

TWC/2016/0197

Site of The Stafford Arms, Main Road, Ketley Bank, Telford, Shropshire  
Conversion of public house to 6no. residential apartments with associated external alterations and creation of 6no. parking spaces

**APPLICANT**

Avninder khaira

**RECEIVED**

01/03/2016

**PARISH**

Oakengates

**WARD**

Oakengates and Ketley Bank

**OFFICER** Matthew Thomas

**OAKENGATES TOWN COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE**

**OBJECTIONS RECEIVED:** Yes

**1.0 THE PROPOSAL**

- 1.1 This full planning application seeks permission to convert The Stafford Arms Public House, which is currently de-licensed, into 6no. apartments; comprising five two bed apartments and a single one bed apartment and ranging in size from 32m<sup>2</sup> to 90m<sup>2</sup>. Whilst the premise is currently de-licensed; there is residential accommodation above which has been occupied recently.
- 1.2 It is proposed to utilise and enhance the former beer garden to the rear of the public house for use as a communal garden area and two of the proposed ground floor apartments will have an enclosed patio area. A shed will also be provided for the storage of bins/recycling and bikes. On-site car parking will be provided to the front of the premise; a total of 6 car parking spaces (1 space per unit) will be delineated and reserved for use of the tenants only. The proposed development will mainly comprise internal alterations however general refurbishment works will apply externally.
- 1.3 This application follows a refusal by members at Planning Committee on 9<sup>th</sup> October 2015 for conversion of the building into 6 apartments with parking at the rear, on highway safety grounds. This application overcomes that objection by providing parking to the front instead. The applicant has engaged in pre-application discussions with the Local Highways Authority to resolve the previous reasons for refusal.

**2.0 SITE AND SURROUNDINGS**

- 2.1 The Stafford Arms Public House is located off the Main Road in the Ketley Bank area of Telford, to the south-east of Ketley between Oakengates and the M54 motorway and has a total site area of approximately 2.28 acres (0.92ha).
- 2.2 The premise is set out over three floors, having been previously extended and is finished in a mixture of brown facing bricks, painted render, concrete roof

tiles and white upvc and timber windows. The property is currently in need of refurbishment. To the front of the building is an area of tarmac which currently provides on-site parking for a small number of vehicles. To the side of the property, alongside 'Claremont' is an existing vehicular access which is currently gated. This access leads to the rear of the property where there are further areas of hardstanding and a garden which is enclosed by a mixture of close boarded timber fencing and mature trees.

- 2.3 This is a predominantly residential area with neighbouring properties being a mix of post-war semi-detached and detached dwellings and bungalows. To the front of the property is a bus stop providing access to Telford town centre and the wider area. The number 14 route has a morning pick up outside of The Stafford Arms and is hourly between 10am and 3pm. There is a second bus stop at the bottom of Greyhound Hill which runs on a more frequent basis until 5:30pm. The area supports two other Public Houses in close proximity to the site; The Lord Hill off the Main Road and The Hare & Hounds off Holyhead Road.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 TWC/2015/0276 – Conversion of public house to 6no. residential apartments, associated external alterations and creation of 13no. parking spaces and 4no. cycle spaces – Full Refused (09/10/2015)
- 3.2 TWC/2015/0276 – Change of use from public house (use class A3) to house of multiple occupancy (use class C4) comprising of 12no. rooms and 1no. self-contained bedsit (use class C3) and creation of 14no. parking spaces - Withdrawn

### **4.0 PLANNING POLICY CONTEXT**

- 4.1 National Planning Guidance:  
National Planning Policy Framework
- 4.2 Local Development Framework Core Strategy:  
CS1 Homes  
CS3 Telford  
CS9 Accessibility & Social Inclusion  
CS10 Community Facilities  
CS15 Urban Design
- 4.3 Wrekin Local Plan:  
EH14 Land Stability  
UD2 Design Criteria  
H6 Windfall Sites in Telford & Newport
- 4.4 Telford & Wrekin Local Plan (Publication Version)  
SP1 Telford  
SP4 Presumption in favour of sustainable development  
HO1 Housing requirement

HO4 Housing mix  
COM1 Community facilities

## **5.0 SUMMARY OF CONSULTATION RESPONSES**

### Standard consultation responses

- 5.1 Oakengates Town Council: No comments received
- 5.2 Highways: Comment – no objection subject to the following conditions
- Car park to be provided prior to first occupation of dwellings
  - Vehicular access providing a private right of way to 'Claremont' situated to the south to be used for this purpose only and must not provide vehicular access to any informal parking area situated to the rear of the building for residents or visitors associated to the proposed development
- 5.3 Drainage: No Comment
- 5.4 The Coal Authority: No Objection
- Include Coal Authority informative
- 5.5 Environmental Health: Support subject to conditions
- In order to minimise the impact of construction noise on the surrounding residents it is recommended to include a suitably worded condition to restrict the working hours of the constructors to be applied to the development
- 5.6 Ecology: Support subject to conditions
- Lighting Plan
  - Japanese Knotweed Management Plan
  - Informatives – nesting wild birds
- 5.7 Arboriculture: No comments received
- 5.8 West Mercia Constabulary: Comment
- Condition Secure By Design (SBD)
- 5.9 Shropshire Fire Service: Comment – include Fire Authority informative

### Neighbour consultation responses

- 5.10 Following neighbour consultation 3 letters of objection have been received and the issues raised have been summarised below:
- Overdevelopment of the site
  - Little regard has been given to the impact on the existing community and surrounding properties
  - Concerns over increase in noise
  - Lack of car parking facilities for visitors

- Likely to result in people parking on busy main road
- Increase in rubbish left outside property/general litter – concerns over external maintenance of the property
- Tenants already using the dwelling for residential use
- Existing boundary disputes
- Wrong location for this type of development

5.11 A further 2 letters were received highlighting the following summarised issues:

- A better plan but still overriding issue of traffic and parking
- No objections to the latest proposal in principle on proviso that the communal garden at the rear of the building includes implementation of the Japanese Knotweed eradication

## 6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following issues:

- Background information regarding the planning application
- The principle of the development and loss of a community facility
- Land Stability considerations
- The impact on the character of the area and on neighbouring properties
- Highway considerations
- Other matters

### Background information regarding the planning application

6.2 A planning application was originally submitted in 2015 (ref TWC/2015/0276) for the conversion of the public house in to a House of Multiple Occupation (HMO) to provide 12 rooms and a separate bedsit. At the time the Local Planning Authority considered this to be an over-intensified use of the site and advised the applicant to withdraw the application and engage in further discussions. A new planning application was subsequently submitted to the Council (ref TWC/2015/0701) to convert the premise in to 6no. residential apartments, as is currently proposed. The application was called in for determination by the planning Committee who, following a site visit refused the application on 09/10/2015 for the following reason:

*“ Whilst there is no objection to the principle of residential conversion, the Local Planning Authority considers the proposed access to the site to be unsatisfactory by reason of restricted visibility to the right upon exiting the access from the parking area situated to the rear of the premises. The proposed use would introduce additional exiting vehicle movements through the substandard access, particularly during the morning peak traffic period hence the proposed development is detrimental to highway safety and contrary to Wrekin Local Plan policy H6, Core Strategy policy CS15 and the National Planning Policy Framework ”*

- 6.3 Following on from this the applicant requested a meeting with Planning Officers and the Group Manager from Highways Development to discuss the proposals. At this meeting it was agreed to amend the proposed parking layout, relocating the proposed on-site car parking from the rear of the premise to the front. Following receipt of amended plans the Highways Engineer confirmed that the amended scheme was acceptable in terms of the revised parking bay positions and safeguarding visibility to the east of the site. As the previous planning application was refused on highway grounds alone and given the Local Highways Authority is now satisfied with the amended scheme, the application was resubmitted and the scheme is now being presented to members of committee once more at the request of Oakengates Town Council.

The principle of the development and loss of a community facility

- 6.4 The application site is located within the built up area of Telford and within an established residential area. Policy H6 (Windfall Sites in Telford & Newport) states that housing development will be permitted on land under 0.4 hectare when the site can be adequately accessed and parking provided, the site can be adequately drained and when the Council is satisfied that there are no concerns over land stability or contamination. Furthermore, developments should not have an adverse impact on the local environment and should show a high quality of design. Development sites should also be situated in close proximity to district or local centres or within 400m from a bus route with regular services.
- 6.5 The National Planning Policy Framework (NPPF) advises that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and encourages Local Planning Authority's to deliver a wide choice of high quality homes identifying the size, type and range of housing that is required in particular locations. The guidance seeks the development of brownfield land first and gives weight to strong designs; advising LPA's to refuse development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.6 Subject to the consideration of the loss of this Public House as a community facility, assessing the impact on the character of the local area and living conditions of existing neighbouring properties and addressing highway matters, the principle of this development is acceptable.
- 6.7 Policy CS10 of the Core Strategy states the loss of existing buildings used for the benefit of the community will be resisted. Only where a lack of need is demonstrated or where acceptable alternative provision exists or is proposed concurrently, will development for non-community uses be considered. This is further endorsed in the National Planning Policy Framework which advises Local Planning Authority's to 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'. This policy is echoed in policy COM1 of

the Telford and Wrekin Local Plan which seeks to retain community facilities unless a lack of need has been demonstrated or an acceptable alternative is proposed.

- 6.8 In this instance, there is an evident lack of need for The Stafford Arms as a Public House given its semi-derelict state and no longer being commercially viable having been de-licensed following its closure to the public in 2014. In addition, a choice of alternative provision exists within walking distance of the application site. The Hare & Hounds Public House situated off Holyhead Road is 0.4 miles away from the site and the Lord Hill Public House approximately 0.3 miles away on Holyhead Road. Both pubs are licensed and support the local area. The first has a restaurant and provides live entertainment on certain weekdays and at weekends and the latter has live sports entertainment.
- 6.9 Notwithstanding the objections received from some local residents, it is clear that this facility has not been in operation for some time and that its use as a public house can no longer be considered viable. The premise has fallen in to a semi-derelict state and is in need of redevelopment. The application site is located within an established residential area with strong public transport connections and officers consider that its change of use to residential is suitable. Whilst the use of the building as a public house will cease there are other established public houses within walking distance of the site and furthermore the proposed development will see this semi-derelict building being brought back in to active use.
- 6.10 With this in mind, the Local Planning Authority considers that there will be no significant harm on the local area as a result of the loss of this community facility and the benefits of the proposed development, such as the provision of an affordable range of residential accommodation in a sustainable location, will outweigh this loss.

#### Land Stability considerations

- 6.11 Policy EH14 of the Wrekin Local Plan 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.
- 6.12 The application site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 6.13 The Coal Authority has been consulted on the proposed development and has raised no objections subject to the inclusion of an appropriately worded informative. The Coal Authority commented that 'when considering this particular proposal; the planning application is primarily for the change of use of an existing building, along with the creation of parking spaces. There will be no significant operational development resulting from this proposal that

intersects the ground and could therefore present risks to the coal mining features'. Accordingly the Local Planning Authority is satisfied that the development proposals are compliant with policy EH14 of the Wrekin Local Plan.

The impact on the character of the area and on neighbouring properties

- 6.14 Policy UD2 of the Wrekin Local Plan 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 assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. In addition, national guidance contained in the National Planning Policy Framework asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.
- 6.15 The proposed development will require internal alterations albeit the existing layout will be largely unaltered other than the inclusion of partition walls and installation of new doorways to serve individual units. Similarly external alterations will be kept to a minimum and will comprise the infilling of existing windows, installation of new roof lights and new windows and doors which will be located primarily to the side and rear elevations. The existing accesses to the front of the property together with external and internal staircases will be utilised. General refurbishment works of the property both internal and external will take place to return the building to a habitable condition. This revised scheme now provides enhanced communal private amenity space to the rear of the property with parking spaces being provided to the front. This will provide better living conditions for new residents. External finishes will be largely as per existing to include brown concrete roof tiles, smooth render to the front elevation, red and brown external brickwork elsewhere and white double glazed windows. Visually therefore, the premise will not change significantly and as such the impact on the character of the area should be minimal in terms of general aesthetics.
- 6.16 Turning to the impact the proposed change of use will have on the area and on the living conditions of neighbouring properties, it is essential to consider the previous use of the premise as a public house and whilst it is currently de-licensed its use still stands and could reopen as a public house without planning permission. It is important to consider the impact of using the property for 6 individual apartments in comparison to using it as a public house.
- 6.17 Officers do not consider that the general day to day activities arising from using the premise for apartments will adversely affect the living conditions of neighbouring properties. A number of local residents have expressed their concerns over an increase in anti-social behaviour, increase in noise from occupants of the apartments, noise from vehicles and so forth. However all of

these issues could arise and be associated with using the building as a public house. Officers would argue that these would be of a less frequent nature and less intensive during peak hours, such as evening and weekends. This is an established residential area and as such using this building for residential purposes would fit in with the prevailing character and there is no overriding factor why the proposed use would significantly affect existing living conditions. Furthermore, the proposed new windows have been strategically placed so that there will be no loss of privacy to neighbouring properties. Accordingly the Local Planning Authority is satisfied that the proposed development will comply with the aforementioned planning policies.

#### Highway Considerations

- 6.18 Officers acknowledge the concerns of a few local residents with regards to on-site car parking, visibility and highway safety. Officers have visited the site on numerous occasions and it is evident that people are using the area to the front of the premise to park vehicles; whether these are related to the premise or not. There is an existing access to the side of the building adjacent to 'Claremont' and the front boundary wall to this property is set back and on an angle to allow for ease of access and additional visibility. If the premise was to re-open as a Public House it would still attract a number of vehicles, whether it be customers parking on site or dropping off and indeed occupants of the existing residential use above.
- 6.19 It is also worth noting that whilst five of the six apartments would be two bedrooms, the second bedrooms in all apartments are very small and it is unlikely therefore that the site would demand such a high level of on-site car parking. A bike store is to be provided as part of the development and there is an existing bus stop directly outside the premise on Main Road. The number 14 route has a morning pick up outside of The Stafford Arms and is hourly between 10am and 3pm. There is a second bus stop at the bottom of Greyhound Hill which runs on a more frequent basis until 5:30pm. This would therefore provide opportunities for future residents to use public transport and more sustainable forms of travelling instead of private vehicles.
- 6.20 Following the refusal of the previous planning application the applicant has engaged in discussions with planning officers and the Group Manager from the Highways Development team. The applicant has conformed to all the requirements of the Highways Engineer, who is now satisfied that the current scheme, with all parking being provided to the front and the side access not being used for vehicular access, is acceptable in highways terms. No objections have been submitted by highways subject to conditions and on balance therefore, officers do not consider that the proposed use will result in any significant impact on highway safety. Accordingly, the scheme complies with local planning policies.

#### Other Matters

- 6.21 The Local Planning Authority has taken in to consideration the representations received from nearby neighbouring properties. The issues

raised relate primarily to highway and pedestrian safety, the impact on the character of the area and on living conditions of local residents and concerns over anti-social behaviour. The issues of highway safety and the impact on the character of the area and on living conditions of local residents have already been discussed above. Officers would like to state that the proposed on-site parking provision is considered adequate and fit for purpose. One resident has requested that should permission be granted that the gates to the side of the property be removed. This side access is not to be used under the current scheme as parking will remain to the front of the premise and accordingly it would seem appropriate to allow these gates to remain to provide future tenants privacy when utilising the communal garden space. Whilst officers acknowledge the representations put forward, on balance it is not considered that the issues raised would be so detrimental to warrant a recommendation to refuse the proposed development.

- 6.22 The Local Planning Authority has no control over future occupants of the proposed apartments and any anti-social behaviour would need to be dealt with through the appropriate channels, as per any other residential developments within the Borough. The Council's Drainage Engineers were consulted on the proposed development but have raised no objections to the scheme subject to conditions.
- 6.23 One local resident has raised a query of the Japanese Knotweed known to be present on site. The applicant has submitted a Japanese Knotweed Management Plan (prepared by Complete Weed Control Ltd) which sets out how this is to be dealt with. The report has been assessed by the Council's own Ecologist and they have raised no objections to the development subject to conditions; one specifically relating to the Japanese Knotweed Management Plan and the implementation of the works recommended within the report.
- 6.24 Finally a local resident has expressed their concern over an issue regarding disputes with land ownership. The applicant has confirmed that the correct ownership certificates have been provided and as such the Local Planning Authority is unable to investigate this further as this is a private matter between the parties involved.

## **7.0 CONCLUSIONS**

- 7.1 The Local Planning Authority considers that the use of The Stafford Arms as a public house is no longer viable and as it has been de-licensed for over 12 months its use as a community facility is unlikely to be reinstated. When considering that there are two other public houses in close proximity to the site, the overall impact of its loss to the local community will not be significant. The premise has become semi-derelict and in the interests of returning the building to an active use and when considering the residential area in which it is located, the Local Planning Authority considers the proposed residential use to be appropriate.

- 7.2 On balance, and when considering the previous use of the building, officers do not consider that the proposed use of the premise would lead to an unacceptable impact on the character of the local area or the living conditions of local residents. Furthermore the Local Planning Authority is of the opinion that on-site car parking at the front of the property will not be as detrimental as to warrant the application being refused in the interest of highway safety and the Council's Highways officer has no objection.
- 7.3 Subject to the inclusion of appropriate conditions and informatives, the application site can be adequately accessed and drained and ecology constraints addressed. Following the advice from the Council's Environmental Health team, an appropriately worded condition will also be included to minimise the impact of construction noise on the surrounding residents during construction.
- 7.4 Taking the above in to consideration, the Local Planning Authority considers that, on balance, the proposed development is acceptable and compliant with local planning policy and the guidance contained within the National Planning Policy Framework and the application is therefore recommended for approval subject to conditions.

## **8.0 RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

### Conditions

1. Time limit
2. Parking, Turning, Loading
3. Removal of gates prior to occupation
4. On-site Construction
5. Scheme for foul and surface water drainage
6. Details of waste and recycling bins storage
7. Materials as detailed
8. Refurbishment Schedule
9. Car Parking
10. Works in accordance with Japanese Knotweed Management Plan
11. Erection of artificial nesting boxes
12. Works in accordance with Arboriculture report
13. Removal of Permitted Development (boundary treatments etc)
14. Hours of work – construction
15. Development in accordance with plan Nos.

### Informatives

Ecology - nesting wild birds, storage of materials  
Coal Authority – Development High Risk Area  
Fire Authority