

TWC/2017/0514

Land junction of, Alexandra Road/Haygate Road, Wellington, Telford, Shropshire
Erection of an apartment block of no.12 apartments and 3 blocks of 4no. dwellings
with associated access roads/drives and amenity areas

APPLICANT

Alexandra Road (Wellington) Ltd

RECEIVED

20/06/2017

PARISH

Wellington

WARD

Haygate

OFFICER Ian Lowe

THE APPLICATION IS SUBJECT TO A S.106 AGREEMENT TO SECURE AFFORDABLE HOMES (6 ONE BED DWELLINGS).

OBJECTIONS RECEIVED: YES

1.0 THE PROPOSAL

- 1.1 This full planning application seeks permission for the erection of 24 dwellings with a mixture of 1 and 2 bedroom apartments and 1 bedroom houses on land amounting to 0.86 acres (0.34 hectare) off Alexandra Road and to the rear of 'The Haygate' public house which fronts Haygate Road, Wellington.
- 1.2 It is proposed to construct 12 one bedroom homes that would be made up of 3, two storey blocks each containing 4 dwelling units. Each unit would have a separate entrance porch and hall with downstairs W.C., open plan living room and kitchen and stairwell leading to a bedroom and bathroom at first floor level. The units would have a simple contemporary design with a mix of render and facing brickwork and tiled, gable end roof.
- 1.3 The other 12 units would be provided in an apartment block containing 6 two bedroom units and 6 one bedroom units. The apartment block would be three storey with a flat roof design. It would have a contemporary design with a mixture of brickwork and grey Upvc cladding and with inset balconies/Juliet balconies. Ground floor units would be provided access from the front whilst upper floors would have a communal access to the rear of the building. Final materials are to be agreed through condition.
- 1.4 It is proposed that 6 of the one bedroom dwelling units will be managed by an affordable housing provider (Severnside). This will be for the provision of 4 homes for social rent and 2 homes for shared ownership.
- 1.5 A total of 32 parking spaces would be provided of which 8 would be allocated for visitor parking. The main vehicular access is via an existing vehicular entrance point to the north-west of the site whilst an existing secondary access is located further to the south. A covered bin store is proposed in-between parking on the northern edge of the site.

- 1.6 Amended plans and information have been submitted following the submission of the application and these include:
- Widening of proposed vehicular access's
 - Increase in parking provision from 27 spaces to 32.
 - Relocation and design changes to proposed bin store
 - Removal of pitched roof over apartments
 - Improvements to apartments design
 - Internal alterations to apartments, omitting habitable room windows facing Haygate Public House.
- 1.7 The application is supported by a suite of drawings and the following supporting documentation:
- Design & Access Statement
 - Ground Investigation Report
 - Arboricultural Appraisal
 - Drainage Statement
- 1.8 Following discussions with the Case Officer, a Noise Impact Assessment has been submitted which has measured the noise from the Haygate Public House. An initial survey was carried out 4th-5th August but this was done when there was no live music on at the Haygate. The second noise survey was carried out between the 9th and 10th September when a music event was on during the evening. The results and implications of these surveys are discussed later within this report as part of the main considerations.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located approximately 200metres west of Wellington District Centre off Haygate Road. It is within a mixed residential and commercial area comprising various facilities: public house, social club, dry cleaners, telephone exchange, and Tesco Express are located along Haygate Road. The site is within the Wellington Secondary Zone in the Wrekin Local Plan but is located outside this zone within the emerging plan. Haygate Road is on a main bus route and the site is accessible by a variety of transport modes.
- 2.2 The application site comprises a relatively large 'L' shaped plot which is narrower to the south and extends back at the rear of the adjacent Haygate Public House. Prior to their demolition, the site previously contained large modern commercial buildings surrounded by adjacent areas of hardstanding / car parking with three main vehicular access points off Alexandra Road. A larger brick building with corrugated steel roof took up the majority of the site and was last used by Gemini Games (fruit machines) and the Plumbing Centre. The site now remains empty except for a mixture of mature trees around some parts of the site boundary.
- 2.3 The front of the site is bounded by a mixture c.1 metre high metal railings and low brick wall along Alexandra Road and c.1.8m high palisade fencing and timber boarded fencing along the shared boundaries and with The Haygate

Public House which is set at a higher ground level. There are a number of established trees along the front of the site, on the boundary of the site at the corner of Alexandra Road and Haygate Road and a single established tree is located on the north east boundary.

- 2.4 Opposite and adjacent to the application site is an established residential development, with a variety of traditional and modern properties, comprising two-storey terraced, semi-detached properties and a corner development of apartments. Further residential development is located on Haygate Road. The character of the area is very much mixed with no distinct style or character.
- 2.5 The Haygate pub is located on Haygate Road and sits immediately adjacent to the site with large parking area to the front and side and a small beer garden to the rear enclosed by fencing. The pub is at a higher level than the adjacent application site. It is noted that the Haygate is a popular music venue and often has live band music events, mainly at weekends.
- 2.6 The site received outline consent (TWC/2011/0002) for residential development to include access, layout and siting, following demolition of existing buildings in December 2013. Indicatively, the scheme proposed 12 dwellings and an apartment block containing 6 units. Whilst the reserved matters were not submitted, rendering this consent expired, it did establish the principle of residential development of the site.

3. RELEVANT PLANNING HISTORY

- 3.1 TWC/2010/0409 Change of use of retail shop (use class A1) to Martial Arts Centre (use class D2), Full granted
- 3.2 TWC/2010/0778 Change of use of retail unit (A1) to community boxing club (D2), Full granted
- 3.3 TWC/2011/0398 - Variation of condition 3 of TWC/2010/0409 to allow additional leisure facilities including Aerobics, Pilates, Yoga, Personal Training, Massage and Healings, Full granted
- 3.4 TWC/2011/0002 - Outline application for residential development to include access, layout and siting, following demolition of existing buildings – Outline Granted 13/12/2013.

4. PLANNING POLICY CONTEXT

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Wrekin Local Plan:
 - EH7 Contaminated Land
 - UD2 Design Criteria
 - H6 Windfall Sites in Telford & Newport

H23 Affordable Housing
T22 Planning Obligations

4.3 Core Strategy:

CS1 Homes
CS5 District & Local Centres in Telford
CS9 Accessibility and Social Inclusion
CS12 Natural Environment
CS13 Environmental Resources
CS15 Urban Design

4.4 The emerging Telford & Wrekin Local Plan (TWLP) has been submitted for independent examination. The Examination in Public hearings took place between 30 January and 10 February 2017. The Inspector has since published his proposed Main Modifications which were currently subject to public consultation until 22nd September 2017, the responses of which are now back with the inspector for final report.

4.5 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);
- The degree of consistency with relevant policies in the framework.

4.6 Given that the Inspector's draft Main Modifications have now been published the plan is at a very advanced stage. A significant amount of weight should now be given to those policies that are not subject to change within the proposed main modifications and the weight should be given to those policies that are included in the list of modifications will depend on the nature of the proposed modification and the likelihood of consultation resulting in a further change. The emerging policies that are relevant to this application are:

SP1: Telford
SP4: Presumption in favour of sustainable development
HO1: Housing requirement
HO2: Housing site allocations
HO5: Affordable Homes
NE2: Trees, hedgerows and woodlands
C3: Impact of development on highways
C4: Design of roads and streets
BE1: Design Criteria
ER12: Flood Risk Management

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Wellington Town Council: No Objection
- 5.2 Drainage: Support Subject to Conditions:
Conditions to include submission of foul and surface water details based on sustainable drainage (SuDS) principles and to include the submission of a SuDS management plan.
- 5.3 Highways: Support subject to conditions:
Following the submission of amended plans, the Highways Officer raises no objections subject to conditions including the completion of parking and turning areas prior to first use.
- 5.4 Healthy Spaces: Comment
No objections in principle to the development. An initial request for a contribution towards play recreation facilities has now been removed on grounds that only a small amount of the development comprises two bedroom units. Notes the need to secure management of the public open space areas proposed within the scheme.
- 5.5 Ecology: Support subject to conditions
No objections submitted to informative regarding nesting wild birds.
- 5.6 Arboricultural: Comment
The Officer recommends that if consent is afforded to the proposal, the Tree Protection Plan which features on page 44 of the Arboricultural Appraisal, is the approved tree protection document for the site. Also recommends the following conditions - B121 Landscape design, service plans are required as well as planting plans to show species, sizes, numbers, root barriers, post planting maintenance regime. B139 – The Method Statement which is within the section 3 of the arboricultural appraisal, including the appointed arboricultural clerk of works is a condition of the approval. The Council's Tree and Woodland officer will attend the pre-commencement meeting as per the table in Section 3.1 of the report.
- 5.7 Urban Design: Object
The officer raises concerns that the design and layout of the proposed development fails to respect the traditional character of the properties opposite the site and has a lack of frontage facing Alexandra Road. They also raise concerns that the proposal is too high density and is poorly defined in respect of open and private amenity areas.
- 5.8 Environmental Health (Public Protection)
Following the receipt of the Noise Survey and Report, the Officer is satisfied that it has been demonstrated that compliance with the British Standard can be achieved in respect of noise mitigation. They advise that notice has been served upon the Haygate for noise issues which in part requires the vacation

of the beer garden by 11pm but also to avoid significant levels of noise affecting neighbouring occupiers.

- 5.9 Environmental Health (Contaminated Land)
Conditions required to ensure work is implemented in full in accordance with submitted reports with any written evidence reported back to the local authority.
- 5.10 West Mercia Police: Comment
No objection subject to a condition relating to the applicant aiming to achieve the Secured by Design award status for the development.
- 5.11 Shropshire Fire Service: Standard Informative

Neighbours and local groups

- 5.12 Neighbouring occupiers have been consulted and Site and Press Notices advertised. A total of 27 objections have been received.
- 5.13 The majority of the objections received relate to the impact the development may have upon the Haygate Public House with the main concern that the building of residential development in this location will lead to further complaints against the live music venue which may ultimately lead to its closure by the landlord.
- 5.14 One objection provides a link to an online petition which was started over two years ago following the grant of outline planning consent TWC/2011/0002. The petition at last count was 3024 signatures and asks that the Council refuses housing on this site due to noise complaints it may generate against the Public House.
- 5.15 In addition to the above, objections have also been received on grounds of insufficient parking, drainage issues and loss of trees.

6. 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:
- The Principle of the Residential Development.
 - Noise and Impact upon Haygate Public House
 - Scale, Design and Impact upon Neighbouring Occupiers
 - Highways
 - Drainage
 - Trees
 - Affordable Homes

The Principle of the Development

- 6.2 Planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan consists of saved policies of the Wrekin Local Plan and the Core Strategy. The Telford & Wrekin Local Plan is at a very advanced stage of preparation and its policies together with the NPPF are material considerations.
- 6.3 Although consent has now lapsed, the previous outline consent (TWC/2011/0002) for 18 residential units and a three storey apartment block containing 6 units is also an important consideration which must be given significant weight as it is fairly recent and was assessed against the policies contained within the Wrekin Plan and the Core Strategy. This outline consent included access, layout and scale, with design and landscaping left for further consideration at reserved matters stage. The committee report for this application concluded that this was an ideal location for housing, where it would replace commercial units in a predominantly residential area. It is important to note that no objections were raised for this outline application on grounds of the impact it may have upon the running of the Haygate Public House. Despite this it is also relevant that the first noise complaint was received following the demolition of the commercial buildings on the site which previously masked noise going in that direction. Despite this, the case officer for that application identified the possible need for noise mitigation relating to the public house at the time, albeit no conditions were attached to that consent for the submission further details.
- 6.4 The application site is located within the built up area of Telford and Wrekin and within a few hundred metres walking distance of the core shopping area of the market town of Wellington. In terms of location alone, the development is considered to be in a highly sustainable location close to a variety of shops and services in addition to public transportation including bus services and Wellington Train Station. It is also a vacant brownfield site.
- 6.5 Core Strategy policies CS5 and CS9 support development close to District Centres where it would improve sustainability, accessibility and social inclusion.
- 6.6 Saved Wrekin Local Plan policy H6 seeks to support housing development on land between 0.4 and 1 hectare where it is located within 800m from a District Centre and where the site can be adequately accessed and drained, provide sufficient parking, where there are problems of land stability and contamination that adequate remedial action has been taken and that the proposal does not have an adverse impact on the local environment, especially in its relationship with adjacent land uses. It also states that schemes should generally be of a higher than average density to make the most efficient use of land.
- 6.7 The principles of these policies are carried forward into policies SP1, SP4, HO1 and HO4 of the emerging Telford & Wrekin Local Plan which direct

sustainable development into Telford to meet the housing requirement delivering a mix of housing types, sizes and tenures.

- 6.8 In regards to the type of dwelling units proposed on this site, it is recognised that there is a shortfall in smaller one bedroom and two bedroom units within the Borough. A total of 24 one and two bedroom units would be provided here, 6 of which would be for affordable housing, therefore boosting the provision of this unit size within a very sustainable location close to a District Centre.
- 6.9 The Local Planning Authority are therefore satisfied that the principle for residential development of this site is acceptable and would be in accordance with local and national planning guidance as outlined above. Residential development in this location would be sustainable and would make good use of a vacant brownfield site that is likely to otherwise remain empty. Issues relating to the impact upon the Haygate Public House and other technical issues are covered in the sections below.

Noise Issues and Impact upon The Haygate Public House

- 6.10 Officers recognise the significant concerns raised that residential development on this site would lead to the creation of more complaints that would then result in possible prosecution and ultimately the closure of what is a popular live music venue in Telford. Para.109 of the NPPF clearly states that the planning system should prevent new development from being put at unacceptable risk from noise pollution and as such, this is an important and significant planning consideration for this development.
- 6.11 As noted previously in this report, an outline planning application granted consent for residential development on this site and whilst it has since lapsed it remains a relevant consideration that consent was granted for units in similar proximity to the public house as is now proposed. Furthermore, that application was not subject to any particular conditions requiring noise mitigation although it was noted as an issue within the Committee Report.
- 6.12 Notwithstanding the previous consent, Officers considered it extremely important to ensure that the level of noise emitted from the Haygate Pub, particularly during a live music event, was captured through a Noise Impact Assessment. The conclusions of this could then be considered to ensure that the residential noise level requirements set out in BS8233:2014 could be met within the development
- 6.13 Two Noise Surveys were carried out, the first of which was overnight on the 4th-5th August. This survey was carried out when there was no live music event on and as such, the developer was requested to carry out a second survey when there was an event and was carried out between the 9th and 10th September. Having the two reports was in fact useful, as it clearly demonstrated that there were spikes in noise in the late evening between 21:00 and 23:45 whilst there was a music event taking place. A comparison graph is provided within the submitted survey report.

- 6.14 The results of the survey were submitted to the Council's Environmental Health Officers for comments. They concluded that in principle, the proposed buildings could be constructed using materials that would reduce internal noise to acceptable daytime and night time levels in accordance with the British standards. Although Addendum B of the noise report provides details of the structural design elements that would be required in order to meet these standards, it is recommended that an appropriate condition is attached to provide full details and cross sections as necessary for the external wall construction, windows, ventilation systems and roof construction. This will then help ensure compliance as the development is built.
- 6.15 It is therefore considered that the applicant has demonstrated that the development can be constructed in a way that reduces the internal noises levels of the residential property to acceptable levels and as such there would be no grounds to refuse the application on the noise impact from the neighbouring use.

Scale, Design and Impact upon Neighbouring Occupiers

- 6.16 Policy UD2 of the Wrekin Local Plan provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. In addition, national guidance contained in the National Planning Policy Framework asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.
- 6.17 Policy BE1 of the emerging local plan builds upon the existing design policies set out in UD2 and CS15. It also seeks high quality design and suggests that the Council will support development that respects and responds positively to its context and enhances the quality of the local built and natural environment.
- 6.18 Officers consider that the scale, layout and density of the proposed development is acceptable within in context of the site and the surrounding area. Although the overall design is simple and contemporary in nature, particularly when read in conjunction with some of the more traditional Victorian style properties located directly opposite on Alexandra Road, this simple design would not attempt to compete with the dominance or more ornate features that can be seen on these neighbouring properties. Officers consider that the three blocks of single bedroom dwellings are acceptable, giving a simple, modern design without trying to be overly complicated or ornate. The dwellings would be set in front of the three storey apartment block, again simple in design but with variations in the use of materials, window sizes, canopy features and balconies which give interest to the larger building. The impact of the apartment block is lessened by its location towards the back of the site. This location assists in screening commercial buildings

such as the telephone exchange located beyond the rear of the site.

- 6.19 The proposed density of the development would be approximately 70dph. It should be noted that whilst this is higher than some of the immediate surrounding development which varies between 35 and 50 dph, it includes three storey apartments. It is also noted that Planning Committee supported the same density at outline stage on the previous application and in general, higher density development is more appropriate in and near to core centres such as Wellington.
- 6.20 The concerns raised by the Council's Urban Design Officer in relation to the landscaping of the site are noted. Officers concur with the views raised and would not support the landscaping scheme as submitted on the proposed plans. This can be conditioned so that full details of landscaping, including public and private landscaped areas within the site can be established, along with suitable boundary treatments, planting schemes and trees can be approved to the satisfaction of the LPA. Officers will seek to ensure that a mixture of soft and hard landscaping is appropriate the scheme and provides a mix of materials. A Management Scheme will need to be submitted by the developer to ensure the continued maintenance of the proposed landscaping scheme submitted.
- 6.21 In addition to the above, it is also appropriate to ensure samples of materials used in the building are viewed and agreed by the Local Authority prior to development.
- 6.22 A distance of approximately 21m would be achieved between the proposed dwelling units and the front elevations of properties on the opposite side of the Alexandra Road. A distance of approximately 25m would be achieved between the side elevation of the proposed apartments and the rear elevations of properties facing the development on the Maltings to the north. As a result, it is not considered that there would be any adverse loss of light or nearness to surrounding occupiers.
- 6.23 A distance of approximately 14.5m would be achieved between the end elevation of the proposed apartments and the rear private amenity space of 17-19 The Matlings. This distance is considered to be sufficient to avoid any adverse overlooking of neighbouring private garden space and can be further mitigated through landscaping along this boundary where it is shown to the rear of the proposed parking spaces.
- 6.24 Within the site, the applicant has carefully considered the window positions on the proposed dwelling blocks so that there would be no direct loss of privacy between habitable room windows.
- 6.25 Overall, it is considered that the scale, design, layout and density of the site is acceptable and would not cause any adverse impact upon the character and appearance of the area or upon the amenities of neighbouring occupiers. Landscaping and boundary treatment can be dealt with through conditions. The proposal therefore complies with the policies outlined above.

Highways

- 6.26 The proposed scheme would utilise two of the existing accesses off Alexandra Road which provide adequate visibility splays in both directions.
- 6.27 Officers note particular concerns raised by some local residents regarding existing highway parking issues in this locality and that this may be exacerbated by the proposal. Following initial objections from the Council's Highways Officer, amended plans have now been received that increase the amount of parking spaces provided from 27 to 32. This equates to 1.33 spaces per unit. Guidance contained within the emerging local plan (Table 24) recommends that for sites within 800m of a district centre, 1.3 spaces are needed for 1 bedroom units and 1.4 spaces for 2 bedroom units. This equates to 31.8 spaces required for this development; 32 spaces therefore meets this parking standard.
- 6.28 The Highways Officers raise no further objections subject to conditions ensuring that the parking layout is provided, finished and drained prior to first use.

Drainage

- 6.29 There are no objections from the Drainage Officer subject to details of surface and foul water drainage to be submitted prior to the commencement of any development. Officers are satisfied that there would be no drainage issues subject to the submission of these details as per the requested conditions.

Trees

- 6.30 The Council's Arboriculture Officer raises no objections to the proposal but requires further information in regards to the protection of trees during works. In addition to standard conditions for the protection of trees and landscaping works, a condition will also be attached to ensure the clerk of tree works for the developments meets with the Council's Arboriculture Officer to discuss and agree the tree works required on the site.

Affordable Homes

- 6.31 Significant weight is now given to emerging policy HO5 which seeks 25% affordable housing contribution on schemes of 11 or more. This equates to 6 units for this development of 24. The applicant has submitted details of the 6 one bedroom units to be made affordable homes which would be divided into 4 social rented and 2 shared ownership units. A S106 agreement will be drafted to tie this to the development should it be supported. The proposed registered provider would be Severnside.
- 6.32 It is therefore considered that the scheme would go towards meeting the need for affordable homes within the Borough.

7. CONCLUSIONS

- 7.1 The proposed development would be in a sustainable location close to the district centre of Wellington and would make appropriate use of a vacant brown field site in a predominantly residential area. The development would bring forward much needed single bedroom accommodation in addition to some two bedroom accommodation in an ideal location near to jobs, facilities and public transport links. The scale and design of the proposed development is also considered acceptable and would not cause detriment to the character and appearance of the area.
- 7.2 Notwithstanding the many objections and concerns received relating to the impact the development may have upon the continued use of the Haygate Public House as both a pub and importantly a live music venue, the developer has now satisfied the Local Planning Authority that the buildings can be constructed to meet British Standard Guidelines for noise mitigation in residential properties. As such, it would not be reasonable to refuse the application on grounds of potential complaints arising from the development.
- 7.3 It is therefore considered that the development is 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 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) **Affordable Housing**
- 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. Time Limit – Full
 2. Materials Conditions (including details of noise mitigation)
 3. Landscaping Conditions
 4. Highway Conditions
 5. Drainage Conditions
 6. Arboriculture Conditions
 7. Construction Conditions
 8. Removal of permitted development rights
 9. Development in accordance with plans