

TWC/2016/0387

Former Madeley Court School, Land off Parkway, Madeley, Telford, Shropshire
Erection of a food retail unit (2268m²), non-food retail unit (697m²), food and drink store (93m²), and sui generis veterinary practice (168m²) together with a fifth retail unit (190m²) together with associated car parking, landscaping and engineering works including the infilling of the pedestrian underpass below Parkway (amended description) ****public reconsultation following receipt of amended plans showing amended design, lowering of ground levels at east side of site by up to 1m and infilling of underpass****

APPLICANT

Telford and Wrekin Council

RECEIVED

28/04/2016

PARISH

Madeley

WARD

Madeley and Sutton Hill

OFFICER Steven Drury

1.0 PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 5 units together with associated car parking, landscaping and engineering works on the site of the former Madeley Court School, Court Street, Madeley.
- 1.2 The application will involve the provision of the following: -
- A 2268 sq metre (gross internal area) (GIA), food retail (A1 use class) unit to be occupied by LIDL,
 - A 697 sq metre (GIA), non-food retail (A1) unit to be occupied by Poundworld,
 - A 93 sq metre (GIA), food retail (A1) unit – Subway
 - A 168 sq metre (GIA), Veterinary Practice (Sui Generis) – Vets4Pets
 - A 190 sq metre (GIA), retail (A1) unit – unknown occupier
- 1.3 The application will also involve the infilling of the existing underpass under Parkway linking the application site with Victoria Road and Madeley district centre to the south.
- 1.4 The proposal will involve the lowering of ground levels along the eastern edge of the application site by up to 1 metre in order to reduce the overall height of built development along the eastern boundary. Soil removed in this exercise will be used to infill the underpass and approaches on either side.
- 1.5 The application has been accompanied by the following documents: -
- Application forms,
 - Full plans and elevational drawings
 - Design, Access and Heritage Statement
 - Air Quality Assessment
 - Noise Impact Assessment
 - Drainage Strategy
 - Transport Assessment

- Site Investigation report
- Retail and Planning Statement

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located in the Madeley area of Telford and comprises 1.93 hectares of land which previously contained the Madeley Court School and Sports Centre. Both have now been demolished and the site cleared to hardcore base level. The site is located immediately to the north of Madeley district centre and approximately 4.5 kilometres south of Telford Town Centre.
- 2.2 The area is characterised by a mixture of uses including residential properties to the east along Court Street and south beyond Parkway, commercial premises to the west (ALDI and KFC) and land to the north has recently received permission for the erection of 53 residential properties under TWC/2016/0165. The recently erected Madeley Medical Centre is located to the north east of the site.
- 2.3 The site is rectangular in shape and whilst levels on site are relatively flat, surrounding land levels are higher to the south west and fall away steeply to the north and east. As a result, the site is approximately 3 metres higher than the properties along Court Street and significantly higher than the permitted residential site to the north. A tree lined hedgerow forms the boundary with Parkway to the south and a row of mature trees forms the boundary to the north. Boundaries to the east and west are open.
- 2.4 The site is located in close proximity to the northern extremity of the Severn Gorge Conservation Area and Ironbridge Gorge World Heritage Site. Land to the north and west of the site has also been registered as a local wildlife site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There are no relevant planning permissions on the site although an application (ref. TWC/2012/0657) for the provision of a mixed use scheme which also included the land to the south was withdrawn in October 2014 following changes in the commercial market and uncertainty surrounding the design and layout of the commercial element. The scheme sought permission for up to 140 dwellings
- 3.2 The site previously contained the Madeley Academy School and Sports Centre which have now been replaced by facilities at the Abraham Darby Sports Centre to the West (approved under W2009/1005) and the Madeley Academy to the north (reference W2007/0753). Additional education and sports provision has also been delivered at the new Phoenix Academy in nearby Dawley (planning application reference TWC/2010/0036).
- 3.3 Permissions have recently been granted for the erection of a medical centre to the south east of the site (TWC/2014/0395), a food store (now ALDI) (TWC/2013/0102) and a mixed use development (including KFC) (TWC/2012/0498) to the south west of the site.

4.0 PLANNING POLICY CONTEXT

4.1 National Guidance:
National Planning Policy Framework (NPPF)

4.2 Madeley Neighbourhood Plan:
R1: Madeley Town Centre
LC5: Local Distinctiveness
TR1: Enhancing Accessibility

4.3 Wrekin Local Plan:
EH7: Contaminated Land
UD2: Design Criteria
UD4: Landscape Design
OL4: Development in the Green Network
OL11: Woodland and Trees
OL13: Maintenance of Open Space

4.4 Telford & Wrekin Core Strategy:
CS3: Telford
CS5: District and Local Centres
CS9: Accessibility and Social Inclusion
CS12: Natural Environment
CS13: Environmental Resources
CS14: Cultural, Historic and Built Environment
CS15: Urban Design

4.5 Telford & Wrekin Local Plan (Publication Version) 2011-2031
SP1: Telford
SP4: Presumption in Favour of Sustainable Development
NE1: Biodiversity and Geodiversity
C3: Impact of development on Highways
C5: Design of parking
BE1: Design Criteria
BE3: Ironbridge Gorge World Heritage Site
BE5: Conservation Area

5.0 SUMMARY OF CONSULTATION RESPONSES

5.1 Parish/Town Council responses:

5.1.1 Madeley Town Council: Comment

Raise concerns regarding the suitability of the Maddocks/Parkway junction to accommodate the proposed development. Members had hoped that the new development presented an opportunity to revisit the traffic arrangements and effect some improvements. Little has been done to improve pedestrian routes between this commercial site and surrounding areas. The developer should be asked to implement a highway signage programme that promotes both this site and the existing town centre. Suggest that conditions should be applied that restrict storage and installation of utility equipment (ventilation/heating

plant) at rear/side of premises and that require noise suppression where units are adjacent to the residential boundary.

5.2 Technical Consultation Responses:

5.2.1 Arboricultural: Support

5.2.2 Ecology: Comment

No objection subject to a condition requiring an external lighting plan and informatives concerning nesting birds, site clearance of disturbance of debris/rubble.

5.2.3 Drainage: Support subject to conditions

Raises no objection subject to a condition requiring detailed design for surface water drainage (including microdrainage modelling, ownership and maintenance details) to be submitted.

5.2.4 Environmental Health (Pollution Control): Support subject to conditions

Requests conditions are imposed on the proposed uses to restrict noise emissions from mechanical plant, deliveries, opening hours, also requests restrictions on hours of car park use, provision of acoustic fencing,

5.2.5 Environmental Health (Contaminated Land): Comment

Notes the lowering of land on site and potential use of soil to infill the underpass. Requests further supplementary ground investigations are carried out as a condition. Also requests a contaminated land discovery plan and a dust management plan.

5.2.6 Parks and Open Spaces: Comment

Requests that a landscaping strategy is submitted for consideration which includes details of landscape management and how this is to be financed.

5.2.7 Urban Design: Objection

Requests for improvements to LIDL have been ignored. The design of the façade for the LIDL store needs to be broken up visually. A trolley park has been sited in the middle of the car park which would be better sited along the side elevation and would release more space for disabled parking. An area of concern is the siting of plant on the roof which would be better suited behind the building at ground floor level. Requests clarification of how level alterations would work in relation to infilling of underpass. With regard to the retail units and vets, is supportive of revisions. The revised roof form is considered to be an improvement as it mirrors Lidl's roofscape and also potentially sites the ridge behind adjacent trees to the east. The squared rendered archways help to break up the massing quite successfully as well as emphasising the entrances to the individual units.

5.2.8 Highways: Awaited

5.2.9 The Coal Authority: Comment

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. However, it is requested that the Coal Authority standing advice is included within the decision notice as an informative.

5.2.10 Sport England: No objection

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E4 of the above policy.

5.2.11 Shropshire Fire and Rescue Service: Comment

Request consideration is given to information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications.

5.2.12 West Mercia Police (Crime Prevention): Comment

Provide recommendations and suggestions to design out crime or the fear of crime and community safety.

5.2.13 West Mercia Police: Comment

Raise concerns that local police officers already have issues at KFC and Aldi with anti-social behaviour and shoplifting. Request that development incorporates CCTV both inside and outside premises.

5.3 Neighbour consultation responses

5.3.1 Comments received from local residents, together with the Madeley Medical Centre, comprising 8 objections and 3 in support. The comments are available in full on the planning file but key points have been summarised as follows: -

5.3.2 Objections

- Potential impact upon Madeley centre
- Will take away the community feel in Madeley
- Why is development of site not planned as a whole with residential accessed off Parkway?
- Will development be invasive in terms of visual blight and noise?
- Very close to rear boundaries of properties
- Risk of crime to residential properties is a concern.
- Consideration needs to be given to Court Street residents
- Will block out light to rear gardens along Court Street
- Proposed scheme is not what residents were consulted on
- Concerns for anti-social behaviour
- Requests that security is provided on site and appropriate lighting and CCTV
- Why is there a need to fill in the underpass?

5.3.3 Support

- Development will increase footfall in the region.
- Ask that the development is well lit, well maintained, surfaced properly, covered by CCTV and clearly visible.
- Ask that a row of screen planting is provided along the boundary with Court Street
- Suggest a one-way system as a means of access the retail and residential development

5.3.4 Objection from GL Hearn on behalf of Telford Trustees No. 1 Ltd and Telford Trustees No. 2 Ltd as the owners of the Telford Shopping Centre and car parks within Box Road and other land within the town centre including the area known as Central Southwater: -

- Site located in edge of centre location
- Requires sequential test and retail impact assessment
- Will attract motorised shoppers drawing footfall from Telford Town Centre, having a harmful impact on the vitality and vibrancy of this Principal Town Centre
- Wary that the previous permissions at Madeley Court have established the principle of extending the retail core of the Primary Shopping Area northwards
- Request careful restrictions are imposed through conditions to ensure the harmful impact on the wider area is limited as much as possible.
- Seek conditions controlling/restricting the quantum and mix of retail proposed comprising: -
 - personal consent
 - quantum of non-food floorspace within the Lidl unit,
 - restriction on the use class of the veterinary practice unit,
 - restriction on future amalgamation of units
 - restriction on the sale of clothing goods (including both fashion and “non-fashion” clothing), shoes, sports goods, toys and small electrical items

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 development
- Design and Layout:
- Highways and Access
- Ground Conditions and Contamination
- Noise and Amenity
- Other Matters
- Sustainability

6.2 Principle of Development

- 6.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan for Telford and Wrekin comprises the Telford & Wrekin Core Strategy, saved policies within the Wrekin Local Plan, and the Madeley Neighbourhood Plan. The emerging Telford & Wrekin Local Plan (TWLP) has now been submitted for independent examination in accordance with Section 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 with hearings starting on 15th November 2016 and can now also be given weight in the determination process. The National Planning Policy Framework (NPPF) is also a material consideration in planning decisions.
- 6.2.2 Where conflicting advice is provided within adopted development plans, Section 38 (5) of the Planning and Compulsory Purchase Act 2004 requires that greater weight is given to the more recent of the two to be adopted, approved or published. In this instance, officers consider that greater weight should be given to the Madeley Neighbourhood Plan with less weight given to the saved Wrekin Local Plan and Core Strategy as the older plan document. In addition, weight should also be given to the emerging Telford & Wrekin Local Plan, given its proximity to examination, the absence of any unresolved objections and consistency with the NPPF.
- 6.2.3 The NPPF and relevant local development plan documents apply a hierarchical approach to town centre development with Telford Town Centre at the top of the hierarchy, followed by the market towns of Wellington and Newport, then seven district centres which includes Madeley. Within both the emerging T&WLP and the Madeley Neighbourhood Plan, the site is shown to sit within Madeley District Centre.
- 6.2.4 The Madeley Neighbourhood Plan is adopted and includes the development site within the Madeley Town Centre Boundary (as shown in the Madeley Neighbourhood Development Plan Policies Map). A neighbourhood plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan.
- 6.2.5 Whilst the emerging Telford & Wrekin Local Plan (T&WLP) has not yet been adopted, paragraph 216 of the NPPF advises that from the day of publication, decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). In this instance, officers are satisfied that there are no unresolved

objections in respect of the continued inclusion of Madeley as a district centre or the revised position of the district centre boundaries and the policy approach is considered consistent with the NPPF given that the location of the site on previously developed land, in an easily accessible location served by public transport and in an appropriate location for further town centre development. Therefore whilst not yet adopted, weight can be given to the T&WLP which includes the development site within Madeley District Centre.

- 6.2.6 Whilst the saved Wrekin Local Plan and Core Strategy both show the site located outside Madeley District Centre, these are now considered to be aging plans which are currently in the process of being superseded by the emerging Telford & Wrekin Local Plan (T&WLP).
- 6.2.7 Accordingly, officers are of the opinion that the site can be considered to fall within Madeley District Centre.
- 6.2.8 Sequential Test. The NPPF applies a sequential approach to the provision of town centre uses with applications for main town centre uses first located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. LPA's should therefore apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date local plan. The definitions in Annex 2 of the NPPF confirm that 'Town Centres' can include 'district and local centres'.
- 6.2.9 Given the view that the site sits within the district centre, officers are satisfied that a sequential test is not required and the site is considered suitable in principle for 'town centre' development. Furthermore, under the criteria set out within the NPPF (Paragraph 26), following the acceptance that the site is located within Madeley District Centre, it is also considered that a retail impact assessment does not to be submitted.
- 6.2.10 An objection has been received from the GL Hearn on behalf of Telford Trustees No. 1 Ltd and Telford Trustees No. 2 Ltd as the owners of the Telford Shopping Centre, who consider that the site should be considered an 'edge of centre' location in policy terms and as such, require both a sequential test and a retail impact assessment to be submitted. In response, the applicant's consultants, DPP Planning, have submitted a rebuttal which disputes this view, but for the avoidance of doubt does include both a consideration of any potentially sequentially suitable and available sites within and around the original Madeley district centre together with an assessment of the potential retail impact the development may have upon the surrounding area.
- 6.2.11 The submitted rebuttal notes the local community decision, through the neighbourhood plan, to extend the district centre boundary to include the subject site and in consideration of alternative sites in the district centre, concludes that there are no suitable and sequentially superior vacant units capable of accommodating the proposal nor are there any potential redevelopment opportunities. It suggests that for this reason, the local

community have identified the site as representing a unique opportunity in the context of Madeley to accommodate a sustainable economic development that would provide new jobs and facilities at a widely accessible location.

6.2.12 In consideration of the potential retail impact, both Madeley Primary Shopping Area and Telford Shopping Centre are taken into account. Focussing on Telford Town Centre, the report concludes that ‘the proposal will have an imperceptible effect on the centre’s vitality and viability and, importantly, would not exert a “significant adverse effect” on the centre – the relevant NPPF impact test’. With regard to impact on the centre of Madeley, ‘this is very much restricted to trade diversion from the existing Tesco superstore that is over-trading relative to the Tesco benchmark turnover’. The report also notes that as the site is located within Madeley District Centre, ‘the centre’s overall turnover will actually increase as a result of the proposed development. Importantly, therefore, the centre’s overall role and attraction will be reinforced and enhanced, in line with the local community’s aspirations for Madeley’. The proposal is therefore considered to comply with the aims of the NPPF, delivering a wide range of planning benefits. Officers would agree with this conclusion.

6.2.13 Notwithstanding the above, there would naturally be a requirement to restrict any approved development on site to ensure the amount and mix of floorspace continues to accord with the manner suggested and assessed in the application. Any change would require fresh consideration in terms of their potential retail impact. As such, officers intend to impose conditions controlling the amount of food/non-food floorspace in LIDL, restricting further increases in floorspace, mezzanine floors or sub-division or amalgamation of units and restricting the sui generis use to a Veterinary practice. GL Hearn have also requested that a restriction is placed on the sale of clothing goods (including both fashion and “non-fashion” clothing), shoes, sports goods, toys and small electrical items although officers do not consider this to be reasonable or necessary given that the site is located in a district centre and has been demonstrated to have no retail impact upon the town centre shopping centre.

6.2.14 Accessibility: NPPF Paragraph 24 requires that when considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Again, whilst officers do not accept the site is ‘edge of centre’, nevertheless, it is considered that the site benefits from good connectivity to the Madeley centre and primary shopping area and Telford Town Centre to the north. The site is well connected to Madeley centre via pedestrian and cycle routes which are being enhanced as part of this application. The site is also well served by public transport which provides regular links to both Madeley centre and Telford Town Centre. Further consideration of accessibility issues is carried out in Section 6.4 of this report.

6.2.15 Local Policy: The Madeley Neighbourhood Plan Policy R1 supports a variety of residential, commercial, cafes/bars/restaurants, leisure and cultural uses provided there is no adverse impact on residential amenity in terms of noise, vibrations, odours, traffic, disturbance, litter or hours of operation. Further consideration of amenity issues takes place in Sections 6.3 and 6.6 of this

report. The emerging T&WLP adopts a hierarchical approach to the provision of retail, office, leisure developments, community facilities, etc, with development focussed initially on Telford Town Centre, then the market towns of Wellington and Newport, then seven district centres which includes Madeley. Policy EC6 concerns Market Towns and District Centres which advises that retail uses will be supported outside primary shopping areas subject to the provisions of Policy EC10 which concerns Shopfront and Advertisement Design.

6.2.16 Core Strategy Policy CS5 also confirms that district centres will be the focus for new development serving the needs of their respective communities and should contain core services, be well served by public transport and contain a mix of retail, recreation, leisure, culture and employment uses. It is considered that the proposed development meets these criteria.

6.2.17 Green Network: An additional issue to note is the designation of the site as Green Network within the saved Wrekin Local Plan, although the site will not be included as Green Network within the emerging T&WLP which needs to be given weight in the determination process. This designation as Green Network is linked to the former use of the site as playing fields and sports pitches for Madeley Court School and Sports Centre. This application is the last in a wider masterplan proposal for the former Madeley Court site, with approvals for ALDI, KFC, a housing development and Doctors Surgery already approved. Through the granting of these permissions, it is considered that the principle of development on this part of the green network has already been established. Furthermore, the masterplan includes a strategy for the re-provision of sports facilities on alternative sites (see next paragraph) and it is therefore considered that collectively, these replacement facilities and the improvement of existing nearby open space will meet the requirements of policies CS11 and OL4 whereby community benefits are to be delivered as an integral part of development proposals. This also helps the proposal to meet the requirements of NPPF paragraph 74.

6.2.18 Loss of Playing Fields: The site previously contained playing fields and sports facilities associated with the former Madeley Academy School and Sports Centre. It is a requirement of the NPPF (Para 74) and Sport England's Policy to protect playing fields 'A Sporting Future for the Playing Fields of England' that development which leads to the loss of, or prejudice the use of, all or any part of a playing field should be opposed unless one or more of 5 stated exceptions apply. In this instance, the playing fields and other sporting facilities which were lost as part of the school and leisure centre demolition have already been replaced at various sites, including Madeley Academy and Telford Langley School. The Council will be re-providing the changing and parking facilities lost at the Madeley Ski Centre site. These facilities will service both the Ski Centre and the pitches in that location. Sport England have been involved in this process, have been consulted and raise no objection as they are satisfied that the sports facilities have been re-provided. As such, the proposals subject of this current application are considered to be consistent with Sport England and National Planning policies which require

that any loss of sporting facilities are replaced by new provision that is at least equivalent in terms of quantity, quality and accessibility.

6.3 Design and Layout:

- 6.3.1 The proposed development comprises the provision of 4 retail units and one veterinary centre, to be housed within 3 detached buildings on site, together with car parking with 208 spaces and associated landscaping and servicing areas. The application follows pre-application advice and detailed discussions during the determination period and aspects of the design have evolved considerably in order to overcome concerns raised in respect of the appearance and the impact upon the nearest residential properties along Court Street to the east of the site.
- 6.3.2 The largest of the three buildings, which will contain LIDL, will cover a gross internal area of 2268 sq metres and will be located in the south west corner of the site, alongside the boundary with Parkway. It will be a rectangular building with a mono-pitched roof rising away from Parkway to a maximum height of 8.5 along the front (north facing) elevation and 6.1m along the rear. The west facing elevation will contain glazed panels set within a power coated aluminium frame which will wrap around the north west corner and extend partly along the north facing elevation. The remainder of the building contains a mixture of white render and smooth grey cladding panels above a narrow band of grey render and a dark brick plinth above ground level. An aluminium standing seam roof will be provided in a grey colour to match the cladding panels. The customer entrance will be provided in the north west corner set within a recessed area and loading bay provided at the eastern side of the building and accessed from the front. Officers have raised concerns that the principal (north facing elevation) is too plain and needs features or detail adding to break it up, giving it more interest and emphasis as the principal elevation, particularly at ground floor level. Unfortunately, the applicants have not been willing to amend the design and the Council's Urban Design Officer has raised concerns over this aspect of the proposal. Officers have, however, succeeded in repositioning the air conditioning units from the loading bay roof to the rear (south facing) elevation at ground level which is a far less conspicuous position. Notwithstanding the above concerns, the proposed building does provide a light, modern design solution which is appropriate in scale and materials palette which will complement the existing retail units to the west. The fully glazed west facing elevation will be the most visible aspect from Parkway and this elevation is considered to be acceptable. The building will also sit below the level of Parkway and will be well screened from Parkway by existing trees and vegetation which is to remain. It is not considered that a refusal on design grounds could be sustained and therefore, on balance, officers are prepared to support this aspect of the proposal insofar as design is concerned.
- 6.3.3 The remaining four units will be provided in two buildings positioned along the eastern side of the site. Deliveries and servicing will be provided to the rear, accessed from the north east corner of the site. The larger of the two buildings, which will contain Poundworld, Subway and Vets4pets, has been

the subject of extensive redesign in order to address concerns over its appearance and the impact upon properties to the rear which are located approximately 3 metres below ground levels on site. The resulting design solution sees a brick and rendered building provided with grey panels above to match those in the LIDL building. The design has been complicated by the requirement to incorporate a mezzanine floor within the Poundworld unit which needs to be positioned specifically to suit the operator. In attempt to minimise any potential impact upon residents, a mono-pitched roof has been provided which peaks in the centre of the building at a point where properties to the rear (east) tend to be well screened from the site by a number of well-established trees in rear gardens. The resulting building will therefore rise from a minimum height of 5 metres, up to a maximum of 7.8 metres in the centre of the rear elevation. However, in attempt to further reduce any impact upon nearby residents, the agent has confirmed that ground levels along this part of the site will also be lowered by up to 1 metre. Sectional plans have been provided to show this.

- 6.3.4 Whilst it is accepted that the proposed development will be visible from the rear of properties along Court Street, it should be taken into consideration that their rear gardens are generous in length and the proposed buildings will be positioned between 50 and 60 metres from the rear of the properties. At such a distance, it would be difficult to argue that any loss of light would result in a significant adverse impact upon residential amenity, as required in NPPF Paragraph 123. With regard to any visual or overbearing impact, it is proposed to plant trees along the site embankment which would soften and eventually screen views of the proposed development. Taking all factors into consideration, officers therefore consider that on balance, the proposal would not result in significant adverse harm to the living conditions of residents whose properties back onto the development site.
- 6.3.5 The design of the remaining retail unit in the north east corner of the site has been revised to reflect the changes made to the adjacent three units. The Council's Urban Design Officer is supportive of the changes made which reflect the roof form in the LIDL building and include squared rendered archways which help to break up the massing of the units as well as emphasising the entrances. Officers are also mindful that the site is located in close proximity to the Severn Gorge Conservation Area and Ironbridge Gorge World Heritage Site which reaches the south side of Parkway to the south east of the site. As such, the south facing side elevation of the Poundworld unit will be visible from Parkway, but is considered an appropriate addition to the streetscene incorporating a sympathetic mix of brickwork, glazing and cladding with a small area for fascia signage enclosed within the rendered archway. Following the revisions, officers now raise no objections to the design of this part of the proposal.
- 6.3.6 Landscaping: The proposal includes a detailed landscaping scheme which shows the generous provision of landscape planting throughout and surrounding the site. The appearance of the car park will be enhanced through the planting of trees at the ends of and along the centre of parking blocks and the access road will also benefit from tree planting along both

sides. Further tree and wildflower parking will be provided along the embankment to the south of LIDL and the eastern boundary will be boosted by the planting of a new hedgerow and trees to help screen the development from nearby residents. The proposed landscaping scheme is considered appropriate and will complement the proposed development, helping to incorporate it into the surrounding landscape.

- 6.3.7 Having regard to the above considerations, officers are satisfied that the proposal will accord with saved Wrekin Local Plan Policies UD2 and UD4, Core Strategy Policies CS14 and CS15, Policy LC5 of the Madeley Neighbourhood Plan together with Policies BE1, BE3 and BE5 of the emerging Telford & Wrekin Local Plan.

6.4 Highways and Access

- 6.4.1 The application has been accompanied by a Transport Assessment which considers the ability of the highway network to accommodate the potential trips generated by proposed development and the likely potential impact upon highway safety.
- 6.4.2 Vehicular access to the site will be obtained from Parkway via the existing signalised junction which will need to be upgraded to accommodate the proposal. Pedestrian access will be obtained via a footway alongside the vehicular access, together with footpath connections to Court Street in the north east corner and a link to Parkway in the south east corner.
- 6.4.3 Servicing of the proposed units will be provided to the east of the LIDL building and the rear of the units along the east boundary. Swept path analysis has been undertaken to confirm that service vehicles are able to be adequately accommodated by the proposed layout.
- 6.4.4 The site includes 208 parking spaces which includes disabled and parent and child spaces and will also provide secure and convenient cycle parking adjacent to three of the unit entrances. The site is considered to be easily accessible to pedestrians, cyclists and public transport users with good links to Madeley Town Centre and in this respect is considered to constitute a sustainable form of development.
- 6.4.5 The development will also incorporate the infilling of the underpass under Parkway which currently links the existing footpath to the rear of Court Street to Victoria Road and Russell Road to the south of Parkway and Madeley Centre beyond. This work is being carried out for safety reasons as there are concerns that the underpass is a location for crime and anti-social behaviour. To enable the infilling works to be carried out, pedestrian and cycleway routes either side of Parkway have already been extended to link with traffic light junctions and pedestrian crossing points at the Court Street and Maddocks junctions. Whilst this will involve a slightly longer route for pedestrians and cyclists to cross Parkway, such an increase is considered necessary in order to bring considerable benefits in terms of the quality of the access to Madeley Centre and improvements to public safety.

- 6.4.6 Junction capacity assessments were carried out at 4 key junctions; Woodside Roundabout, Parkway/Maddocks signalised junction, Parkway/Court Street signalised junction, Madeley Roundabout, which found that there was generally capacity to accommodate the number of trips likely to be generated by the proposal, with the exception of the Parkway/Maddocks junction which would require alterations. A scheme has therefore been proposed which will involve the widening of the development site exit to allow for an additional lane to be installed, together with amended junction and signal staging and improvements to pedestrian crossing facilities. Whilst the principle of the alterations has been agreed by the Councils Highways team, precise details of the junction alterations is currently the subject of discussions with Jacobs and has not been agreed at the time of writing. It is proposed that this information can be secured as a condition of the planning permission.
- 6.4.7 Taking the above into account, officers are satisfied that following proposed junction alterations, the proposed development can be accommodated by the existing highways network without detriment to highway safety. The site is also easily accessible by a range of sustainable transport measures and as such, complies with Core Strategy Policy CS9 and Madeley Neighbourhood Plan Policy TR1 together with emerging Telford & Wrekin Local Plan Policies C3 and C5 and the guidance contained in Paragraphs 32 and 34 of the NPPF in respect of sustainable transport measures. A framework travel plan has also been submitted which further aims to reduce the number of staff and visitors travelling to and from the development by car. This will also be controlled as a condition of the planning permission.
- 6.4.8 It is understood that the highways improvement works being carried out will be done so by the Council and no separate legal agreement under S.278 Highways Act 1980 shall be required.

6.5 Ground Conditions and Contamination:

- 6.5.1 A Site Investigation Report has been submitted which identifies the ground conditions and any potential sources of contamination within the site. The study identifies some ashy deposits and ground colliery spoil materials found within made ground on site, however, any risk to human health is considered to be low given that exposure would only relate to small areas of proposed landscaping. The report does not therefore make any recommendation for remedial works and officers are satisfied that the site would not present any significant pollution risk to future users. The proposal therefore satisfies the requirements of Policy EH7.
- 6.5.2 The submitted report also includes an assessment of the mining, quarrying and overall ground stability within the site. The report found that the proposed development should not be constrained by issues of potential poor ground stability associated with coal mining and mitigation measures in this regard should not be required. The Coal Authority have confirmed that the site falls within a low risk development area and does not require a coal mining risk assessment.

- 6.5.3 The proposed development will involve a considerable cut and fill exercise in order to provide a solid, level site and as part of the works to lower levels along the eastern boundary and to infill the underpass. Some of the fill material is likely to be sourced from excavations on site and the Council's Public Protection Officer has requested that a condition is added requiring further assessment of any fill material to be carried out prior to its use. Sectional plans through the site have been submitted which confirm the areas either side of the underpass which will also be infilled.
- 6.5.4 On the basis of the submitted supporting information, officers are satisfied that the requirements of Wrekin Local Plan Saved Policy EH14 have been met and the proposal will not be affected by or impact upon ground instability.

6.6 Noise and Amenity Issues:

- 6.6.1 Air Conditioning Units, Plant and Machinery: The proposed units will each require the installation of associated plant and machinery, however, details are not available at this stage and will therefore need to be requested as a condition of the planning permission. Details will need to include the position on the building and the specification of the plant to be installed, including noise levels together with any acoustic screening considered necessary by officers.
- 6.6.2 It is proposed to site plant serving Poundworld along the rear elevation and officers have therefore requested that this is enclosed within a brick structure, to act as an acoustic barrier, to minimise any impact upon nearby residents. This has now been included on the plans. The plant serving LIDL has also been repositioned at ground level in the south facing elevation where it will be less visible and less audible than its original elevated position. The position of plant for other units has yet to be established and will need to be conditioned.
- 6.6.3 A submitted noise impact assessment suggests that plant serving each of the proposed units can be provided which complies with National Planning Policy to ensure that the plant operation has no observed adverse effect on nearby receptors, taking into account recorded background noise levels. Provided that the plant installed complies with the recommendations of the report, noise emitted will be below the No Observed Effect Level (NOEL) with respect to the NPPF paragraph 123, will not result in a significant adverse impact upon residential amenity. The Council's Public Protection Officer has assessed the proposal and raises no objection subject to conditions being imposed.
- 6.6.4 Deliveries: Deliveries taking place at the site have the potential to emit noise and disturb nearby residents and have also been considered as part of the noise assessment. Deliveries to LIDL will take place at the east side of the building where noise emissions will be largely confined to within the building and centre of the site. Deliveries to the four units will take place to the rear but will require HGV's to unload in the north east site corner, with goods transported by trolley across the rear of the service yard. A 1.8m high acoustic fence will be erected along the rear of the yard which will achieve a 6dB reduction in noise emanating from the service yard and it is proposed to use a

resilient, smooth tarmac surface to achieve the best practicable reduction to surface-wheel noise.

6.6.5 The submitted report concludes that as background noise in the area is dominated by traffic noise, deliveries occurring during daytime and evenings would not be expected to significantly affect the character of noise present. It concludes that deliveries at the site would have at worst, a slight to moderate impact at the closest affected residential dwellings when assessed against the significance scale based on the Guidelines for Noise Impact Assessment. Nevertheless, officers would suggest imposing restrictions on deliveries at LIDL from between 0800-2200 hours and deliveries to the four units restricted to the hours of 0800-2000, given the proximity to neighbouring properties. The Council's Public Protection Officer supports these recommendations.

6.6.4 Opening Hours: In addition to plant and deliveries, noise will also be emitted from the general use of the development site and having regard to the proximity of residential properties, it is considered necessary to restrict opening hours at the premises, in addition to the restrictions of hours for deliveries. Officers have therefore agreed with the agent that opening hours will be restricted as follows:-

- Monday to Saturday – 07:00 to 22:00
- Sundays and Bank Holidays – 10:00 to 16:00

6.7 Other Matters:

6.7.1 Drainage: The application has been accompanied by a Drainage Strategy which encompasses both the proposed commercial development and the adjacent residential scheme approved under TWC/2016/0165. The strategy indicates that surface water from the commercial phase will be restricted on site in below ground attenuation to cater for the 1 in 100-year storm event + 30% climate change before reaching the phase 1 detention basin or existing ditch course and flowing into the existing pool before discharging to the existing surface water network to the north of the site. Foul water from both the residential development and commercial phases will discharge to the existing Severn Trent Water public sewer network

6.7.2 The proposal has been inspected by the Council's Flood Risk Officer who raises no objection in principle subject to a detailed surface water scheme (including microdrainage modelling, ownership and maintenance details) being submitted prior to commencement.

6.7.3 Landscape Management: Whilst the submitted landscaping scheme has been considered acceptable, the Council's Parks and Open Space Officer has requested a Landscape Management Plan is submitted confirming how the landscaped areas are to be managed, maintained and financed. It is reasonable to request this information as a condition of the planning permission.

6.7.4 Loss of Trees: The site is largely clear of any significant trees and the majority of trees are situated on boundaries or adjoining land. Whilst those on

boundaries are not affected, two trees in the south east corner of the site will be removed to accommodate the proposed Poundworld unit. Whilst the trees are of some amenity value, there are numerous mature trees along the Parkway boundary and rear gardens along Court Street which will continue to maintain the green character of the area. Furthermore, a landscaping scheme has been submitted which indicates additional soft landscaping including trees to be provided throughout the site. On this basis, officers raise no objection to the loss of trees and are satisfied with the indicated landscaping scheme.

6.7.5 The proposal has also been assessed with regard to the infilling of the underpass and the recessed areas located to either side which contain a number of trees. The infilling and raising of ground levels will largely avoid the root zones of key trees in this location and no objection is raised by the Councils Trees Officer in respect of the proposed works.

6.7.6 Ecology Issues: An Ecology Update Report has been submitted with the application which considers the potential impact upon wildlife habitats and European Protect Species. The report notes that the site has now been cleared and whilst it does contain amenity grassland which has not been managed since the school was demolished, it is not of any ecological interest. The report also concludes there is negligible risk of an impact upon great crested newts should these be present in a pool 130m to the north, given the separation distance and the sub-optimal nature of the development site.

6.8 Sustainability

6.8.1 In addition to good accessibility and connectivity, the proposal will bring about economic and social benefits in the form of job creation both during the construction period and operational phase generating approximately 80 jobs in an accessible location, and will improve the range and choice of retail units within Madeley District Centre. The development may also enhance the existing primary shopping area through the creation of linked trips to existing businesses in the area.

6.8.2 The site concerned is previously developed land and therefore presents the opportunity for significant visual enhancements within the area whilst boosting the retail offer. The proposal has been accompanied by ecological surveys which demonstrate that there would be no detrimental impact to existing habitats and will incorporate additional landscaping within the scheme. The site has remained vacant for a number of years and has become something of an eyesore within the local area. The development therefore presents the opportunity for significant visual enhancements within the area.

6.8.3 There are therefore a number of factors which lead officers to consider the proposed development would constitute a sustainable form of development, as required by emerging T&WLP Policy SP4 and guidance provided in the NPPF.

7.0 CONCLUSIONS

- 7.1 This proposal involves the redevelopment of previously developed land within the Telford urban area. The site is located in a highly sustainable location, within walking distance of Madeley district centre with good connectivity to local footpath and cycleway networks. The site previously contained playing fields associated with Madeley Court School and Sports Centre, however, Sport England have confirmed their satisfaction that sufficient replacement playing fields and facilities have been provided at Madeley and Phoenix Academies. Whilst not meeting the trigger for requiring a sequential or retail impact assessment, the applicant has submitted an accompanying report which concludes that no sequentially preferable sites are available and the proposed development will not have a significant adverse impact upon the vitality and viability of Telford and Madeley town centres.
- 7.2 The proposed development will be of design which is appropriate in scale and respects the context of the site and its surroundings and will include highways junction improvements to ensure it can be accessed without detriment to highway safety. Design amendments, mitigation measures and controls placed upon operational requirements, deliveries and installation of plant and machinery will ensure that the development will not have an unacceptable adverse impact upon the residential or visual amenity. The proposal will deliver a wide range of planning benefits and will result in a sustainable form of development where the benefits outweigh any harm identified.
- 7.3 The proposal has been assessed against and is considered to comply with policies contained within the local development plan and national planning guidance 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 conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

Conditions

1. A04 Time Limit – 3 years
2. B150 Site Environmental Management Plan
3. B010 Details of Materials
4. B062 Surface Water Design
5. B076 SUDS Management Plan
6. B126 Landscape Management Plan
7. B057 Land Contamination
8. B049 Subway Infill
9. B058 Slope Stability
10. B145 External Lighting Strategy
11. B082 Details of Plant and machinery

- 12. B086 Details of extraction equipment
- 13. B089 Acoustic Fence detail
- 14. B045 Travel Plan
- 15. B049 Installation of Car Park Barrier
- 16. Bcust Rear Service Yard Surface
- 17. C020 Highways Junction Improvement
- 18. C074 Tree Protection
- 19. C013 Parking, Loading, Unloading and Turning
- 20. C38 Approved Plans
- 21. Dcust Delivery hours
- 22. Dcust Opening Hours
- 23. Dcust Floor area restriction
- 24. Dcust No subdivision of units
- 25. Dcust Restriction on Veterinary use

Informatives

- I05 Advertisement Consent
- I17b Coal Authority Standing Advice
- I25m Nesting Wild Birds
- I35 Ecology
- I35 Ecology
- I40 Conditions
- I41 Reasons for Approval
- RANPPF1 Approval NPPF