

TWC/2015/0039

Site of The Wrekin View PH, Milners Lane, Dawley Bank, Telford, Shropshire  
Erection of a retail unit (Use class A1) with ATM, servicing, refuse and plant area with associated car parking, access, landscaping and diversion of footpath

**APPLICANT**

New River Retail Property Unit Trust, No.4,

**RECEIVED**

16/01/2015

**PARISH**

Lawley and Overdale

**WARD**

Lawley and Overdale, Ketley and Overdale

**OFFICER** Matthew Thomas

**LAWLEY & OVERDALE PARISH COUNCIL HAS REQUESTED THIS APPLICATION BE DETERMINED AT PLANNING COMMITTEE**

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

The main issues for consideration are; sustainability of the site for retail development, requirement for this type of development at Dawley Bank, impact on neighbouring sites including the existing Public House and residential dwellings. Further considerations include land stability, highways/access, drainage & ecology.

**PROPOSAL**

This full planning application seeks permission for the erection of a single storey convenience store (Use Class A1) on land adjacent to the Wrekin View Public House off Milners Lane in Dawley Bank. It is intended that the operator of the store will be the Co-Operative Group. The proposed scheme will provide an ATM machine and associated servicing, refuse and plant area with car parking, access, general landscaping and the diversion of an existing public footpath.

The proposed food store will be built beneath a hipped roof with the customer entrance facing south onto the existing area of car parking. Finishing materials will comprise grey coloured interlocking concrete roof tiles, facing brickwork, smooth rendering coloured white and a glazed aluminium shop front coloured dark grey. Low level retaining walls will be incorporated to the east, north and west of the store with a mixture of palisade fencing and post/rail timber fencing above and close boarded timber fencing will be erected where necessary.

A total of 12 car parking spaces (including one disabled space) will be provided specifically for use of customers of the food store. A total of 17 car parking spaces will be retained (including 2 disabled spaces) for use by customers of the Wrekin View. Vehicular access will be shared with the Public House, designed to meet the needs of servicing arrangements for both premises. A new pedestrian access will be created off Milners Lane to enable access on foot, avoiding the car parking area.

**SITE AND SURROUNDINGS**

The application site is located to the east of Milners Lane in Dawley Bank, alongside the existing Wrekin View Public House. The site occupies a prominent position on Milners Lane with the surrounding area being predominantly residential. The site is bounded immediately to the south by residential properties on Shepherd's Fold, to the east lies an area of raised, wooded ground, whilst to the north of the site, lies a children's recreation area. To the west, on the opposite side of Milner's Lane there are further residential dwellings. The ground

slopes downward significantly from east to west and these properties sit on a lower level to the application site. A single vehicular access point serves the site directly off Milners Lane.

The site lies approximately 1.5 miles to the west of Telford town centre and 2 miles to the north of Dawley District Centre. There is a bus stop located immediately outside of the application site on Milners Lane which provides hourly services to Telford and Wellington town centres (route numbers 77 and 99A) making this a sustainable location for development.

## **SUMMARISED CONSULTATIONS**

### Standard consultation responses

Lawley & Overdale Parish Council: Object

- Highway Issues – increased traffic and parking issues
- Location to existing play area (30m guidance) plus loss of visual access/seclusion
- Adverse social impact potential
- Retail impact statement: Contradicts Policy S25 of the Wrekin Local Plan
- Noise and disturbance
- Viability & Sustainability
- PROW10 as per definitive map not taken into account by developers
- Strong local objection

Highways: Comment – No objection in principle subject to the following conditions:

- Parking, Unloading, Loading & Turning
- Details of proposed retaining walls
- Details of proposed pedestrian access between public right of way and existing highway/footpath
- Informative – applicant will need to submit an application to divert the Public Right of Way (Footpath 10)

Drainage: Support subject to conditions

- Scheme of foul & surface water drainage
- Greenfield run-off rates

The Coal Authority: Originally Objected

- Coal Mining Risk Assessment required;

Following receipt of the required Coal Mining Risk Assessment, the Coal Authority have now removed their objection and now have no objections in principle subject to inclusion of the following condition to the decision notice:

- Development in accordance with the recommendations put forward within the submitted Coal Mining Risk Assessment

Parks & Open Spaces: Comment

- The council appears to have title of part of this land which appears to be an overlap of boundaries / title at the Land registry.
- The boundary fencing of a close boarded wooden fence may be inappropriate adjacent to an open space as they can be used for ball games. An alternative agreed boundary treatment on this section should be provided.
- A children's equipped play area is nearby and it is likely that during construction there will be a requirement to either utilize the Public Open Space or its use will be affected. As such a condition relating to an agreed area of working and an agreed programme of works is required to both safeguard the POS to the minimum detriment of the users of this POS

Following further investigations in to the above response, officers can confirm that the land in question does not belong to the Council and it is privately owned by the applicant.

Ecology: Comment – include conditions/informative

- External Lighting Plan
- Informative – Nesting wild birds

Policy: No comments received to date – members to be updated

West Mercia Constabulary: No Objection

Shropshire Fire Service: Comment – include Fire Authority informative

### Neighbour consultation responses

Following neighbour consultation, a total of 17 letters of objection were received from 14 properties within the area and the issues raised have been summarised below:

- Existing local store (Dawley Bank Stores) will be affected – resulting in loss of business and jobs
- No local need for a new store with Morrisons, Asda and Sainsbury's a short distance away from the site
- Increase in volumes of traffic within surrounding area from shoppers, delivery lorries, waste collections etc – potentially detrimental to highway and pedestrian safety and adverse impact from increase in noise pollution
- Development adjacent children's play area – concerns over children's safety
- Inadequate on-site parking for customers of the store and existing pub
- Clarification required on proposed boundary treatments and landscaping
- Adverse impact on The Wrekin View as a valued community facility
- Inaccuracies within the submitted Transport Statement/Parking Survey – there are existing highway problems within the local area which will be exacerbated by the proposed development
- Concerns over the long term future of the Co-Operative group and what impact this will have should the shop be left unoccupied
- Concerns that it is proposed to attract an element of trade from residents outside of the main catchment area – this will result in increase in vehicles which don't usually use Milners Lane. Adverse impact as a result of existing highway problems and lack of customer parking
- Creation of jobs at the store should not come at the loss of existing local jobs
- Unsustainable form of development – no local need
- Adverse impact on amenities of neighbouring properties – loss of light/privacy
- Detrimental impact on local wildlife
- Disruption to residents during construction and after
- Development will encourage anti-social behaviour – congregating youths, littering, drinking, smoking etc.
- Loss of views from neighbouring properties
- Adverse impact on property values
- Loss of trees
- Noise and disturbance from use

A petition has also been received (submitted by the owners of Dawley Bank Stores) with approximately 250 signatures opposing the proposed development

## RELEVANT HISTORY

None

## RELEVANT POLICIES

National Guidance:

National Planning Policy Framework (NPPF)

Core Strategy:

CS2 Jobs

CS3 Telford

CS5 District and local centre in Telford

CS9 Accessibility & Social Inclusion

CS10 Community Facilities

CS15 Urban Design

Wrekin Local Plan:

EH14 Land Stability

UD2 Design Criteria

E4 Development on Unallocated Employment Sites in the Urban Area

S1 Service Centre Hierarchy

S25 New Local Centres & Local Shops

## PLANNING CONSIDERATIONS

This full planning application seeks permission for the erection of a single storey convenience store (Use Class A1) on land adjacent to the Wrekin View Public House off Milners Lane in Dawley Bank. It is intended that the operator of the store will be the Co-Operative Group. The proposed scheme will provide an ATM machine and associated servicing, refuse and plant area with car parking, access, general landscaping and the diversion of an existing public footpath.

This application is supported by the following supporting documents:

- Planning & Retail Statement including a supplementary Sequential Assessment
- Transport Statement
- Coal Mining Report & Coal Mining Risk Assessment

### Principle of Development:

The National Planning Policy Framework (NPPF) makes clear that there is a presumption in favour of sustainable development and for decision making, Local Planning Authority's (LPA's) should approve development proposals that accord with the development plan without delay; and where development plans are absent, silent or relevant policies are out of date, LPA's should grant permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted'. Amongst other issues, the NPPF advises, planning should;

- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), providing that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas; and

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

The NPPF encourages LPA's to actively plan towards building a strong and competitive economy and ensuring the vitality of town centres. The order of preference for the sequential approach requires applicants to look first at locations within town centres; second at edge-of-centre locations, with preference given to accessible sites that are well-connected to the centre and then at out-of-centre sites, only in circumstances where there are no in-centre or edge-of-centre sites available. The NPPF further encourages the promotion of sustainable transport, applying the requirement for good design and the promotion of healthy communities. Due to the small scale of retail development proposed, a retail impact assessment was not required.

The applicant has submitted a supplementary Sequential Assessment which assesses the suitability and availability of site and vacant units within and on the edges of designated centres nearest to the application site, including Dawley District Centre, Telford Town Centre and the 'Local Centre' of Lawley. This assessment demonstrated that no available suitable sites were identified within or on the edges of any designated centre. Thus, in the absence of any sequentially preferable sites, the NPPF states that accessible out-of-centre locations should be given preference. The application site is located close to existing bus facilities, with a bus stop located adjacent to the site on Milners Lane, providing regular services to Telford, Dawley and Lawley local centre. Additionally, there are numerous footpaths in the vicinity, thereby making the site accessible by modes of transport other than the car. Referring to paragraph 193 of the NPPF, the sequential assessment is considered proportionate to the nature and scale of the application proposals which are for a small convenience store designed to meet local shopping needs and reduce the need to travel. The Local Planning Authority therefore considers that the site is in an appropriate and sustainable location and the requirements of the NPPF and policy CS5 of the Core Strategy have therefore been satisfied and the proposed development is of an appropriate scale to serve the localised catchment.

With regards to local plan policies, policy CS2 (Jobs) of the Local Development Framework Core Strategy seeks to deliver new jobs sufficient to create a dynamic and widely based economy to meet the employment needs of the growing population to include the provision of jobs in accessible locations and offering a choice of work opportunities. Policy CS3 (Telford) states that Telford should be the focus for the Borough's spatial development, accommodating the majority of new homes, jobs and services. Policy CS9 (Accessibility & Social Inclusion) concentrates on improving social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services. Policy CS10 (Community Facilities) states that new facilities (which local shops are part of) should firstly be located in town, district or local centres with proposals outside of these locations having good accessibility by foot, cycle or pedestrian transport. Finally, policy CS15 (Urban Design) asserts that new development will assist in creating and sustaining safe places, strengthening local identity and projecting a positive local image and will positively influence the appearance and use of the local environment.

Turning to the Wrekin Local Plan, policy E4 (Development on Unallocated Employment Sites in the Urban Area) states that development employing more than 5 people will be permitted within the built up area of Telford when a) the associated car parking and public utilities serving is adequate, b) no adverse impact on adjacent land uses, environmental health, or the character of the area are evident and c) the site is located within or close to a District or Local Centre or close to an existing public transport route with a regular service or on a brownfield site. Policy S1 (Service Centre Hierarchy) advises that a hierarchy of service

centres will be maintained by directing development and investment into existing centres in accordance with their role in hierarchy. Policy S25 (New Local Centres and Local Shops) states that the Council will permit new shops of a size and scale that is related to the needs of the immediate communities which they serve, subject to satisfactory arrangements regarding access, servicing and parking. Policy UD2 (Design Criteria) focuses on achieving developments which are of appropriate designs, having consideration to scale, massing, form, density, orientation and layout, proportions, materials, landscaping, access and spatial quality. Finally, with regards to land stability, policy EH14 advises that development will be permitted within the Mineral and Mining consideration areas where it is demonstrated that the proposed development can tolerate the ground conditions and structural integrity is not compromised.

The proposed development for retail development in an out-of-centre location complies with the sequential test as set out within the NPPF, being situated in an edge-of-centre location. The proposed food store will serve as a top-up shopping facility serving a localised catchment of residents and businesses, predominantly within a 500m radius of the store. Being located on an established bus route the store will also serve an element of passing trade. The store will provide 310 sq.m of gross retail floor space which is considerably less than the 2500 sq.m which would need to be considered against the identified retail impact considerations set out within the NPPF. Having regard to the scale of the proposed development, its proximity to Dawley District Centre and the distance from Telford Town Centre, it is considered that there would not be any significant detrimental impact in this instance. The proposed development would serve local residents within the local neighbourhood where it would increase consumer choice and promote more sustainable shopping patterns. The introduction of a small convenience store in this location would not prejudice any future investment proposals within this area of the Borough.

#### Economy:

The proposed development, which will be a fully funded investment of approximately £1million, would provide 20 new jobs (6 full-time and 14 part-time) and a range of roles including management positions, checkout operators, stockroom assistants, administration and delivery staff, thus complying with both local and national policy relating to the creation of diverse employment opportunities within a sustainable and accessible location. The new store will provide both economic and employment benefits, which is supported within both the NPPF and the identified local plan policies.

Turning to the existing Public House; the LPA have carried out several site visits to this establishment at various different times of the day and have noted that the car park is used very lightly (no more than 5 cars at any one time) and officers would therefore assume that if the pub is as well used as stated by local residents, the majority of customers must therefore walk to the pub. With this in mind, the LPA are of the opinion that there are adequate on-site parking spaces for the proposed store and for the Wrekin View (17 spaces). In addition, sufficient outdoor garden space will be retained for use of the pub's customers and the viability of the pub should not therefore be compromised.

#### Design and impact on amenity:

Due consideration has been awarded to the design of the food store and its relationship with neighbouring uses including adjacent residential properties and the general character of the area. The building has been designed to ensure it is visually appealing and achieves strong legibility for customers. The finishing materials proposed are acceptable and will not look out of place for its surroundings. Officers acknowledge that the proposed retail store will be built on land which sits at a higher level to the highway however this will be a single storey building set side on to the road and therefore is considered appropriate in scale when considering the character of the immediate area. Landscaping has been provided and the

storage of waste and access to servicing has been located to the rear where it will have minimal impact on adjoining users and local residents.

The site is adjacent to an existing Public House where some form of congregation, noise, smoking etc would occur however the LPA does not consider the proposal will encourage any of the issues raised by local residents or the parish council. West Mercia Constabulary was consulted on the proposals however no objections were raised. Officers conclude there will not be adverse social impacts as the public house and play area already create community facilities at this location.

Officers appreciate that there will be a change for local residents however the closest neighbouring property to the west (off Princes End) lies approximately 25m away from the site and therefore the LPA are satisfied that the local residents will not be adversely affected by undue noise, disturbance, pollution or loss of privacy

#### Highway safety:

Turning to the Transport Statement which has been prepared by Connect Consultants Limited, the report covers the transport context of the site, the development proposals and the calculated potential traffic attraction. The gross floor area of the proposed development falls within the 250 sq.m to 800 sq.m range and therefore the thresholds indicate that a Transport Statement is required but a Travel Plan is not required. The Transport Statement covers a range of issues and considers the catchment area as identified by the applicant. Accessibility for pedestrians, cyclists, public transport users and car drivers have all been considered together with car parking provision and cycle parking provision. A traffic assessment has been carried out and the results have been submitted. An analysis of local accidents also forms part of the statement with figures being obtained from the department for transport's online accident map.

Access to the site will be via the existing access currently serving the Public House. A total of 12 car parking spaces (including one disabled space) will be provided specifically for use of customers of the food store. A total of 17 car parking spaces will be retained (including 2 disabled spaces) for use by customers of the Wrekin View. The Transport Statement demonstrates that the site is accessible by a choice of means of transport, including walking, cycling and public transport. A considerable number of dwellings within the proposed catchment area are located within walking distance from the site and the report has identified that approximately 50% of trips to and from the convenience store being undertaken by pedestrians. The proximity of the site to existing bus stops and existing services ensure that bus travel to the site is an alternative to the private car. The report advises that the loading facilities within the site are suitable to accommodate the servicing arrangement for the store and public house. It continues that the proposed car parking provision is appropriate and the proposals include cycle parking provision. The potential traffic attraction of the proposed food store has been calculated as minimal and the assessment has not identified a pattern of road collisions that has a negative bearing on the acceptability of the proposals. The assessment concludes by stating that the proposed development is acceptable from a highways perspective. This has been reflected in the consultation response received from the Local Highways Authority where there are no objections to the principle of development subject to the imposition of a number of conditions including details demonstrating adequate space for parking, turning, loading and unloading and further details of proposed pedestrian access between public right of way and existing highway/footpath.

With regards to the Public Right of Way, this will require diversion and the principle of this is acceptable. The Local Highways Authority has no objections to the principle of this diversion, subject to the appropriate application being submitted.

### Other Constraints

The Council's Drainage Engineers and Ecologist have also been consulted on this application and no objections have been raised subject to conditions. With regards to deliveries and opening hours it will be possible for appropriate conditions to be included within the decision notice to ensure the times proposed are acceptable and considerate to the surrounding residential area. The Council's Parks & Open Space Officer has some concerns regarding the relative close proximity to the children's play area and what disruption might be endured during the construction of the store. This officer has recommended conditions with regards to the proposed management and these will be included accordingly.

The application site will be relatively self-contained once the proposed boundary treatments are in place and as development will not encroach on to the children's play area, on balance the LPA are satisfied that there will not be any significant adverse impacts.

### Other Considerations:

The Local Planning Authority has noted the objection from Lawley & Overdale Parish Council where the main issues are; highway issues, loss of visual access and seclusion, adverse social impact potential, noise and disturbance, viability and sustainability and strong local objection. Officers have considered these issues above but do not feel the issues raised will be of significant adverse impact to warrant the application being refused.

The Local Planning Authority has also noted and considered the objections received from local residents (a total of 17 letters of objection received from 14 properties) as well as a petition submitted by the owners of Dawley Bank Stores (with approximately 250 signatures). Many of the letters received refer to the need of a new food store in this location and the potential adverse impact this development will have on the existing convenience store, located approximately 200m away from the development site. Officers acknowledge the location of this however due to the size of the store the LPA are unable to request a retail impact assessment, and accept the close proximity of the two stores that serve the immediate area. The new store will provide greater choice for local residents within this accessible location.

Significant concerns are raised relating to highway safety which is addressed in the report above. The majority of other issues relate to the impact on residential amenity i.e. loss of light, loss of privacy, general disruption, increase in noise and anti-social behaviour. Issues of amenity have already been referred to in this report and officers are satisfied that neighbouring properties are situated at a suitable distance away from the application site and residential amenity should not therefore be significantly compromised. Finally matters relating to loss of views and impact on property values are not material planning considerations.

### Conclusion:

In conclusion, the Local Planning Authority is satisfied that the proposed development will be in accordance with local planning policy as well as the guidance contained within the National Planning Policy Framework. The proposed development will provide both economic and employment benefits, offering local residents a wider choice in where they can shop, in a sustainable and accessible location. The scheme will bring in a fully funded investment to the area and create 20 new jobs which will provide long time benefits for this part of the Borough. The application has successfully considered any impacts on the local highway and the Local Highways Authority have confirmed there are no objections subject to conditions. Similarly no objections have been raised from the Council's Drainage Engineers, Ecologist or the Coal Authority subject to conditions. Accordingly, officers recommend the application be approved subject to conditions.

## **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

### Conditions

1. Time limit - Full
2. Parking, Unloading, Loading & Turning
3. Details of proposed retaining walls
4. Details of proposed pedestrian access between public right of way and existing highway/footpath
5. Scheme of foul & surface water drainage
6. Greenfield run-off rates
7. Site Environmental Management Plan
8. Development in accordance with the recommendations put forward within the submitted Coal Mining Risk Assessment
9. Materials as detailed in application
10. External Lighting Plan
11. Landscaping Implementation
12. Hours of Work
13. Development in accordance with plan Nos.
14. Limited use open storage
15. Use – restriction to A1 retail

### Informatives

Highways applicant to submit an application to divert the Public Right of Way (Footpath 10)

Wildlife

Fire Authority

Advertisement – separate consent