

TWC/2017/0706

Site of The Swan Hotel, Watling Street, Wellington, Telford, Shropshire
Demolition of existing public house and outline application for residential development with highway improvements and garage/drive to bungalow with all other matters reserved

APPLICANT

Christopher Witton

RECEIVED

30/08/2017

PARISH

Wellington

WARD

College

OFFICER Andrew Gittins

SECTION 106 LEGAL AGREEMENT TO SECURE AFFORDABLE HOUSING AND FINANCIAL CONTRIBUTIONS TO EDUCATION AND HEALTHY SPACES.

1.0 THE PROPOSAL

- 1.1 This application relates to the re-development of The Swan, Watling Street, Wellington and seeks approval for the demolition of the existing public house and outline approval for residential development to include access and a new garage for the existing bungalow at the rear of the site, with all other matters reserved.
- 1.2 The new development would replace the existing building and create a new apartment development with external parking and amenity areas, with a new improved road junction including an additional left turn lane on Mill Lane at the traffic lights, leading onto Watling Street.
- 1.3 An Indicative Site Plan with a Sketched Streetscene indicatively illustrates 21 apartments in a block turning the corner from Mill Bank to Watling Street. Indicatively that scheme could be served by 30 car parking spaces off a shared surface with landscaped amenity areas which would be privately managed through condition.
- 1.4 The Application Form indicates the provision of 5 one-bed and 16 two-bed units although the amount and size of apartments would be determined at Reserved Matters. To create a balance of tenures and comply with policy HO5, 25% of the units would be secured as affordable in perpetuity through a s106 agreement.
- 1.5 The application is accompanied by a Design and Access Statement, Planning Statement, Acoustic Impact Assessment, Contaminated Land Assessment, Air Quality Screening Assessment and Flood Risk Assessment.
- 1.6 During the course of the application the Council's Drainage Team identified that the south-east corner of the site fell within Flood Zone 2 and the Indicative Site Layout was amended to plot the flood zone and re-site the building to illustrate that a scheme could be sited outside the flood zone.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located in Wellington, a Market Town within the built up area of Telford. The site is located in close proximity to The Cock Hotel a Grade II Listed Building situated across Mill Bank.
- 2.2 The 0.4 ha (4000m²) site currently accommodates 'Christopher's Bar' (former Swan Hotel) accessed off Mill Bank. The site is situated on the corner of Mill Bank and Watling Street in a prominent gateway location opposite the junction with Dawley Road.
- 2.3 The site lies on the busy junction of Mill Bank, Watling Street, Dawley Road and Holyhead Road with The Cock Hotel, Farr & Harris Ltd Bathrooms and Will House B&B forming prominent buildings addressing the road junction. These buildings are 3, 2.5 and 2 storey in height, the designs of which vary from traditional pitched roof buildings with dormer windows, to metal clad and glazed commercial structures.
- 2.4 The site is situated within a sustainable location on the eastern fringe of Wellington approximately 800m from the town centre with its train and bus stations and range of shops.

3.0 PLANNING HISTORY

- 3.1 The site has been subject to a number of planning applications some of which included the adjoining site upon which the Farr & Harris Ltd Bathrooms is now located. This included applications for a supermarket and replacement motor cycle showroom and an application for residential development which were refused on highways grounds.

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Core Strategy:
CS1 – Homes
CS2 – Jobs
CS3 – Telford
CS5 – District and Local Centres in Telford
CS8 – Regeneration
CS9 – Accessibility and Social Inclusion
CS10 – Community Facilities
CS12 – Natural Environment
CS13 – Environmental resources
CS14 – Cultural, Historic and Built Environment
CS15 – Urban Design
- 4.3 Wrekin Local Plan:
EH7 – Contaminated Land

UD2 – Design Criteria
H6 – Windfall Sites in Telford & Newport
H22 – Community Facilities
H23 – Affordable Housing
T22 – Planning Obligations
LR4 – Outdoor Recreational Open Space
LR6 – Developer Contributions to Outdoor Recreational Open Space within
New Residential Developments

4.4 Telford & Wrekin Local Plan (Publication Version):

SP1 Telford
SP4 Presumption in favour of sustainable location
EC4 Hierarchy of Centres
EC6 Market Towns and District Centres
HO1 Housing requirement
HO5 Affordable Housing thresholds and percentages
HO6 Delivery of affordable housing
NE4 Provision of public open space
NE5 Management and maintenance of public open space
BE1 Design Quality
BE4 Listed Buildings
BE10 Land Contamination
C3 Impact of development on highways
C5 Design of parking
ER8 Waste planning for residential developments
ER10 Water conservation and efficiency
ER12 Flood risk management

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Wellington Town Council – Object:
- Historic gateway building into Town and a building of community value.
 - Concern regarding proposed access to and egress onto Mill Bank is narrow and busy and would be a danger to other road users.
 - Concern regarding associated traffic risks at adjacent road junction (Watling Street, Dawley Road, Holyhead Road)
- 5.2 Drainage – Support subject to conditions following submission of amended plans:
- Scheme for both foul and surface water drainage, and
 - SUDS Management Plan.
- 5.3 Highways – Support subject to conditions:
- Highways New Access
 - Parking / Turning / Loading
 - Details of off-site highways works
- 5.4 Pollution Control (Environmental Health) – Support subject to conditions:

- Hours of demolition/construction
 - Construction hours piling
 - Reserved matters to implement conclusions of noise assessment
- 5.5 Contaminated Land (Environmental Health) – Support subject to conditions:
- Land contamination assessment
- 5.6 Arboriculture – Comment:
- Requirement for tree survey to inform layout at reserved matters stage
- 5.7 Healthy Spaces – Comment:
- Development would generate need for children’s play and recreation and no provision has been made on-site.
 - In accordance with saved T&WLP policies NE4 and NE5 an offsite contribution of £600 per two bed and above dwellings should be secured by a Section 106 towards existing play areas at Millfields, Wellington.
 - A long term landscape management plan should be conditioned.
- 5.8 Education – Comments:
- £26,107 contribution from units with two beds and more towards Primary School Education at Wrekin View.
- 5.9 Affordable Housing – Support subject to conditions / s106:
- Proposal should provide 25% affordable housing of which 80% should be for social rent.
- 5.10 Built Environment Conservation – Support subject to conditions:
- No objection to principles of demolition or residential apartment development including access. However, any replacement would need to relate well to the listed Cock Hotel. Support for general philosophy of 2.5 storey landmark building incorporating dormers in the upper storey, but concerns regarding the general mass and central projecting tower as indicatively sketched.
 - Condition - No demolition should take place until a Reserved Matters application has been approved, and that the application includes a Heritage Statement and analysis of views taking in the listed Cock Hotel and the proposal.
- 5.11 West Mercia Police - General advice provide in respect of Secure by Design principles.
- 5.12 Shropshire Fire Service - Consideration should be given to the information contained within Shropshire Fire and Rescue Service’s ‘Fire Safety Guidance for Commercial and Domestic Planning Applications’.

Neighbour consultation responses

- 5.13 Direct notification was carried out to all adjoining and adjacent premises, as a result of which the following two letters have been received:

Comment from Wellington H2A (community group dedicated to putting arts and heritage at the heart of Wellington's revival):

- Site is highly visible gateway
- Whilst the current, mid-20th mock-Tudor building is of limited architectural merit, it does provide a visual link to its historic predecessor The Swan Inn demolished in the 1950's thought to date to the 15th century.
- The Cock Hotel opposite is listed and new development will potentially impact on its setting.
- Any development needs to be of high architectural quality providing an appropriate transition from the 'Wellington fringe' and wider Telford conurbation into something more reflective of Wellington's distinctly market town character; concerned that the indicative sketch does not fail this sketch and lands rather clumsily articulating little context.
- Any development should respect the scale and massing of buildings clustered around the junction; concerned that indicative sketch does not respond in scale.
- Suggested a reduction in scale to provide a transition with a design encompasses different heights and shapes, and
- Creation of a roof-line that echoes the pitched roofs of other adjacent buildings including The Cock Hotel.

Objection from local resident:

- Inappropriate location to access approximately 20 flats adjacent to major junction adding to existing congestion, difficult to envisage how road improvements will mitigate this problem.
- Insufficient parking as no on/off road parking, spaces should exceed flats by two to one.
- Customers of fast food outlet opposite park on the pavement and have to cross the busy road.

6.0 PLANNING CONSIDERATIONS:

- 6.1 Having regard to the development plan policy and other material considerations, the planning application raises the following main issues;

- Policy context
- Justification for loss of community facility
- Impact on character of surrounding area
- Impact upon highway safety
- Impact upon residential amenity
- Other technical issues

- Planning Obligations

6.2 Policy context:

- 6.2.1 The Telford and Wrekin Local Plan (T&WLP) will be presented to Full Council on the 11th January 2018, which is after the drafting and publication of this report. As such at the time of writing, the development plan consists of saved policies of the Wrekin Local Plan and the Core Strategy. However, only limited weight can be given to these policies with significant weight given to policies in the T&WLP. Should Members at Full Council resolve to adopt the T&WLP this will supersede its predecessors and form the Development Plan against which this application should then be determined.
- 6.2.2 Under the T&WLP the site is within the built up area of Telford which policy SP1 defines will be the principal focus for growth to meet the borough's housing and employment needs. Policy SP4 outlines that the Council will support development proposals that are considered to be sustainable which in this case requirement consideration of the justification for the loss of a community facility, the impact on existing infrastructure such as highways, play provision and education, the impact on the natural and built environment including heritage assets and the requirement to safeguard residential amenity.
- 6.2.3 The proposal is consistent with policy HO1 as it will contribute to meeting the borough wide plan target of 17,280 net new homes up to 2031.
- 6.2.4 Saved policies of the Wrekin Local Plan and Core Strategy policies relevant to the principle of the development are H6: Windfall Sites in Telford, H22: Community Facilities, CS5: District Centres and CS10: Community Facilities.

6.3 Justification for loss of community facility

- 6.3.1 T&WLP Policy COM1 outlines that development will be expected to preserve existing community facilities and that development which detrimentally affects existing social infrastructure such as its removal will not be supported unless a lack of need is demonstrated or acceptable alternative provision exists or is proposed concurrently. Upon adoption this policy would supersede Core Strategy policy CS10 which imposes the same tests and outlines that whilst public houses are part of the fabric of a community they do not represent essential services which residents may require access to on a daily basis.
- 6.3.2 The application is supported by a Planning Statement. The Statement references an appeal decision in respect of The Charlton Arms, Wellington in which the Inspector stated that there was no reference in policy CS10 to require a marketing exercise to be undertaken. That said, The Swan is currently marketed by Andrew Dixon & Company and has been for a number of years.
- 6.3.3 The Statement notes that the pub has not been profitable for a number of years, despite various schemes and initiatives including weekly and

manager's specials, changes in pub menu, a £3.95 carvery, special events, free WIFI, as well as the 12 letting rooms offering cheap B&B. These have not been as successful as hoped due to competition with the nearby Whitehouse Hotel and the owner of 30 years has been forced to sell many of his assets to subsidise the pub.

6.3.4 In respect of alternative provision, the Statement illustrates there are a number of pubs within reasonable walking distance including The Cock Hotel (opposite), The Railway (approximately 100m on Mill Bank), The Whitehouse (250m on Watling Street), and those within Wellington approximately 800m.

6.3.5 Accordingly Officers are satisfied that whilst not a policy requirement The Swan has been marketed to demonstrate a lack of need and that sufficient alternative provision exists such that the removal of The Swan would be detrimental to meeting the daily needs of local residents.

6.4 Impact on character of surrounding area

6.4.1 The outline application seeks approval for the principle of residential development and access to the site only. However, in order to demonstrate how this highly visible gateway site could be developed preserving the setting of the listed Cock Hotel an illustrative site plan with sketch streetscene has been provided. Officers are in full agreement that any development needs to be of high architectural quality providing an appropriate transition from the 'Wellington fringe' and wider Telford conurbation into something more reflective of Wellington's distinctly market town character. Furthermore any development will need to respect the scale and massing of buildings clustered around the junction. However, layout, scale, appearance and landscaping are not under consideration but the applicant is aware of the requirement to address these comments upon submission of the Reserved Matters application.

6.4.2 As requested by the Council's Built Historic Environment Officer a condition will be attached requiring the submission of a Heritage Statement with any Reserved Matters application including analysis of views taking in the listed Cock Hotel and the proposed new apartment block.

6.4.3 In summary, Officers are satisfied in principle that the site is capable of being redeveloped for residential purposes and that a suitable scheme can be secured at Reserved Matters that will enhance this prominent gateway location and preserve the setting of the listed Cock Hotel.

6.5 Impact upon highway safety

6.5.1 The scheme proposes a new improved road junction at the traffic lights with an additional left turn onto Watling Street. This would be facilitated by the demolition of the public house enabling land to be granted for Section 278 works providing a dedicated 16.5 metre long left turn stacker lane. This scheme has been worked up in consultation with the Council's Highways Team who are supportive, subject to conditions.

6.5.2 In addition, some local concern has been expressed that the provision of 30 parking spaces for 21 apartments is insufficient. However, this provision would accord with the parking standard in Appendix F of the T&WLP, which should be viewed as a guide, and would only require 29 spaces for the 21 apartments, comprising 5 one beds and 16 two bed units.

6.6 Impact upon residential amenity

6.6.1 As noted, the layout is indicative at this stage. However, Officers are satisfied that a scheme could be provided without having any overbearing impact, loss of privacy or adverse impact on the standards of light or sunlight enjoyed by surrounding properties namely 77 Mill Bank to the west which does have some first floor windows in the side elevation facing the access and development.

6.7 Other technical issues

6.7.1 As confirmed by the consultation response above, issues of drainage and land contamination can be controlled through the imposition of conditions.

6.8 Planning Obligations

6.8.1 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

6.8.2 In addition account has to be 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 financial contributions set out below meet the relevant tests.

6.8.3 The development would generate the need for children’s play and recreation, education and affordable housing and the following contributions will be secured via a s106:

- Healthy Spaces (£600 per two or more bed units) towards off-site children’s play and recreation at the existing play area at Millfields, Wellington.
- 25% affordable housing of which at least 80% should be available for social rent.
- £26,107 towards primary school provision at Wrekin View.

6.8.4 It is considered that the financial contributions are acceptable and in accordance with saved Wrekin Local Plan policies H22, H23, T22, LR4 and LR6 and policies HO5 and COM1 of the Telford & Wrekin Local Plan.

7.0 CONCLUSION

- 7.1 Officers are satisfied that, whilst not a policy requirement, The Swan has been marketed to demonstrate a lack of need and that sufficient alternative provision exists such that the removal of The Swan would not be detrimental to meeting the daily needs of local residents.
- 7.2 The principle of the residential development would ensure an effective use and regeneration of a site that constitutes previously developed 'brownfield' land, located in a sustainable urban location on the fringe of Wellington. The proposal is capable of providing a safe access with no detrimental impact on the local highway network.
- 7.3 The appearance, landscaping, scale and layout including car parking provision would be considered as Reserved Matters to ensure that the proposal does not have an adverse impact upon the character and appearance of the area or residential amenities of the adjacent neighbours. With appropriate conditions, no harm will arise upon the historic environment, including the Grade II listed Cock Hotel, residential amenity, drainage, land contamination or highway safety. The principle of the development is considered to be acceptable and compliant with local planning policy and the guidance contained within the National Planning Policy Framework.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be granted to the Delivery Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to;
- A) The applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority, terms to be agreed by the Development Management Service Delivery Manager, relating to:
- (i) **Children's Play Space**
£600 per two or more bed units towards off-site existing children's play and recreation at Millfields, Wellington.
 - (ii) **Affordable housing**
25% of units proposed at Reserved Matters, at least 80% of which should be for social rent.
 - (iii) **Education**
£26,107 contribution towards Primary School education at Wrekin View.
- B) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager;
- 1. A02 Time Limit – Reserved Matters
 - 2. A03 Time Limit - Submission of Reserved Matters
 - 3. B002 Standard Outline - some matters reserved

- 4. B004 General Details amended
- 5. B011 Samples of Materials
- 6. B012 Sample Brick Panel
- 7. B030 Highways new access
- 8. B042 Parking/Loading/Turning
- 9. B049 Details of off-site highways works
- 10. B057 Land Contamination
- 11. B076 SUDS Management Plan
- 12. B079 Scheme of foul and surface water drainage
- 13. B085 Noise Insulation of Flats
- 14. B126 Landscape Management Plan
- 15. B150 Site Environmental Management Plan
- 16. C040 No approval of layout
- 17. C050 Completion of noise attenuation
- 18. C38 Development in accordance with plans
- 19. D11 Times of operation
- 20. D11 Noise nuisance bank /public holidays
- 21. D11 Construction hours piling

Informatives

- I06 Section 106 agreement
- I11 Highways – Works within highway S278
- I32 Fire Authority
- I35 internal road layout
- I40 Conditions
- I44 Reasons for Outline Consent
- RANPPF1 Approval – NPPF