

TWC/2017/0153

Site of The Wrens Nest, Wrens Nest Lane, Ketley, Telford, Shropshire
Demolition of public house and erection of 9no. dwellings with garages and parking (Outline application with all matters reserved)

APPLICANT

Pal Singh Atwal

RECEIVED

23/02/2017

PARISH

Ketley

WARD

Ketley and Overdale

OFFICER Matthew Thomas

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 17TH MAY 2017 TO ALLOW ADDITIONAL TIME TO EXPLORE OPPORTUNITIES FOR PROVIDING AN ELEMENT OF PUBLIC PARKING AS PART OF THE PROPOSAL

- 1.1 Members previously expressed concern regarding school traffic and parking given that part of the site had previously been used informally for parents to park to drop-off and collect their children from the local primary school.
- 1.2 Officers have discussed the possibility of creating some form of parking area on the strip of land to the far north-west of the site, which was originally shown as a children's play area, with the Local Highways Authority Group Manager. He has confirmed that the land is unsuitable to be used as a parking area given its restricted size and location. The piece of land is not wide enough to provide adequate car parking and had the potential to adversely affect highway safety as a result.
- 1.3 The applicant is unwilling to amend the scheme to provide public parking on other parts of the site and officers would reaffirm that the applicant is under no obligation to provide on-site car parking on their land for use of the general public and should not be penalised as a result of allowing the use of the land for informal car parking over recent years.
- 1.4 However, a further meeting was held between planning officers, the applicant and the applicant's architect and discussions were held with the Council's Healthy Spaces Officer to determine the best use of the strip of land in question. Following these discussions, the applicant has agreed to transfer ownership of this land to the Council who will in turn landscape the site, retain a pedestrian access from Waterloo Road to the west to the shops on Orchard Close to the east and provide adequate boundary treatment where appropriate (see amended plans at end of report). The applicant has also agreed to enter in to a section 106 agreement to contribute towards the maintenance of this land and a figure of £5,609.05. This figure will be added to the agreement currently being drawn up to cover the contributions towards traffic calming measures and recreation facilities.
- 1.5 The applicant has submitted amended copies of the plans (see end of report). The Local Planning Authority's recommendation has been updated accordingly.

RECOMMENDATION

- 1.6 Based on the conclusions above, the recommendation to the Planning Committee 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 entering in to a Section 106 Agreement with the Council relating to:

- Highways: A contribution of £2,000 to re-locate the traffic calming features (speed cushions) located along Woodside Road
- Recreation: £600 per dwelling (total of £5,400) towards the upgrading of recreation facilities at Overdale Playing Field and/or Mannerly Wood play area
- A contribution of £5,609.05 towards the future maintenance of the strip of land to be transferred to the Council

B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

Conditions

1. Time limit – Outline
2. Submission of Reserved Matters
3. Standard Outline – All Matters Reserved
4. General Details Required
5. Development in accordance with Coal Mining Risk Assessment
6. Materials to be agreed
7. Highways New access
8. Parking, Turning, Loading, Unloading
9. Foul & surface water drainage scheme
10. Brownfield run-off rates
11. Landscape Design
12. Trees – arboricultural assessment
13. Tree Protection plan
14. Artificial nesting/roosting boxes
15. External Lighting plan
16. Consent – no approval of indicative layout
17. Development in accordance with plans
18. Removal of Permitted Development rights

Informatives

S106
Highways
Ecology –Nesting wild Birds
Conditions / Reasons for approval

*****ORIGINAL COMMITTEE REPORT BELOW*****

KETLEY PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: YES

1.0 THE PROPOSAL

- 1.1 This outline application seeks planning permission for the erection of 9no. dwellings together with garaging and parking following the demolition of The Wrens Nest Public House in Ketley. This application seeks permission for the principle of development only with all matters (including access, scale, layout, appearance and landscaping) reserved for later approval.
- 1.2 Together with the appropriate application form and indicative layout plans, this application is supported by the following documentation:
- Design & Access Statement
 - Environmental Appraisal
 - Coal Mining Risk Assessment
 - Tree Report

2.0 SITE AND SURROUNDINGS

- 2.1 The Wrens Nest Public House is situated in a predominantly residential area in the centre of Ketley. The building occupies a large plot of land, approximately 0.33ha, with allocated parking space for approximately 60 vehicles and is accessed to the north off Orchard Close and to the west off Waterloo Road.
- 2.2 Opposite the site to the north is a row of commercial/retail units, including a newsagent shop, with residential accommodation above. Elsewhere to the east, south and west of the site are a mix of residential dwellings. Immediately to the west of the site is a small area of woodland which is protected by a group Tree Preservation Order (TPO).
- 2.3 The site is sustainably located within walking distance to nearby bus stops providing half-hourly connections to Telford and the wider area. Ketley Business Park lies some 200m to the north-west and the Meadows Primary school lies approximately 200m to the south-east of the site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 TWC/2016/0224 – Outline application for the conversion of existing public house to 2no. dwellings and erection of 1no. dwelling with all matters reserved – Outline Refused (11/08/2016)
- 1. The conversion of the Public House to residential is acceptable in principle. However, the proposed detached dwelling is located in close proximity and north of an area of woodland which is subject to a group tree preservation order. The proposal would be detrimental to the living conditions of future occupiers in terms of inadequate access to natural light and outlook. Accordingly, the application fails to comply with local planning policies, in particular policies UD2 and OL11 of the Wrekin Local Plan and CS15 of the Core Strategy.*
 - 2. The new dwelling is proposed to be built over or within close proximity to a public foul rising main and also a shaft tank. It fails to provide the Severn Trent Water requirement of a 3m easement to ensure that no development is carried out that could damage pipe work, cause risk of flooding or affect future access for maintenance. Accordingly, the application fails to comply with local planning policies, in particular policy H6 of the Wrekin Local Plan and CS12 of the Core Strategy.*

3. *The applicant has not confirmed how the land edged blue would be managed in the future and therefore there is the potential that this likely to become neglected thus adversely affecting the character and appearance of the area. Accordingly, the application fails to comply with local planning policies, in particular policies H6 and UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.*

3.2 TWC/2015/0115 – Outline application for appearance and landscaping and all other matters reserved for the erection of 11no. flats with bin store, cycle store and car parking – Outline Refused (24/04/2015)

The proposal...would provide a poor quality of urban design, which would fail to reinforce local distinctiveness or create a distinctive sense of place. In urban design terms, the principal objections are as follows:

- *The proposal represents cramped development with no garden space and little opportunity to provide privacy for future residents occupying the ground floor flats;*
- *The layout of the proposed flats does not satisfactorily address its two road frontages and therefore fails to reinforce the existing street patterns and traditional frontages;*
- *The siting of housing so close to a public house is considered to represent an incompatible mix of uses and insufficient evidence has been justified to support the two uses on the same site.*

4.0 PLANNING POLICY CONTEXT

4.1 National Planning Guidance:
National Planning Policy Framework

4.2 Core Strategy:
CS1 Homes
CS3 Telford
CS5 District & Local Centres
CS10 Community Facilities
CS12 Natural Environment
CS13 Environmental Resources
CS15 Urban Design

4.3 Wrekin Local Plan:
EH14 Land Stability
UD4 Landscape Design
UD2 Design Criteria
H6 Windfall sites in Telford & Newport
OL3 Green Network
OL11 Woodland & Trees
LR1 Provision of Community Facilities
LR6 Developer contributions to outdoor recreational open space provision within residential developments

4.4 Telford & Wrekin Local Plan (Submission Version)
SP1 Telford
SP4 Presumption in favour of sustainable development
HO2 Housing site allocations
BE1 Design criteria

NE2 Trees, hedgerows and woodlands
NE6 Green Network
COM1 Community Facilities
BE9 Land Stability

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 Ketley Parish Council: Object

- The Wrens Nest has for many years been an important part of the Ketley community and the Parish can ill afford to lose it. The local community would be damaged by the removal of a significant community asset and valued facility
- The site is on the walking route to the local Meadows Primary School. Additional development in this area will create traffic issues in the locality and the roads are unsuited to cope with additional traffic. Increased traffic will create potential safety issues for pedestrians and existing residents with increased traffic movements in an already congested area
- Many parents currently use the car park at the Wrens Nest when collecting and dropping off children at school – this is by arrangement with the licensee. The traffic situation directly outside the school gates when the school opens/closes is already chaotic and a major safety risk
- The proposed housing density is too high for an already developed area

5.2 Highways: Support subject to conditions

- Highways New Access
- Parking/Turning/Loading
- Include highways informative
- A Section 106 contribution will be required to re-locate the traffic calming features located along Woodside Road (directly opposite plot 7). The closure of the site's existing access onto Waterloo Road would be undertaken as part of the S184 licence in order to replace the existing dropped vehicular access with a full height kerb.

5.3 Drainage: Support subject to conditions

- Foul & Surface Water Drainage Scheme
- Surface water drainage scheme to include run-off rates

5.4 The Coal Authority: Support subject to conditions

- Development in accordance with the recommendations as set out in Section 6 of the submitted Coal Mining Risk Assessment

5.5 Ecology: Support subject to conditions

- Erection of artificial nesting/roosting boxes
- Landscaping Design
- External Lighting Plan
- Informatives – nesting wild birds

5.6 Arboricultural: Comment

- Arboricultural Assessment required (to include summer and winter sun shading)
- Tree Protection plan

5.7 Healthy Spaces: Comment

- A Section 106 contribution of £600 per dwelling (total £5,400) is required towards the upgrading of the nearest community use recreation facilities
- Landscape Management Plan required for areas of open space

5.8 West Mercia Police: Comment – condition Secure by Design

5.9 Telford & Wrekin Local Access Forum: Object

- The current Ordnance Survey map of the area indicates a public footpath running right through the centre of the site. No records can be found on the copy of the Definitive Map for Ketley however the developer should look into this matter to check if indeed a public right of way exists

Neighbour consultation responses

5.10 Following neighbour consultation, 2 letters of objection have been received and the issues raised are summarised below:

- Development of this site would result in nowhere for parents to park and drop-off/collect children attending the local Meadows Primary School
- Concerns regarding highway and pedestrian safety in an area that already suffers from congestion
- Concerns that proposed play area is situated near a busy road/close by to the Greenway Recycling Plant and will not be safe for children
- Development would result in overlooking and not create a safe environment for existing residents
- Residents already experience difficulty in exiting private driveways due to volume and speed of traffic
- Potential for play area to be used by youths creating antisocial behaviour

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 main issues:

- Principle of residential development on this site
- Loss of a community facility
- Consideration of site constraints – including land stability, highways, drainage, trees/ecology
- Impact on the character and appearance of the area
- Other Matters
- Developer Contributions

Principle of residential development

6.2 Policy CS1 (Homes) 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. Policy CS3 (Telford) advises that urban Telford will be the focus for the Borough's spatial development whilst policy CS5 (District and Local Centres in Telford) outlines that new housing development will be located in either several identified District Centres in the Borough or in locations that are highly accessible to the District Centres. New development will provide core services and facilities, be well served by public transport and comprise a mix of uses, in order to sustain the vitality and viability of the District Centres.

- 6.3 Policy H6 (Windfall Sites in Telford & Newport) of the Wrekin Local Plan states that housing development will be permitted 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.
- 6.4 The application site is sustainably located within walking distance of a number of services and community facilities. Within an approximate 500m walking distance from the application site are schools, convenience stores, a number of pubs, takeaways and public parks. There are good public transportation links with a bus stop situated 100m to the north-west along Waterloo Road. The NPPF is clear that development in sustainable locations is considered acceptable unless other material considerations override this presumption. Therefore, having regard to the continued need for an efficient use of land in sustainable locations, the principle of utilising part of the existing car park for additional housing is acceptable, in accordance with local planning policies.

Loss of a community facility

- 6.5 With regards to the loss of the building as a Public House, 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 Authorities 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.
- 6.6 The applicant has submitted supporting documentation relating to the viability of the Public House and from this, it is evident that the pub is running at a loss and has been doing so for several years. In an attempt to increase profitability, various schemes and initiatives have been tried, including weekend entertainment and events, changes in pub menu, change of use of part of the car park to a hand car wash facility, however they have not been as successful as envisaged. There are alternative local facilities within walking distance from the site (including the Blue Elephant, White Lion Inn, The Bridge Builder etc) and as the site is located within an established residential area within urban Telford and with strong public transport connections, officers consider that its change of use to residential is acceptable.

Consideration of site constraints – including land stability, drainage, trees, ecology and highways

- 6.7 Land Stability: Policy EH14 of the WLP 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 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. A Coal Mining Risk Assessment (CMRA) accompanies this application and this has been reviewed by the Coal Authority who concurs with the recommendations of the CMRA submitted. Subject to the

development being carried out in accordance with these recommendations the proposal is compliant with local policies relating to land stability.

- 6.8 Drainage: Policy H6 of the WLP requires developers to demonstrate that the site can be 'adequately drained'. The Council's Drainage Engineers have confirmed that the proposed new development site sits upstream of an area known to be regularly affected by surface water flooding. No additional surface water flows should therefore be directed towards this area. No objections have been raised subject to conditions being included to the decision notice requiring the developer to agree on a suitable foul and surface water drainage scheme. With regards to reason for refusal No.2 of planning application TWC/2016/0224 (see paragraph 3.1) the applicant has addressed this issue by allowing for a 3m easement of a public foul rising main, located within the strip of land to the west of the application site and currently proposed as a children's play area. This strip of land should therefore remain undeveloped, in accordance with the submitted indicative layout plans.
- 6.9 Ecology: The application is supported by a Phase 1 Environmental Survey which was conducted to determine the presence of protected species and potential for the damage or destruction of habitats of ecological value. The findings of the report advise that 'the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species'. The existing building was inspected for potential bat roosting opportunities however there was no evidence of roosting bats and negligible opportunities for bats to be present. The Council's own Ecologist has assessed the report and supports the application subject to conditions relating to the erection of artificial nesting/roosting boxes, the submission of an external lighting plan and agreement of a suitable landscaping scheme.
- 6.10 Trees: As mentioned above the site lies adjacent to a small area of woodland which is subject to a group tree preservation order. An arboriculture report accompanies this application and concludes that the proposed development would not require any trees to be removed. The report also makes a number of recommendations relating to tree management and protection. This has been considered by the Council's Tree Officers who have raised no objection subject to conditions requiring an arboricultural assessment.
- 6.11 Highways: The Local Highways Authority has assessed the development proposals and has raised no objections subject to the inclusion of conditions relating to access and provision of on-plot car parking. A Section 106 contribution will be required to re-locate the traffic calming features located along Woodside Road (directly opposite plot 7). The closure of the site's existing access onto Waterloo Road would be undertaken as part of the S184 licence in order to replace the existing dropped vehicular access with a full height kerb.

The impact on the character and appearance of the area

- 6.12 The application site measures approximately 0.33ha and this would provide an appropriate density of 27 dwellings per hectare (dph). The indicative layout submitted with the application proposes a road fronting development with back to back gardens. In this instance this would seem the most appropriate form of development for this site, in order to remain typical to the character of this established residential area. Each dwelling, as proposed, would be served by adequate on-site car parking (some with garaging) and private amenity space. Whilst the scale, layout and appearance would be the subject of a later Reserved Matters application, officers remain satisfied that the land parcel entailed is capable of accommodating the proposed number of dwellings on the plot together with

associated garden areas and parking provision without resulting in an adverse impact on the character and appearance of the surrounding area as a result of any overdevelopment or overbearing impact upon the prominent street scene.

- 6.13 Having carried out a site visit, officers do not consider the proposed development would adversely affect the character and appearance of the surrounding locality. The site lies within the established built up area of Telford within close walking distance to local services and facilities within a residential area and the development of this site would therefore be in-keeping. The Local Planning Authority would expect a detailed and quality design at Reserved Matters stage to ensure the character of the area is reflected in the design schemes. Importantly, new development on this site should be restricted to two storeys in height, consistent with the surrounding area. On this basis, an appropriately designed scheme would not cause harm to the character of the area and the detail of the appearance, layout and scale would be considered fully at the reserved matters stage against the requirements of policies UD2 and CS15.
- 6.14 Further consideration to individual designs, scale and positioning of dwellings and wider place making designs will be dealt with at a later stage through the submission of a Reserved Matters application. However, officers are satisfied that the principle of the development remains acceptable in that it satisfies the requirements of WLP policy H6 in that it will not have adverse impact on the local environment, especially in its relationship to adjacent land uses as well as the guidance found within the National Planning Policy Framework.

Other Matters

- 6.15 Officers have given consideration to the issues raised by the Parish Council as well as the objections received by two local residents. Whilst the proposed development will result in the loss of a community facility, the applicant has demonstrated that, despite continued efforts, it is no longer viable for the business to remain operating. There are alternative facilities in Ketley and therefore, whilst the loss of the Wrens Nest PH is regrettable, the proposed development is in accordance with local planning policies and the guidance within the NPPF.
- 6.16 The issues regarding highway safety have also been considered by the Local Highways Authority. Whilst there may be localised congestion during peak times, the scale of development proposed will not result in a significant impact on the local highway network and accordingly there are no concerns regarding highway and pedestrian safety. Whilst the parents of children attending the nearby Primary school may use the car park when dropping-off and collecting their children, this is understood to be on agreement with the licensee and is not a permanent solution.
- 6.17 The indicative layout plan proposes an enclosed play area with specialist play equipment which is open to the public. The Council's Recreation Officer raises the question whether one is needed given that the site is within walking distance of 4 existing equipped play areas. The application site is not identified for additional play facilities in the Council's adopted play strategy given that the site is situated within 400m to Mannerley Wood LEAP, 500m to Ketley Parik LEAP, 570m to Overdale NEAP and 660m to TMC NEAP. However, existing facilities are in need of upgrading and refurbishment and it is therefore suggested that a more appropriate way of meeting the need arising from the development for children's play would be an off-site sum in the form of a contribution of £600 per dwelling. The applicant has agreed to this and a S106 agreement is currently being drafted. A condition will therefore be imposed to the decision clarifying that no permission is awarded for the proposed layout.

- 6.18 Finally, officers note the objection received from Telford & Wrekin Local Access Forum however after carrying out the appropriate checks, there are no existing right of ways that run through the site and accordingly there will be no impact on the Borough's public right of ways as a result of this development.

Developer contributions

- 6.19 The proposed development will impact on local infrastructure. To mitigate against this the following contributions have been requested and will be provided by the developer:-
- Highways: A Section 106 contribution (figure to be confirmed) to re-locate the traffic calming features located along Woodside Road (directly opposite plot 7).
 - Recreation: £600 per dwelling (total of £5,400) towards the upgrading of the nearest community use recreation facilities
- 6.20 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22, LR1 and LR6) to ensure that the application is treated on its own merits and that the obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.20 In addition account has been taken of the changes to the CIL Regulations in April 2015 that now restrict the "pooling" of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the requested contribution towards recreation and highways would meet the above tests and the negotiation of these contributions is also consistent with Local Plan Policy T22, LR1 and LR6.

7.0 CONCLUSIONS

- 7.1 The applicant has demonstrated to the Local Planning Authority that the Public House is no longer viable and as there are a number of similar facilities within close proximity, its loss would not be so detrimental to the community. This is a predominantly residential area in a sustainable location and therefore the principle of converting this building in to residential use is considered acceptable.
- 7.2 Subject to consideration of access, scale, appearance, layout and landscaping at Reserved Matters stage, the Local Planning Authority is satisfied that 9no. dwellings can be achieved on this site without adverse impact on the character and appearance of the area or the living conditions of neighbouring properties. The applicant has entered in to a section 106 agreement and will provide financial contributions towards highways and recreation towards the upgrading of the nearest community use recreation facilities. Accordingly, the scheme is compliant with local policy as well as the guidance found within the National Planning Policy Framework and is recommended for approval.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION**

subject to the following:

C) The applicant entering in to a Section 106 Agreement with the Council relating to:

- Highways: A Section 106 contribution (figure to be confirmed) to re-locate the traffic calming features located along Woodside Road
- Recreation: £600 per dwelling (total of £5,400) towards the upgrading of the nearest community use recreation facilities

D) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

Conditions

- Time limit – Outline
- Submission of Reserved Matters
- Standard Outline – All Matters Reserved
- General Details Required
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