this junction is controlled by a three way traffic light system. The proposed development seeks to utilise the existing access which previously served as an access to the former youth service centre. This previous use of the site is classed under the Town and Country Planning Order as Use Class D1 (Non-Residential Institutions) which encompasses a wide range of uses including clinics, health centres, nurseries, schools, places of worship, training centres, halls etc and this use still currently stands. Whilst officers appreciate that the site is located within close proximity to a busy junction, given the current use of the site, the associated volume of traffic with the proposal is considered acceptable and unlikely to have a significant adverse impact on highway safety. Indeed there is a strong argument to suggest that the current proposal is likely to generate less traffic movements than the previous uses and permissions on site.

Amendments have been made to the proposed site layout following the consultation response from the Council's Highways Engineer. These amendments have included providing greater manoeuvrability for vehicles within the site and provision of a pedestrian access adjacent to the bin store in order for appropriate bin collections. Following these amendments, the Highways Engineer has confirmed that they have no objection to the principle of the proposed development subject to conditions. These conditions include the reduction of the front boundary wall to 600mm and for this height to be maintained. However, officers are not approving this front boundary treatment as it is considered that this could be improved. Appropriate conditions will

be imposed accordingly. The Highways Engineer has also requested conditions for provision of parking and a condition to ensure the access remains un-gated. Finally, a Section 106 contribution of £3000 has been requested towards the removal of the parking restrictions to the south of the proposed access and implementation of double yellow lines along the site frontage. Policy T22 of the Wrekin Local Plan seeks planning obligations for the improvement of existing highways. These works are required in order to provide adequate visibility splays at the access. The applicant has agreed to the above requirements and appropriate conditions will be imposed should the application be approved.

Drainage

The Council's Drainage Officer has provided consultation response to the proposal and supports the scheme subject to conditions. It is noted that whilst not identified on the Environment Agency's website, the application site does lie in flood zones 2 & 3 and for this reason a Flood Risk Assessment has been requested as part of any approval. The Drainage Officer has advised that whilst there is little the site can do to stop the potential flooding the required Flood Risk Assessment should concentrate on the risk of flooding to the site from this watercourse and provide details on flood resilience measures that will be incorporated in to the design. Further conditions have been requested for soakaway tests to be carried out on the site, details of locations for proposed soakaways and also a scheme of foul and surface water drainage, which will all need to be submitted to the Local Planning Authority for approval.

Other Issues

The Council's Ecologist has been consulted on this application however no objections were raised subject to a condition for nesting boxes and inclusion of wildlife informatives to the decision notice. The site is mostly laid to hardstanding and therefore there are no arboriculture implications as part of the proposal although it is considered the introduction of some verdant relief would be welcome in this location and will be secured through condition should the application be approved.

With regards to Environmental Health matters, whilst the site is located adjacent to the One-Stop Convenience store, their opening hours are restricted from 7am – 11pm. The proposed dwellings will be set back from this store and officers are satisfied in this instance that it is unlikely for there to be any significant adverse impact in terms of amenity.

The proposed development for seven dwellings does not hit the target for S106 contributions or for affordable dwellings and the relevant policies within the Wrekin Local Plan do not therefore apply. At the point where this report was being prepared for committee, no further consultation responses have been received however members will be updated should any further representations be received on at Committee.

Conclusions and Recommendation

To summarise, the application site is a self-contained site and is located in a mixed residential area what do you mean mixed use or residential area? I'd suggest the area has a mix of uses rather than just residential therefore the layout, scale and design of the new properties is considered to be acceptable and materials can be conditioned to ensure the buildings are in keeping with the setting of the area. The principle of residential development on this site remains acceptable given its sustainable location close to services and facilities in Wellington District Centre with excellent public transport links to the wider area. The layout of the site and the scale and design of the new dwellings and associated parking, amenity space and landscaping is considered acceptable and in keeping with the context of existing surrounding residential development. It is considered there are no significant adverse impacts in relation to the proposal. When considering the current use of the site and likely traffic levels associated with the proposal, the Local Planning Authority is satisfied that there will be no significant adverse impact on highway safety. Accordingly, the application remains compliant with both local policy and the guidance contained within the National Planning Policy Framework and is therefore recommended for approval subject to conditions.

RECOMMENDATION:

Based on the conclusions above, the recommendation to Committee on this application is that DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT FULL PLANNING PERMISSION subject to the following:

The applicants entering into a Section 106 agreement with the Council to provide £3,000 towards highway improvements, and the implementation of the following conditions:

Time Limit – Full

1. Sample Materials
2. On-site Construction
3. Mud on road
4. Foul & Surface Water drainage
5. Soakaway Tests/locations
6. Flood Risk Assessment
7. Details of enclosure (no approval of existing boundary treatment)
8. Landscaping Design
9. Windows – white upvc
10. Car Parking
11. Access to remain un-gated for the life of the development
12. Landscaping implementation
13. Erection of nest boxes
14. Details of bin storage area
15. Development in accordance with plans
16. Removal of Permitted Development rights

Informatives:

S106 Agreement – highways contributions

Wildlife – Nesting wild birds & Trenches/Pipelines

Fire Authority informative

TWC/2014/0451

Land to rear of, 49, 51, 53, 55, 57, 59 & 61 Muxton Lane, Muxton, Telford,
Shropshire

Erection of 5no. detached dwellings with garages and associated access and
landscaping

APPLICANT

Days New Homes Ltd

RECEIVED

27/05/2014

PARISH

Lilleshall, Donnington and Muxton

WARD

Muxton

OFFICER

Anna Adams

COUNCILLOR LAWRENCE HAS REQUESTED THAT THIS APPLICATION IS
DETERMINED BY MEMBERS AT PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Access and Highway safety, Scale,
Character, Residential amenity, Impact on protected trees

THE PROPOSAL: The application seeks full planning permission for the erection of
5 detached dwellings with garages and associated access and landscaping.

A previous outline planning application was approved by Planning Committee in
January 2014 following a site visit, (TWC/2013/0881). The outline application was
approved with associated access, layout and scale. All other matters were reserved.

The current proposal is for full planning permission rather than reserved matters, as
there are a number of changes that have been made to the layout of the
development, such as the position of garages that have been relocated further from
the shared rear boundary of existing properties in Muxton Lane and a slight increase
to the ridge heights of the proposed properties.

Access to the development remains unchanged and the existing vehicular access
drive from Muxton Lane would be shared by the development.

Plot 1 comprises a two-and-a-half storey property with 5 bedrooms with detached
double garage; plots 2 and 4 comprise the same housetype – a two-storey, 4-
bedroom unit with integral double garage; plot 3 comprises a two-storey 4-bedroom
property with attached double garage; and plot 5 consists of a two-storey, 4-bedroom
property with detached double garage. All properties have additional parking on
front drive areas, served from shared private access, and south-facing rear amenity

areas. The housetypes comprise a variety of gables, bay windows and dormer windows.

The separation distances from each of the dwellings to the rear boundary with existing properties is at least 10m and more than 7m from the nearest garage to the rear boundary. The second floor accommodation to plot 1 has windows on the north elevation only and not on the south elevation.

The majority of existing trees and hedgerows are to be retained. The road layout has been realigned slightly so that it is further from the existing protected trees.

SITE AND SURROUNDINGS:

The application site comprises paddocks covering an area of 0.55ha, located to the north (rear) of established residential properties, Nos.49 to 61 Muxton Lane, which are 2-storey houses, except No.51 which is a bungalow. The site is bounded by a timber five-bar farm gate and fencing, with mixed hedgerows and trees. There are Tree Preservation Orders on 3 trees adjacent to the site entrance at the southeast of the site and to the northern boundary of the site.

To the north of the site is agricultural land, to the east are stables and an outbuilding, with recent planning permission for residential conversion, with 3 modern large detached dwellings on the opposite side of the shared access. The Coach House also shares this access and fronts Muxton Lane.

The access road from Muxton Lane is a narrow hard surfaced lane and serves existing properties and stables. A grass verge with brick boundary wall and conifers bound the site entrance to the south, with hedgerows to the garden boundary of No.61 on the north side of the entrance.

The application site is located in the urban boundary in a residential area comprising a mix of traditional Duke of Sutherland properties and modern semi-detached and detached dwellings.

PLANNING HISTORY:

W2003/1176 residential development of 2 houses (outline), Outline granted 15/03/2004

W2004/0965 Erection of 5 Detached Dwellings (Outline), Refused at Planning Committee 09/11/2004, Appeal dismissed 29/06/2005

W2005/0617 Erection Of 3no. Dwellings (Reserved Matters), Granted 31/08/2005

W2006/1007 Residential Development Comprising Of 2no. One Bed and 2no. Two Bed Mews Flats, One Single Dwelling, Stabling and Double Garage to Coach House (Outline), Refused 11/10/2006

W2006/1352 Erection of 3no. Detached Dwellings (Amendment to Reserved Matters Approval W2005/0617), reserve matters granted 29/12/2006

TWC/2013/0058 Erection of a detached dwelling, Full granted 19/03/2013

TWC/2013/0881 Outline application for the erection of 5no. detached dwellings including access, layout and scale, with appearance and landscape matters reserved, Outline granted 17/01/2014

PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework

Core Strategy

CS1 Homes

CS5 District and Local Centres in Telford

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan

UD2 Design Criteria

H6 Windfall Sites in Telford & Newport

OL6 Open land

OL11 Woodland and Trees

CONSULTATION RESPONSES:

Councillor Lawrence objects to the proposal and has 'greencarded' the application, so that it is determined at Planning Committee. He has concerns regarding access.

Highways: No objection subject to condition regarding parking, loading, unloading and turning.

8 letters from local residents have been received with the following summary of comments raised:

- Loss of greenfield site when brownfield sites are still available
- Narrow and inadequate access and increase in traffic on to Muxton Lane which is also narrow and winding in places, particularly adjacent to Listed Building – highway safety
- Cumulative impact of traffic from Shropshire Golf Club

- Pedestrian, especially child safety
- Impact on existing infrastructure - Muxton Primary School is oversubscribed and cannot accommodate further children, doctors, dentists, shopping facilities etc.
- Drainage and flooding issues, electricity supply
- The same proposal has been refused previously
- Loss of residential amenity – privacy, overshadowing
- Impact on wildlife
- Impact of construction traffic
- Additional pollution, noise from development
- Scale of development already built in Muxton and the amount proposed in the Shaping Places document and loss of green space
- Existing housing stock in Muxton unsold
- Devalue existing properties

The consultation period does not expire until 24th June; therefore any further comments will be provided in an update to Members.

PLANNING CONSIDERATIONS:

The application seeks full planning permission for the erection of 5 dwellings. The current proposal is similar to the recent outline planning permission, approved by Members in January 2014; thus the principle of residential development has been established on the site. National and local planning policy has not changed since the planning approval.

Within NPPF, the document outlines that Local Planning Authorities (LPA) should encourage the effective use of land by reusing previously developed land; however it does not set out the requirement for a sequential approach to be taken. The NPPF sets out applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and does not stipulate that brownfield land must be developed prior to consideration of greenfield land. The site is located within white land in the Local Plan, (land without any designation) and falls within the urban boundary of Telford. The site bounds established residential development and does not extend into the open countryside. Therefore it is considered that the proposed development is appropriate on this site.

Furthermore, in accordance with paragraph 47 of the NPPF, all Local Authorities are required to identify that they have a 5 year housing supply, and this is updated annually. Telford & Wrekin Council currently has a 2.5 year housing supply. Therefore, as the LPA cannot demonstrate a 5 year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area. Accordingly, the LPA cannot refuse applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development. In this regard,

the proposed development is located in an established residential area within the built-up area of Telford, with access to local services and facilities. The development is considered acceptable in principle and accords with national policy in NPPF and policy CS9 of the Core Strategy.

With regard to policy H6 of the Wrekin Local Plan and the consultation comments, it is considered that the site can be adequately accessed with sufficient onsite parking proposed. The site is considered to be large enough to accommodate the development and can be accessed via the existing access road from Muxton Lane. Appropriate conditions can be applied to ensure the site can be adequately drained, in accordance with policy CS13 of the Core Strategy.

With regard to NPPF and local design policies CS15 and UD2, the proposal is considered acceptable. The properties are orientated with the frontage facing north and private amenity space adjoining existing rear gardens of the properties on Muxton Lane. Whilst the plots are smaller, the proposed residential dwellings would have similar building footprints to the existing properties to the south of the site, and therefore the development is considered appropriate in terms of the scale and layout. The 4 individual housetypes to the 5 plots provide a good mix of designs with gable, bay and dormer window features and different roof details. It is considered that the designs relate to the context of existing development in the area and the mix of styles, such as the substantial properties at the rear of The Coach House, which are served by the same access road. The resultant development creates an appropriate streetscene view along the private drive. Samples of materials can be covered by condition. Furthermore, with regard to residential amenity, the private rear gardens are adequate in size and the proposed dwellings will be at least 10 metres from the shared boundary with existing dwellings; thus, whilst the ridge height of the properties has increased from the approved 8.1m on the outline application, plots 1 and 5 would be 271mm higher and plots 2 and 4 would be 369mm higher. There is a sufficient separation distance between the existing and proposed properties and it is therefore considered that the proposal will not lead to overlooking, overshadowing or loss of privacy. Thus, the proposal accords with design policies at national and local level.

The development would not appear prominent from Muxton Lane, and retention of the existing trees and hedgerows on the boundaries of the site will help to screen the development from existing properties and the existing agricultural land to the north. The proposal is considered appropriate in terms of the character and appearance of the site and surrounding context.

It is considered that the number of additional vehicle movements using the access road and Muxton Lane will not have a significant impact on the overall capacity of the highway nor impact highway safety.

The Ecology and Tree Surveys submitted with the outline application have been resubmitted in regard to the full planning application. Furthermore, the supporting information asserts that the development would be undertaken in accordance with conditions imposed on the outline consent in relation to trees and ecology. Consultation comments from the Arboricultural Officer have not yet been submitted; however the Ecologist has confirmed that there are no objections subject to conditions and informatives. It is noted that some of the hedgerows and trees will be removed to accommodate the development; however the existing boundary treatments to the rear of existing dwellings and adjacent to the existing agricultural land will be retained; and the position of the access road has been designed so that it does not impact on the root protection area or canopy of the trees that are protected by a Tree Preservation Order (TPO). Details of landscaping can be conditioned, and appropriate conditions can be imposed to ensure the design and construction of the road and new dwellings do not adversely impact on the TPO trees. The proposal therefore accords with Policy CS12 of the Core Strategy and OL11 of the Wrekin Local Plan.

It is considered that the development will not be visually intrusive as it will be viewed in the context of existing residential development and will remain well screened on the boundaries. Whilst it is noted that the 5 additional dwellings will require local services and facilities, the scale of the development is small, therefore the LPA would not request contributions towards education and recreation etc.

With regard to neighbour comments to date, reference is made to the cumulative impact of traffic associated with the Shropshire Golf Club and proposed development that might come forward through the Shaping Places document. The proposal for 5 dwellings will not have a significant impact on the existing highway infrastructure. Separate arrangements would need to be investigated if substantial new developments were proposed in the area; however the Shaping Places document outlines proposed options, and no sites have been committed at this stage. Property value is not a material planning consideration and therefore has no bearing on determination of this scheme.

The consultation period has not yet expired and comments are awaited from Lilleshall, Donnington and Muxton Parish Council and Council colleagues in Drainage, Arboricultural and Ecology; therefore there may be further considerations and conditions to be incorporated in to the report. However officers consider likely conditions to be similar to those imposed on the outline permission.

In conclusion, the proposal is considered acceptable; the principle of residential development has been established by the previous outline planning permission (TWC/2013/0881); the proposal complies with current national and local planning policy. The development is appropriate in scale and design and can be accommodated with adequate access and parking arrangements and will not

adversely impact on adjoining residential amenities, the character of the area or highway safety and TPO trees. Accordingly, officers recommend the application is approved subject to conditions and informatives.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to conditions (to be finalised following receipt of remaining consultation responses):

1. Time limit
2. Samples of materials and sample brick panel
3. Foul and Surface Water and Greenfield Runoff Rates
4. Landscaping design
5. Trees – protective fencing, services root protection, no dig method, TPO tree – extent of works
6. Site Environmental Management Plan
7. Parking, Loading, Unloading and Turning
8. Trees – soil levels and storage of materials
9. Nest boxes, Lighting plan
10. Development in accordance with Approved Plans
11. Removal of Permitted Development
12. Restriction on Garage Conversion

Informatives:

- | | |
|--------|----------------------|
| I22 | Ecology informative |
| I32 | Fire Authority |
| I35 | Highways informative |
| I40 | Conditions |
| RANPPF | Approval - NPPF |

W2006/0608
Land off, Church Walk, Donnington, Telford, Shropshire.
Erection of 18 dwellings

APPLICANT
Dordale

RECEIVED
22/05/2006

PARISH
Lilleshall and Donnington

WARD

OFFICER Kate Stephens

W2006/0608
Land off, Church Walk, Donnington, Telford, Shropshire.
Erection of 18 dwellings

APPLICANT

RECEIVED
22/05/2006

PARISH
Lilleshall and Donnington

WARD
Donnington

CASE OFFICER
Kate Stephens

PURPOSE OF REPORT

To seek a Deed of Variation to the S106 agreement to allow provision of no affordable units on a residential development that has commenced, but building work has come to a halt and the development has not been fully completed and not yet occupied.

BACKGROUND

Members will recall at Plans Board on 15th October 2009 agreeing to a relaxation in the S106 affordable housing provision on this site from 38% (7 units) to 22% (4 units) on the understanding that the development was completed within an agreed timeframe and that if the development was not completed within that time, then the affordable housing requirement would revert back to the original 38%. At the time the then developer had been affected by the recession and the Royal Bank of Scotland was offering the applicant financial assistance.

The applicant was unable to meet the agreed 6 month deadline, so members agreed to a further extension of time at Plans Board on 4th August 2010. If the scheme had not been completed by 28th February 2011, the affordable provision would once again revert back to 38%.

Unfortunately the scheme has not progressed. The applicant and the bank are no longer involved. However, the Royal Bank of Scotland did settle the outstanding

s106 payments of £47,101 plus interest for leisure, primary school education and bus shelters in the vicinity.

The site has been acquired by a new owner who is keen to progress the site to completion within the next 6 months. But in order to do this he requests that there is no affordable housing provision on the site at all.

PLANNING HISTORY

Planning permission W2006/0608 was granted by members at Plans Board on 9th August 2006 for 18 dwellings. The design of the dwellings, at the suggestion of the Council officers, are contemporary with mono pitched roofs and render to reflect the highly planned and designed form of the flat roofed dwellings and their geometric orientation that surrounds this “island” site. The new development takes the form of an echelon arrangement with terraced blocks of two and three storey dwellings.

A S106 agreement was signed that required

- not less than 38% affordable housing (of which 23% social rented and 15% shared ownership),
- £500 per dwelling for leisure,
- £28,101 towards primary education and
- £10,000 towards bus shelters in the vicinity.

During the life of the application the applicant sought 2 separate amendments that have resulted in the creation of additional units on site that now total 24 units, but which are not the subject of the S106.

W2007/0968 – Erection of 4 dwellings (amendment to W2006/0608) Granted 6/9/07. This effectively sought a substitution of house types by horizontally subdividing two of the 4bed houses into four 2bed flats, with no new buildings on site. This took the overall number of units on site to 20, but there was no change to the S106, which still applied to the 18 units.

W2007/1441 – Erection of 6no. 1 bed flats (amendment to W2006/0608) Granted 18/12/07. This effectively sought another substitution house types by horizontally sub-dividing 2 of the three storey houses in to 6 flats, with no physical change or increase to the buildings. This took the overall number of units on site to 24, but there was no change to the S106, which still applied to the 18 units.

PLANNING CONSIDERATIONS:

Members are aware of the difficulties facing developers in these uncertain economic times, with some developers stopping building on site all together, and on some new sites affordable housing provision being negotiated at lower levels. Whilst the Council wishes to be constructive and ensure development continues, it must also still try and deliver affordable housing.

This site was fairly well advanced before the economic down turn – construction on this site came to halt in May 2009. Officers have twice supported the previous developer and assisted the site's completion by agreeing to reduce the affordable housing provision in order to facilitate completion.

Now there is a new site owner who wishes to progress the site to completion, which is welcome news. Officers consider that as this site has remained unfinished for so long and has become an eyesore for the area that securing a means of finishing off the site is desirable, even if this means there being no affordable units on the site. Officers would comment that the nature of the scheme and the size of the units is likely to result in the units generally being more affordable than some new development in any event. To this end officers are prepared to agree to a total relaxation in the provision of this development and agree to a variation in the s106 agreement, provided the development is completed and all units are ready for occupation within 6 months of the signing of the varied S106. If after that time the scheme is not fully completed and ready for occupation, then the affordable provision would revert back to the 38%. A review clause can be included such that if at the end of the 6 month, the scheme is nearly completed and a little more time is needed, then this can be subject to a review and negotiated without the need to bring the matter back to Plans Board.

However, apart from a letter from the new owner's agent simply stating "We would anticipate the entire works to be completed with 6 months" officers would like to see more evidence of working timescale to demonstrate that 6 months is realistic and the new owner can achieve this. Officers have requested this information, but at the time of writing this report, no further evidence has been received. Therefore officers consider that additional confirmation and evidence is required and this should be made a requirement of the agreement to relax the affordable housing provision.

RECOMMENDATION: On receipt of satisfactory evidence that demonstrates that a 6 month timescale is realistic and achievable, undertake a Deed of Variation to amend the S106 so that there is 0% affordable housing and that if the development is not completed within 6 months [of the date of the signed Deed of Variation] then the affordable provision reverts back to 38%, but with a review clause