

TWC/2016/0589

Land to the rear of 40-42 St Marys Street, Newport, Shropshire
Erection of 9no. dwellings and 3no. flats with associated access and parking, following
demolition of existing industrial/warehouse buildings (Full Planning) ***AMENDED PLANS
RECEIVED***

APPLICANT

A.F. Tyler

RECEIVED

07/07/2016

PARISH

Newport

WARD

Newport North and West

OFFICER Matthew Thomas

**THIS APPLICATION IS BEFORE THE PLANNING COMMITTEE AS IT IS SUBJECT TO A
S106 LEGAL AGREEMENT TO SECURE PROVISION OF AFFORDABLE HOUSING AND
FINANCIAL CONTRIBUTIONS TOWARDS EDUCATION AND RECREATION**

1.0 THE PROPOSAL

- 1.1 This full planning application seeks permission for the erection of 9no. dwellings and 3no. flats together with associated access and parking following the demolition of the existing industrial/warehouse buildings on land to the rear of No's 40-42 St Mary's Street in Newport. Permission has previously been established for the proposals described below through the granting of planning permission in February 2013 and a separate Listed Building application was approved in August 2016.
- 1.2 Amended plans have been submitted during the course of the application relating to external designs and provision of a public footpath linking St Mary's Street with Water Lane. The proposed development comprises the erection of three groups of terraced houses, each providing 3 bedrooms over three floors. Three 2 bedroom apartments will also be provided and set over three floors. Access will be taken from Water Lane to the north and a central car parking court will provide 22no. car parking spaces. Vehicular access off St Mary's Street will be retained and parking provided to the rear of the existing shop for use by customers.
- 1.3 The application is supported by a suite of drawings and the following supporting documentation:
- Design & Access Statement
 - Heritage Impact Assessment
 - Bat Scoping Survey Report
 - Archaeological Report and Watching Brief
 - Ground Investigation Report

2.0 SITE AND SURROUNDINGS

- 2.1 The application site forms part of the curtilage associated with No's 40-42 St Mary's Street in Newport. The buildings fronting St Mary's Street are Grade II Listed and the site extends back from St Mary's Street on to Water Lane with a fall of approximately 4m across the main development area towards Water Lane. The application site, measuring 0.25 hectare, is accessed off Water Lane, opposite the 'Victoria Park' and located within the Newport Conservation Area.

- 2.2 The site contains large, utilitarian warehouse/industrial buildings which are surrounded mainly by concrete hardstanding enclosed by chain-link perimeter fencing. There are no trees within the site, which has a hard, urban appearance dominated by the large scale buildings and the concrete frontage parking and loading area and access driveway off Water Lane.
- 2.3 'Tylers' store occupies the ground floor of a double front Listed Building in St. Mary's Street with flats above. The original Georgian building on the frontage has been previously extended to provide three storey accommodation which reduces to a single storey storage building further in to the plot. The former 'Royal Victoria Hotel' (Grade II Listed) is located immediately to the west of the site and is currently being redeveloped. To the east there is a parcel of disused land and building and further detached houses set back from Water Lane. Opposite the application site is the Victoria Park and associated car parking which has been upgraded in recent years to provide an attractive green feature and public realm and valuable recreation facility with paths.
- 2.4 The site is centrally located within the Town Centre where there is a good range of services and facilities including bus stations, shops, primary and secondary schools, employment area, restaurants and pubs.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W2006/1456 – Erection of 13no. town houses with associated car parking and amenity space – Full Refused (05/03/2007)
- 3.2 TWC/2012/0916 – Demolition of existing industrial/warehouse and other associated storage buildings and erection of 12no. dwellings (9no. houses and 3no. flats) with associated vehicular and pedestrian access and parking
Full Granted (20/02/2013)
- 3.3 TWC/2012/0917 – Demolition of existing industrial/warehouse and other associated storage buildings – Conservation Area Granted (21/02/2013)
- 3.4 TWC/2016/0586 – Erection of 9no. dwellings and 3no. flats with associated access and parking following demolition of existing industrial warehouse/buildings – Listed Building Consent Granted 25/08/2016

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Telford and Wrekin Local Plan (2011-2031)
- SP2 Newport
 - SP4 Presumption in favour of sustainable development
 - HO1 Housing requirement
 - HO4 Housing mix
 - 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
 - COM1 Community facilities
 - C3 Impact of development on highways
 - C5 Design of parking

BE1 Design Criteria
BE5 Conservation Areas

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 Newport Town Council: Support subject to conditions

- Support this application which will form a progressive improvement on this brownfield site, taking away the harshness of the unused large scale industrial buildings and providing a positive effect on the nearby Conservation Area
- Provision of a public pedestrian path to link between St. Mary Street and Water Lane, is welcomed as a helpful improvement for accessibility into the main shopping area of town. Members would wish it to be rendered safe in terms of lighting, and possibly consideration of litter bin provision
- Support conditions suggested by Highways to address the issues of visibility and traffic calming to guarantee highway safety.

Following submission of amended plans comments are awaited from the Town Council, Members will be updated.

5.2 Highways: Support subject to conditions

- Details of off-site highway works
- Parking, loading, unloading & turning
- Visibility Splays (2.4m x 34m)
- Access drive bound material
- Informative – off-site highway works including proposed development access and requisite footway works will be secured via Legal Agreement with the LHA under S.278 Highways Act 1980

5.3 Drainage: Support subject to conditions

- Scheme of foul and surface water drainage
- SUDS Management Plan

5.4 Built Heritage Conservation: Comment

- The proposal does not entirely reflect the prevailing character of the area however it may be considered visually neutral. Following conditions required:
- Samples of all external materials and finishes
- Details of external services
- Section for new windows, doors, balconies and dormers
- Details of railing and walls to be agreed
- Landscaping details to that fronting the Conservation Area

Following submission of amended plans an objection has been submitted by the Council's Conservation Officer:

- The 3 storey forward projecting gable is not a feature of the established character and appearance of the Newport Conservation Area, whilst Water Lane itself is characterised by low two-storey terraces in a very simple vernacular form. The adjacent site (rear of Victoria Hotel) has permission for dwellings of comparable height to the historic terraces, and would be immediately adjacent within the Water Lane street scene.
- The additional gable projections on the Water Lane frontage would increase the visual height of the building above the established eaves line and add to what is

already quite a complex elevation and substantial roof volume for use in this location.

- To the flats range there is no objection to the amendment to add gables to the dormers or to the single projecting gable, which in this instance would be an improvement on the original flat roofed projection.

5.5 Archaeology: Comment

- No development until the developer has secured the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation (WSI) submitted by 'Castlering Archaeology' (June 2016)

5.6 Ecology: Support subject to conditions

- Erection of artificial nesting/roosting boxes
- External lighting plan
- Informative – nesting wild birds

5.7 Parks & Open Spaces – Object subject to conditions.

- Some of the proposed housing encroaches the recommended 20m buffer zone of the adjacent children's play area in Victoria Park. Conditions should therefore be included relating to strengthening soundproofing of the properties and contributions of £600 per dwelling towards children's play provision in Victoria Park. Long term management plan also required

5.8 Education: Comment

- Following contributions to be sought:
Primary education contribution of £25,327 towards Newport Infant school
Secondary education contribution of £15,953 towards Burton Borough.

5.9 West Mercia Police: Comment – condition Secure by Design

5.10 Shropshire Fire Service: Comment – include Fire Authority informative

Neighbour consultation responses

- 5.11 This application has been advertised through a site notice and press notice together with 12 direct neighbour consultation letters. As a result of this consultation, no responses have been received.

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
- Impact on the character and appearance of the area
- Impact on the living conditions of neighbouring properties
- Highway considerations
- Affordable Housing/Developer Contributions

Principle of development

- 6.2 The principle of the redevelopment of this site for residential use has previously been established through the granting of full planning permission in February 2013. This

current application has been subject to some amendments including revisions to the design of the new houses and apartments, the reinstatement of a public footpath link between St Mary's Street and Water Lane and some minor amendments to site layout. Separate listed building consent has previously been granted in August 2016. When the original consent was approved, no provision was made for any affordable housing on site or any financial contributions. This current application, however, proposes contributions towards recreation and education together with a 35% level of affordable housing.

- 6.3 Policy SP2 of the Telford & Wrekin Local Plan (TWLP) states that development in Newport will be expected to support its role as a Market Town and the plan supports the delivery of approximately 1330 new homes in Newport up to 2031. Meanwhile, policy SP4 of the plan indicates that there will be a presumption in favour of sustainable development.
- 6.4 This is a brownfield site located within a highly sustainable area, within the centre of Newport where there is an array of shops, employment opportunities, public services and facilities as well as transport connectivity. The National Planning Policy Framework (NPPF) advises that there will be a presumption in favour of sustainable development. Policy SP2 of the Telford & Wrekin Local Plan (TWLP) states that development in Newport will be expected to support its role as a Market Town and the plan supports the delivery of approximately 1330 new homes in Newport up to 2031. Meanwhile, policy SP4 of the plan indicates that there will be a presumption in favour of sustainable development. Subject to the consideration of these issues, the principle of development remains acceptable on this site.

Impact on the character and appearance of the area

- 6.5 Listed Building consent was granted in August 2016 (permission reference TWC/2016/0586) for the demolition of the group of disused 1960's red brick industrial warehouses and other associated storage buildings which extend off and form part of the curtilage with No's 40-42 St Mary's Street (Grade II Listed) to allow the redevelopment of the site which included a footpath link from St Mary's Street to Water Lane. The proposed development was considered to be acceptable in terms of its scale, design and appearance as it was considered that there would be no significant impact on the character, setting and appearance of the Grade II Listed Building or the Newport Conservation Area.
- 6.6 The application site is prominently located within the Newport Conservation Area where the Council has a duty to preserve or enhance its character and appearance. The site also sits near to other listed buildings, including the Royal Victoria Hotel and the St Nicholas Church. Policy BE5 seeks to avoid development in Conservation Areas where it would prejudice the essential features of the conservation area, the relationship or appearance between buildings, the arrangement of open areas and their enclosure or significant natural or heritage features. The proposal will see the redevelopment of a relatively large piece of land which has been left unused for a number of years. Parts of the Water Lane have become untidy and in need of redevelopment and therefore the proposed development will assist in enhancing the character and appearance of this part of the Conservation Area. This in turn will enhance the setting of the recently refurbished Victoria Park and Canal, positively influencing Newport.
- 6.7 Officers note the consultation response received by the Council's Conservation Officer following receipt of amended plans. Concerns have been raised regarding the 3 storey forward projecting gable which is considered to be out of keeping with

the surrounding area. However, the previously approved design was relatively contemporary and unique to Water Lane and so officers do not consider the amendments to be too significant in terms of the likely impact on the character and appearance of Water Lane. Whilst the eaves height of the new dwellings have been raised which in turn may increase the visual height of the building above the established eaves line, the ridge height of the proposed dwellings will be slightly lower than the ridge height of the previous approval (9.8m instead of 10m). Therefore, on balance, the proposed development is considered to be compliant with local policies relating to design and heritage assets.

- 6.8 On balance, officers consider the current scheme to be acceptable and the essential form, character and special interest of the listed building will be maintained together with its setting within the Newport Conservation Area. In addition, its redevelopment will assist in bringing back a disused and neglected site back in to an active use, positively contributing towards the character and appearance of the Conservation Area whilst delivering much needed new homes within the heart of Newport's town centre. In the interests of future amenity, it is considered appropriate to remove permitted development rights as part of the approval.

Impact on the living conditions of neighbouring properties

- 6.9 Historically this part of Newport between the High Street/St Mary's Street and Water Lane, has been a mix of both residential and commercial/light industrial. However many of these sites are now vacant, redundant and some have changed to being predominantly residential. This has increased over recent years with the change of use of buildings like the old sorting office in to student accommodation. These neighbouring properties, however, are located fronting the High Street/St Mary's Street and do not extend in to the burgage plots and down to Water Lane and so the overall impact on the living conditions of neighbouring properties are not of real concern.
- 6.10 To the west of the site are the boundaries to the former 'Royal Victoria Hotel' where planning permission has recently been granted for the development of the car park to the rear and conversion of the hotel to apartments. Whilst ground works have taken place, the building works are yet to commence. To the east is a parcel of disused land, formerly used for car sales but has since become neglected and overgrown.
- 6.11 To the north is the Water Lane and Victoria Park and car park and to the south is St Mary's Street and the St Nicholas Church and grounds. Therefore, whilst the proposed development will bring about significant change to this part of Water Lane, there are no residential buildings within the immediate area which would be adversely affected by any undue overlooking or loss of privacy given the acceptable separation distances involved. The Local Planning Authority is also satisfied, on balance, with the separation distances between the new dwellings themselves and given its town centre location is satisfied that the development will provide future occupants with a good standard of living with small garden areas and private parking. To this end, the scheme is compliant with local planning policies.

Highway considerations

- 6.12 There is an existing access to the north-west corner of the site providing vehicular access directly off the Water Lane. It is proposed to close this access off and to provide a new one to the centre of the site, further down Water Lane. A visibility splay of 2.4m x 34m is achievable however this falls slightly short of the required splay of 2.4m x 43m and therefore some form of traffic calming is required along the

Water Lane. Two pedestrian crossing features are proposed either side of the development access. The first raised pedestrian crossing feature, which would be located between the entrance to the pedestrian route that runs alongside the development (linking in to St Mary's Street) and the main entrance into the Victoria Park, will incorporate a Zebra Crossing. The second raised pedestrian crossing feature, which will be located directly opposite the entrance to the Victoria Park play area, will incorporate an informal tactile crossing. These features will be provided by the developer and secured via a legal agreement with the Local Highways Authority under S.278 Highways Act 1980.

- 6.13 The proposed parking court located to the rear of plots 1-6 will provide 22 car parking spaces (including 2 disabled) which exceeds the level of off-road parking required by the parking standards of the Telford & Wrekin Local Plan, where a minimum of 18 spaces is required. The Local Highways Authority has been consulted and no objections were raised subject to conditions relating to off-site highway details, provision of visibility splays and parking together with the securement of the traffic calming measures as detailed above. On this basis, officers are satisfied that the development will not prejudice vehicular or pedestrian safety.

Affordable Housing/Developer Contributions

- 6.14 Paragraph 47 of the NPPF sets out the Government's key housing policy goal, which is to boost significantly the supply of housing. It states further in paragraph 50 that; in order to deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable inclusive and mixed communities.
- 6.15 This is an application for 12 new dwellings, of which it is proposed that 4 (35%) will be affordable in accordance with policy HO5 of the TWLP. A Local Lettings Plan should also be agreed with the Local Planning Authority.
- 6.16 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 along with T&WLP policies COM1, NE4 and NE5 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
- 6.17 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 education would meet the above tests as well as local planning policy. The following contributions are to be provided by the developer and will be delivered through the applicant entering in to a S106 agreement with the Council:
- Education: Total contribution of £41,280 – comprising: £25,327 primary school contribution to be allocated towards the Newport Infant School – kitchen and associated enhancements and £15,953 secondary school contribution to be allocated towards the Burton Borough School – Music Block works.
 - Parks/Recreation: Total contribution of £7,200 towards making improvements to/maximising facilities within the adjacent Victoria Park.

7.0 CONCLUSIONS

- 7.1 The principle of the redevelopment of this site for residential use has previously been established through the granting of full planning permission in February 2013. The site is sustainably located within the heart of Newport town centre and the proposal will see the development of a vacant, brownfield site in a prominent position in the Conservation Area together with an increase in the Borough's housing supply. The scheme will deliver a variety of open market and socially rented dwellings within a town centre location with a mix of types to meet market trends and the needs of different groups in the community.
- 7.2 Consideration has been given to the impact the development will have on the Grade II listed building and its wider setting with the Newport Conservation Area. On balance the Local Planning Authority is satisfied that the development as a whole will positively influence the character and appearance of the area without adversely affecting the listed building. Amongst other issues, conditions will be imposed to the decision requiring all finishing materials to be agreed with the LPA to ensure there will be no harm to the historic fabric or architectural interest of the listed building and Conservation Area.
- 7.3 There will be no adverse impact on the living conditions of nearby neighbouring properties as a result of any undue overlooking, loss of privacy/light or any overbearing impacts. The separation distances between the new dwellings are acceptable to achieve a satisfactory standard of living in this town centre location. Drainage and landscaping of the site including boundary treatments will be dealt with at a later stage through conditions. Similarly, subject to conditions the Local Highways Authority is satisfied that there will be no adverse impact on highway safety as a result of the proposed development.
- 7.4 Together with the delivery of 4 affordable units (35%), financial contributions have been offered by the applicant including £41,280 towards local primary and secondary schools, £7,200 towards improvements at the Victoria Park as well as the traffic calming features along the Water Lane (to be secured via a S.278 agreement). Subject to the inclusion of the conditions listed below, the proposal is compliant with local planning policies as well as the guidance within the National Planning Policy Framework and it is hereby 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:
- A) The applicant/landowner entering in to a Section 106 Agreement with the Council (with indexation applicable to contributions from the date of committee resolution to grant full permission) for:
- Education: £25,327 primary school contribution to be allocated towards Newport Infant – kitchen and associated enhancement
£15,953 secondary school contribution to be allocated towards the Burton Borough – Music Block works,
 - Recreation: £7200 towards making improvements to / maximising facilities within the adjacent Victoria Park,

- Affordable Housing: 4 affordable units (35%).

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 – Full with no reserved matters
2. Samples of all external materials and finishes
3. Sections for new windows, doors, balconies & dormers
4. Details of off-site highway works
5. Parking, loading, unloading & turning
6. Visibility Splays (2.4m x 34m)
7. Access drive bound material
8. Scheme for foul and surface water drainage
9. SUDS Management Plan
10. Details of external services
11. Landscaping Design
12. Long Term Management Plan
13. Site Environmental Management Plan
14. Archaeology – Written Scheme of Investigation
15. Details of enclosure/boundary treatments
16. Erection of artificial nesting/roosting boxes
17. External lighting plan
18. Development in accordance with submitted drawings
19. Local Lettings Plan
20. Removal of Permitted Development rights

Informatives

S106
Highways
Fire Authority
Ecology