

TWC/2017/0296

Site of former Eden Complex, Telford Snooker Centre, Canongate, Oakengates, Telford, Shropshire

Outline application for residential development to include access with all other matters reserved ***AMENDED DESCRIPTION & AMENDED PLANS RECEIVED***

APPLICANT

Orange Properties Ltd, Mr R Pandher

RECEIVED

04/04/2017

PARISH

Oakengates

WARD

Oakengates and Ketley Bank

OFFICER Matthew Thomas

OAKENGATES TOWN COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MY MEMBERS OF THE PLANNING COMMITTEE

1.0 THE PROPOSAL

- 1.1 This outline application seeks permission for residential development on a piece of previously developed land off Canongate in Oakengates following the demolition of the existing building. Details have been submitted for the approval of access from Canongate however all other matters of layout, scale, appearance and landscaping are reserved for later approval.
- 1.2 The applicant originally submitted details for layout and scale with accompanying indicative elevations for a relatively large scale development of two and three bedroomed apartments. Officers initially had some concerns with regards to the detail submitted and following further discussions with the applicant it was agreed that the application would be amended in order to seek permission for the principle of residential development only. A separate round of consultation has been undertaken following these revisions.
- 1.3 Together with the relevant form and plans, the application is accompanied by the following supporting documentation:
- Design & Access Statement
 - Planning Statement
 - Supporting Statement – Design Principles
 - Transport Statement
 - Noise Report
 - Coal Mining Risk Assessment
 - Viability Report

2.0 SITE AND SURROUNDINGS

- 2.1 The application site measures approximately 0.6ha and is situated off Canongate in Oakengates and within the built up area of Telford as defined on the Telford & Wrekin Local Plan policies map.

- 2.2 The site comprises a two storey high building which is currently used as a nightclub and function room with adjoining sports bar, and snooker centre. The building stands along the eastern boundary to the site and finished in steel cladding. A large car park services the site providing approximately 100 car parking spaces. The site is bounded to the east and west boundary by semi-mature trees and to the south with post and rail timber fencing
- 2.3 To the west of the site is a small industrial estate and to the south is the built up residential area of Oakengates. The site is raised above the A442 (Queensway) which runs along the east of the site.
- 2.4 The site is located just outside of Oakengates' Primary and Secondary retail zones and nearby to one of the town's public car parks. Within walking distance of the site is the main high street which offers a variety of shops, banks, Public Houses, restaurants and takeaways as well as the Oakengates Theatre, Medical Practice and bus and train stations.

3.0 RELEVANT PLANNING HISTORY

- 3.1 W91/0015 – Erection of a two storey building to accommodate a Snooker Club facility with associates lounges and bars and formation of a new vehicular and pedestrian access – Full Granted (20/05/1991)
- 3.2 W97/0807 – Change of use of Snooker Centre to non-food retail store – Full Refused (05/12/1997)
- 3.3 TWC/2012/0437 – Change of use from part of Car Park to hand car wash (Retrospective) – Full Granted (27/07/2012)

4.0 PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Telford and Wrekin Local Plan (2011-2031)
SP1 Telford
SP4 Presumption in favour of sustainable development
HO1 Housing requirement
HO4 Housing Mix
HO5 Affordable Housing thresholds and percentages
COM1 Community Facilities
C3 Impact of development on highways
C5 Design of Parking
BE1 Design criteria
BE9 Land Stability
BE10 Land Contamination

5.0 SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Oakengates Town Council: Object
- The plans are out of keeping with the current surroundings, egress from the site is inadequate and the height of the building will domineer the landscape
- 5.2 Highways: Members to be updated at Committee
- 5.3 Drainage: Members to be updated at Committee
- 5.4 Geotechs: No comments received
- 5.5 The Coal Authority: Support subject to conditions
- The Coal Authority concurs with the recommendations of the accompanying Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of potential shallow mine workings to ensure the safety and stability of the proposed development, this should also be undertaken prior to the commencement of development.
- 5.6 Pollution Control: Support subject to conditions
- Noise Mitigation
 - Times of operation
- 5.7 Contaminated Land: Support subject to conditions
- No development shall take place until an investigation of the site has been undertaken to quantify the type, extent and concentration of any soil contamination which may exist. The investigation shall be undertaken in accordance with a brief which shall first be agreed in writing with the Local Planning Authority.
- 5.8 Urban Design: Support subject to conditions
- In principle, residential accommodation is acceptable on this site however the number of units remains undetermined at this stage to be agreed as part of the reserved matters, provided the design responds to its context & other aspects as set out in Policy BE1.
 - It is considered that the design will play a major role in creating a scheme that fits in or looks at odds with its surroundings; consequently it is considered that the initial set of design principles needs to be confirmed or if necessary revised & agreed once in order to add the appropriate planning conditioned.
- 5.9 Affordable Housing: No comments received
- 5.10 Healthy Spaces: Object

- No on-site children's play facilities are proposed. The lack of provision of on-site LEAP play facilities to meet need arising from this development proposal is unacceptable and does not comply with planning policy. An off-site contribution towards meeting this need may be acceptable and a suitable contribution would be £600 per dwelling secured via a S106 agreement. Should the development be minded for approval, a condition regarding a long term landscape management plan for open space/shared space will be required.

5.11 Ecology: Support subject to conditions

- External Lighting Plan

5.12 Shropshire Fire Service: Comment – include Fire Authority informative

5.13 West Mercia Police: Comment – condition Secure by Design

Neighbour consultation responses

5.14 Following the first round of neighbour consultation, 1 letter of objection was received along with a single letter raising comments. The issues raised are summarised below:

- Concern regarding whether there will be sufficient parking on a site of this size as it would not be safe to park on the road
- Proposed development would result in overlooking to the rear gardens of neighbouring properties along Reynolds Drive & Foundry Close
- Canongate is not ideal for this development with previous history of car accidents and existing traffic problems

5.15 Following the second round of neighbour consultation, 2 letters of support, 2 letters of objection and a single letter raising comments were received. Any new issues raised are summarised below:

Objections

- Concerns regarding increase of noise from over-use of the site and disturbance this will cause to residents of neighbouring properties
- Additional car usage will add extra pollution from exhaust emissions – concerns regarding adverse impact on health
- Adverse visual impact on local area due to the scale of the proposed building – out of character with existing developments in the area
- Adverse impact on highway and pedestrian safety
- Concerns regarding increase in crime such as anti-social behaviour, car theft, vandalism, violence and burglary

Support

- As well as being an eyesore, the nightclub is very noisy at the weekend with disturbance caused to local residents through antisocial behaviour.
- Residents would be very pleased to see the nightclub gone and replaced with residential development.

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:

- Principle of residential development
- Ground conditions
- Design and layout of the proposal
- Impact of the development on neighbours
- Noise considerations
- Highway Impacts
- Ecology/Trees
- Planning Obligations/Affordable Housing

Principle of residential development

6.2 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 consists of the Telford & Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.

6.3 The development plan sets out a strategic approach to the delivery of housing in the Borough with TWLP Local Plan Policy SP1 identifying the Telford urban area as the primary focus for housing and employment development over the plan period. Policy HO1 of the Plan sets out the housing requirement it considers necessary to meet the development needs of Telford & Wrekin over the period until 2031. Meanwhile, Policy SP4 seeks to ensure that development is sustainable by balancing economic, social and environmental objectives.

6.4 In this instance, the application site comprises a 0.6ha parcel of previously developed land located on the fringes of Oakengates Town Centre. A steel clad building currently occupies approximately a third of the site with the remaining land allocated for car parking. The venue consists of a nightclub and function room with adjoining sports bar, and snooker centre. Part of the car park has previously been used as a hand car wash.

6.5 Whilst Policy COM1 seeks to avoid the loss of community facilities such as the Eden Complex, if a lack of need is demonstrated or acceptable alternative provision exists, the loss can be justified. The applicant has submitted evidence to the Local Planning Authority which demonstrates that the business is currently operating at a significant loss each year. There are other similar facilities both within Oakengates and around the Borough and therefore the loss of this community facility is considered acceptable in this instance.

- 6.6 The site is located approximately 200m from the Oakengates Train Station and 300m to the Town Centre where there is variety of shops, banks, Public Houses, restaurants and takeaways as well as the Oakengates Theatre, Medical Practice and bus station. Taking the above in to consideration the site is considered to be within a sustainable location where development should be supported subject to any technical constraints as discussed below.

Ground Conditions

- 6.7 The application sites lies within a former mining area where past underground coal and ironstone working are known to be widespread. Policy BE9 of the TWLP states that the Council will support development proposals within Mining Consideration Areas provided the proposal demonstrates that the development can tolerate the ground conditions through special designs.
- 6.8 A Coal Mining Risk Assessment (CMRA) has been submitted in support of the proposals and concludes that coal mining legacy potentially poses a risk to the proposed development. Intrusive site investigation works are required prior to development in order to establish the exact situation with regards to ground conditions. In the event that the site investigations confirm the need for remedial works to treat the areas of potential shallow mine workings to ensure the safety and stability of the proposed development, this should also be undertaken prior to the commencement of development.
- 6.9 The Coal Authority was consulted on this application and has raised no objections to the proposals subject to a condition being imposed to the approval notice requiring the recommended works to be carried out in accordance with the CMRA and results submitted to and approved in writing prior to the commencement of development.
- 6.10 Separately, the site is known to contain contaminated land. The Council's Contaminated Land officer has requested a condition requiring site investigations to be undertaken to quantify the type, extent and concentration of any soil contamination which may exist. The results of the investigation shall be provided to the Local Planning Authority and shall include recommendations for a scheme of remediation and foundation design, protection and implementation in accordance with policy BE10 of the TWLP.

Design and layout of the proposal

- 6.11 Whilst details for layout and scale with accompanying indicative elevations were originally submitted for consideration, these have since been withdrawn following discussions between the applicant and planning officers. This outline planning application now seeks approval for the principle of residential development only with all matters reserved for later approval apart from the means of access to the site. The precise siting, design and appearance of the development are therefore not known at this stage however at the request of the Local Planning Authority, the applicant has submitted a set of design principles in support of the proposal.

- 6.12 Included within the design principles are:
- The scheme will respond positively to its context, with the proposed form, mass and scale of the building or buildings mitigated through careful detailed design to reduce the visual impact of the development on the open landscaped setting;
 - The overall form, layout and detailed design of the scheme will address and mitigate against any acoustic or air quality issues associated with the proximity of the A442;
 - The development will not exceed 6 storeys in height, but will create a varied skyline across the site with the main frontage at a lower scale addressing Canongate;
 - The design will embrace Modern Methods of Construction to create a contemporary design solution with a sympathetic pallet of materials selected to complement the setting;
 - Access arrangements from Canongate by vehicle and on foot will be legible, safe and attractive with parking for vehicles provided through a combination of open communal surface and limited integral parking with secure cycle parking in or adjacent to the building, to create a balance of active ground floor frontage overlooking the adjacent open space
- 6.13 The Council's Urban Designer has considered the above and has confirmed that whilst the principle of residential accommodation on this site is acceptable, the overall design will play a major role in creating a scheme that fits in with its surroundings. The number of units and overall scale of development remains undetermined at this stage and will be agreed as part of a future reserved matters application. Accordingly, the above design principles should be conditioned as part of any approval.
- 6.14 Taking the above in to consideration it is concluded that the proposed development would not result in any significant conflict with Telford & Wrekin Local Plan policies SP4, and BE1. These policies seek appropriate design quality which relates to its context whilst positively influencing the use and appearance of the local environment. The policy aims are consistent with the National Planning Policy Framework.

Impact of the development on neighbours

- 6.15 Policy BE1 of the TWLP requires development proposals to demonstrate that there will be no significant adverse impacts on nearby neighbouring properties. The objectives of this policy are reflected in the NPPF which requires the provision of a good standard of amenity space for all existing and future occupants of land and buildings.
- 6.16 With industrial uses to the west of the site and the A442 Queensway to the north and east there are a limited number of existing houses that have the potential to be affected by the proposed development. The nearest neighbouring properties are located approximately 30m away to the south of the site along Reynolds Drive and Foundry Close; on the opposite side of Canongate.

- 6.17 Whilst layout does not form part of this application, due to the site's constraints it is envisaged that any new development would be located towards the eastern half of the site abutting the boundary with the A442, as per the existing building. Views from the new development will therefore be predominantly in a south-westerly/north-easterly direction. Within the accompanying design principles, it is envisaged for any development fronting the site to be at a lower scale to address Canongate. This in turn will further reduce the impact on properties to the south off Reynolds Close.
- 6.18 Officers have considered the consultation responses received from nearby residents and the issues raised are acknowledged. However, subject to the detailed layout and design of the proposed development at a later stage, the Local Planning Authority considers there is no reason as to why residential development on this site would result in any significant adverse impact on the amenities presently enjoyed by the occupiers of existing properties.

Noise considerations

- 6.19 Given the proximity of the site to the A442 Queensway and neighbouring industrial units, a Noise Survey was undertaken to measure existing levels of noise and to make recommendations to mitigate against noise.
- 6.20 The report concludes that the noise levels recorded are too high and have to be actively reduced in order to ensure that internal noise levels for each dwelling meets current guidelines in relation to noise. However, reduction of the external noise to acceptable levels internally is achievable and a number of recommendations are set out within the report. The developer will need to achieve the weighted sound reduction index for windows, doors and ventilation as specified within the report in order to satisfy the main standards for internal habitable rooms and to fulfil the requirements of the NPPF. It is also recommended that bedrooms are located at the front of the building facing Canongate and this can be considered further as part of a future reserved matters application.
- 6.21 The Council's Environmental Health Officer has considered the application and has raised no objections subject to the inclusion of a condition requiring details of noise mitigation to be submitted to the LPA for approval. Further conditions relating to times of operation are also required.

Highway Impacts

- 6.22 Policy C5 of TWLP requires all development proposals to demonstrate that parking has been designed as integral to the proposal and be fit for purpose. Meanwhile policy C3 seeks to ensure that development will not adversely affect highway safety.
- 6.23 At the request of the Local Highways Authority, a Transport Statement (prepared by Inspire Transport Planning) has been submitted in support of this planning application. The report is based upon a development of approximately 55no. residential apartments. This report acknowledges that

the site is in a high accessible location with very good connections to local public transport services being positioned within close walking distance to both bus and train stations.

- 6.24 Vehicular access to the site would remain as existing, from Canongate, with junction visibility splays of 2.4m x 43m being achievable. The report advises that whilst there may be a small increase of trips during peak periods, overall traffic flows as a result of the proposed development would reduce compared to potential traffic from the permitted development. The development is therefore shown to have no adverse impact on the surrounding highway network or the operation of the existing access/egress to the car parking area.
- 6.25 At the time of preparation of this report, no consultation response was available from the Local Highways Authority and therefore members will be updated at committee.

Ecology/Trees

- 6.26 The applicant engaged in pre-application discussions with the Council's Ecologist who has since confirmed that the building to be demolished does not have potential for roosting bats however there is some potential for bats to be foraging in the wider environment. No objections were raised subject to the inclusion of a condition requiring the submission of a Lighting Plan in order to minimise disturbance to these protected species.
- 6.27 Whilst there are no trees on site, established tree belts surround the site to the north, east and west boundaries. The proposed development will not extend beyond the existing site boundaries however conditions will be applied requiring details of tree protection to be submitted as part of the landscaping scheme to be submitted as part of the future reserved matters application.

Planning Obligations/Affordable Housing

- 6.28 Where development proposals comprise 11 dwellings or more, or where gross floor space is greater than 1000 square metres, Policy HO5 of the TWLP requires developers to contribute towards meeting the affordable housing needs of the Borough. In this instance a 25% provision would usually be sought.
- 6.29 The Council does however accept that there may be situations where a developer cannot deliver the amount of affordable housing required and where evidence is provided that proves that enforcing the affordable housing would render development undeliverable then allowances should be made. The applicant has provided the Council with a confidential viability statement with accompanying information and this has been assessed by the Council's Development Delivery Group Specialist. There are several significant abnormal costs associated with the development of this site including the remedial costs, specialist foundations, retaining walls together with demolition costs.

- 6.30 Viability is a material consideration as advised within the NPPF. The Local Planning Authority considers that achieving the redevelopment of a brownfield site within a sustainable location weighs in favour of the proposal. This position is supported by the accompanying viability assessment and therefore the usual provision of affordable housing and any other developer contributions will not be pursued in this instance, in line with national guidance.

7.0 CONCLUSIONS

- 7.1 The application site is included within the urban boundary of the Telford & Wrekin Local Plan where the principle of new residential development is supported. Situated approximately 300m from Oakengates Town Centre the site is accessible and well-connected to the wider Telford area through public transport and footpath links.
- 7.2 Whilst the proposal involves the loss of a community facility the applicant has advised that the business can no longer be operated as a going concern because of significant annual losses. Officers are mindful that the site is in need of redevelopment and there are other similar facilities both within Oakengates and around the Borough and therefore the loss of this community facility is considered acceptable in this instance.
- 7.3 This application seeks permission for the principle of residential development only together with access however all other matters relating to layout, scale, appearance and landscaping are reserved for later approval. The applicant has however submitted a set of design principles in support of the proposal in order to establish the type of development that will come forward at reserved matters stage. These design principles are acceptable and the LPA will be seeking a high quality development in accordance with these principles.
- 7.4 Further intrusive ground investigations will be required to demonstrate that the site can be developed without being affected by shallow mineworkings with details to be submitted for approval prior to commencement. The proposal raises no concerns in respect of highway safety, impacts on wildlife habitats or ecology and a drainage scheme can be submitted as part of a discharge of condition application.
- 7.5 The Local Planning Authority has considered all consultation responses received and all material planning considerations have been addressed within this report. Subject to the inclusion of the conditions listed below, the proposal is considered to be 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, it is recommended to GRANT OUTLINE PERMISSION subject to the following conditions (with authority to finalise

conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

CONDITIONS

1. Time Limit – Outline
2. Submission of Reserved Matters
3. Standard Outline – some matters reserved
4. General Details Required
5. Land Contamination
6. Coal Mining – site investigation and remedial works to be undertaken
7. Site Environmental Management Plan
8. Noise – details of mitigation
9. Highways – Car Parking
10. Visibility Splays of 2.4m x 43m
11. Foul and surface water drainage scheme
12. Landscape Management Plan
13. Trees – protective fencing
14. Lighting Plan
15. RM application to be in accordance with submitted Design Principles
16. Development in accordance with submitted plans