

TWC/2018/0185

Land corner of Colliers Way/Rock Road, The Rock, Telford, Shropshire
Erection of bar and restaurant with the creation of new access, associated parking and landscaping

APPLICANT

Hickorys, G Cooper

RECEIVED

04/06/2018

PARISH

Lawley and Overdale

WARD

Ketley and Overdale

OFFICER Steven Drury

THIS APPLICATION WAS DEFERRED FROM THE PLANNING COMMITTEE MEETING ON 15TH AUGUST 2018

1.0 INTRODUCTION

1.1 This application was deferred from the previous Planning Committee meeting on 15th August 2018 to allow further neighbour and community reconsultation to take place following the receipt of additional supporting information received during the course of the application.

1.2 The following additional supporting information has been received:

- Sequential Test Assessment
- Ecological Appraisal
- Hickory's Management Policies
- Coal Mining Risk Assessment
- Supporting Planning Statement
- Transport Statement
- Amended Site Plan

1.3 Whilst the information contained in the above plans and information had been fully considered by officers as part of the determination process, Lawley and Overdale Parish Council were concerned that the local community had not been reconsulted following its receipt and had not had the opportunity to consider the information submitted. It was therefore agreed that the application would be deferred to allow a 14 day reconsultation exercise to be carried out. This was carried out on 9th August and expired on 23rd August 2018.

2.0 CONSULTATION RESPONSES

2.1 At the time of writing, in response to the reconsultation exercise, an additional three objections have been received. Whilst these are available in full on the file, the key points have been summarised as follows:

- Site is too close to Colliers Way
- Rock Road is not a suitable access point
- Rock Road is not wide enough to take all additional traffic
- Concerns regarding odour and smell
- Noise levels resulting from use of outdoor areas, car engines revving, emptying glass bins, etc
- Potential for anti-social behaviour in surrounding areas
- Concerns regarding light pollution

- Question applicants conclusion that proposal will have a negligible impact upon level of traffic on Rock Road
- Impact upon Ecology

2.2 Any further comments received will be reported as an update prior to the Plans Board Meeting.

3.0 PLANNING CONSIDERATION

3.1 Whilst the additional comments received do not raise any additional issues which have not already been considered in the original committee report, it may be helpful to expand upon the points made in respect of the following matters:

3.2 Highways Issues:

3.2.1 In response to concerns raised regarding the trip rate estimates provided, Highways Officers have confirmed that the TRICS assessment undertaken is the most effective way to gauge the impact of a prospective development. The exercise looks at establishments of similar size in similar locations and these sites are then outlined within the Transport Statement. The TRICS Assessment takes into effect all vehicular trips into and out of the site including taxis.

3.2.2 The Local Highways Authority do not consider there to be any existing capacity issues at local junctions and are satisfied that on the basis of the information submitted, the proposal will have a negligible impact upon the level of traffic on Rock Road and Colliers Way. Officers are satisfied that the design of the proposed site access is suitable and the local road network is able to accommodate the proposal without detriment to highway safety.

3.2.3 One objector comment makes reference to known pedestrian safety issues along Rock Road, however, there are no records of pedestrian related incidents at either junction in the last ten year period. Officers are satisfied that the proposal contains suitable connectivity to the surrounding footpath network.

3.3 Noise and Amenity:

3.3.1 In addition to comments in Section 6.6, comments regarding noise and anti-social behaviour are noted. Whilst it is not possible to control the behaviour of customers once they have left the site, the applicant has submitted a Management Procedures document which sets out the procedures in place to manage customer behaviour within the site, together with departure and dispersal into the surrounding area. The measures indicate a responsible approach to customer management and dispersal which will help to restrict noise resulting from customer behaviour within the site. Officers have added a condition requiring that the use is operated in accordance with the measures set out in the management procedures document. Accordingly, officers do not consider that customer dispersal would generate sufficient noise to cause significant harm, to the amenities of nearby residents.

4.0 CONCLUSION

4.1 On the basis of the above additional representations and comments, there is no change to the recommendation which remains that permission be granted, subject to conditions, however, an additional condition has been added requiring the use to be operated in accordance with the submitted management procedures document.

5.0 RECOMMENDATION

5.1 The recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following conditions (with authority to finalise conditions to be delegated to Development Management Service Delivery Manager):

1. A04 Time Limit
2. B010 Details of Materials
3. B061 Foul and Surface Water
4. B086 Details of Extraction Equipment
5. B121 Landscaping Design
6. C013 Parking, Loading, Unloading
7. C014 Visibility Splays
8. C020 Access bound material
9. C109 Ecology report
10. C109 Bat and Bird Boxes
11. C109 Lighting Plan
12. Ccust Management Procedures
13. D11 Opening hours

****ORIGINAL REPORT****

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS THE PROPOSAL INVOLVES THE COUNCIL AS LANDOWNER AND IS A MAJOR APPLICATION

1.0 PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a bar/restaurant (AA Use Class) together with associated car parking, access, landscaping and infrastructure on land to the south of Rock Road, Old Park, Telford.
- 1.2 The proposal will involve the erection of a pavilion style bar/restaurant building set within landscaped grounds. The site will contain a 90 space car park with vehicular access onto Rock Road and a pedestrian footpath link onto the Old Park Roundabout.
- 1.3 The application has been amended in response to concerns raised by both officers and local residents during the application process. As a result, the number of parking spaces have been increased, the proposed opening hours have been reduced and information has been received confirming the responsible approach to management and control of the premises adopted by the applicant, Hickory's.
- 1.4 The application has been accompanied by the following supporting documents: -
 - Plans and elevations
 - Sequential Test Assessment
 - Phase 1 Ecology Survey
 - Reptile Survey Report
 - Supplementary Ground Gas and Groundwater Assessment
 - Coal Mining Risk Assessment
 - Supporting Planning Statement
 - Transport Statement

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located to the west of Telford Town Centre on land immediately to the north west of Old Park Roundabout. The site is currently covered by a mixture of grass and scrubland and self-set vegetation, together with more mature trees around the perimeter. The site is enclosed by Rock Road to the north, Colliers Way to the east and West Centre Way to the South. Residential properties are located to the north, east and south of the site. Old Park Roundabout is located to the east.
- 2.2 The site is relatively level in terms of its topography, with the exception of a section in the west part of the site which is part of a former spoil mound. The area to the west of the site forms part of the Council's strategic Green Network which partially extends into the west of the site.
- 2.3 The site lies within Telford's Built up area as defined on the Telford & Wrekin Local Plan Policies Map.

3.0 RELEVANT PLANNING HISTORY

- 3.1 None

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
- 4.2 Telford & Wrekin Local Plan (TWLP):
SP1: Telford
SP4: Presumption in Favour of Sustainable Development
EC8: Out of Centre and Edge of Centre Development
NE1: Biodiversity and Geodiversity
NE2: Trees, Hedgerows and Woodlands
NE6: Green Network
C3: Impact on Highways
C5: Design of Parking
BE1: Design Criteria
ER12: Flood Risk Management

5.0 SUMMARY OF CONSULTATION RESPONSES

5.1 Local Member & Town/Parish Council Responses:

- 5.1.1 Ketley and Overdale Parish Council: Comment
- Would be fantastic for the local economy
 - Would provide a restaurant for people unable to get into the Towns Centre.
 - Is the site part of green belt?
 - More information needed to show what exactly might be built here and how it may affect local residents.
- 5.2.1 Lawley and Overdale Parish Council: Comment
- Recognise that land is designated for non-residential development,
 - Concerned about the impact on local residents.

5.2 Standard consultation responses

5.2.1 Planning Policy: Comment

The applicant has demonstrated through the submission of a sequential test that there are no sequentially preferable sites currently available and the application therefore passes the development plan policy requirements and national policy considerations.

5.2.2 Urban Design: Support subject to conditions

Satisfied that issues raised initially have been addressed or can be conditioned accordingly.

5.2.3 Highways: Support subject to conditions

Based on information provided within the submitted Transport Statement, no objection is raised.

5.2.4 Drainage: Support subject to conditions

5.2.5 Trees: Support subject to conditions

5.2.6 Ecology: Objection

Initially objected as the submitted ecological reports were out of date. Updated reports have now been submitted and comments are awaited at the time of writing.

5.2.7 Coal Authority: Object

Considered that the submitted Coal Mining Risk Assessment did not satisfactorily address the impact of coal mining legacy on the proposed development. An updated report has subsequently been submitted and revised comments are awaited at the time of writing.

5.3 Neighbour consultation responses

5.3.1 A total of 23 comments have been received from members of the public, comprising two comments in support and 21 in objection. The comments are available in full on the planning file but key points are summarised below:

5.3.2 Support:

- Required to serve volume of houses being built in Lawley
- Family type restaurant within walking distance of housing
- Provision of bar/restaurant in the area not a major issue
- Variety of restaurant offer welcomed

5.3.3 Objections:

- Will cause disruption in a relatively quiet area
- Noise and disruption from building works
- Late night drinking to cause disruption in the area
- Site is greenfield and should not be considered for development
- Access from Rock Road not appropriate
- Will result in high levels of noise
- Plenty of restaurants within the proximity of the area
- Will result in the loss of a wooded area and wildlife haven
- Will there be live music, entertainment etc causing disturbance?
- Safety issues could arise if the car park becomes full.
- Proposal is not in keeping with the character of the area
- Worry about safety of children using the footpath outside the site
- Rock Road not suitable for delivery lorries.

- Late night opening hours not suitable in residential area

6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Design Issues
- Highways Issues
- Landscaping
- Operational Issues
- Other Matters

6.2 Principle of Development

6.2.1 The proposed development site is not located within Telford Town Centre, one of the Borough's Market Towns, District Centres or Local Centres and is not a site allocated for commercial or residential development within the local development plan, but does lie within Telford's built up area. The development plan advocates a hierarchical approach to the siting of retail, office and leisure development and community facilities where development will first be directed towards Telford Town Centre, followed by market towns, district centres and local centres. Policy EC8, which concerns out of centre development, requires that main town centre uses will only be supported on outside or edge of centre sites where suitable sites within town, market, district or local centres cannot be identified through a sequential test.

6.2.2 In this instance, the applicant has provided a sequential test which considers a range of sites across the borough, in particular relating to sites either within or in the vicinity of the designated principal, town and district centres in Telford. The sequential test found that no other suitable sites were available at this time to accommodate the proposal. Officers are satisfied that a suitable level of flexibility was applied in the range of sites that were assessed and the scope of the assessment was considered to be both reasonable and proportionate. Officers are therefore satisfied that the requirements of the sequential test and therefore Policy EC8 have been met.

6.2.3 The site has historically been committed for residential development under the New Towns Act and was previously indicated as such in the Wrekin Local Plan. It has now been removed from the new Telford & Wrekin Local Plan and is now shown predominantly as white land (with no protection or designation), with the exception of an area of Green Network which encroaches into the south west of the site.

6.2.4 Green Network: Part of the site is also designated as Green Network within the local development plan. This area, which consists of the lower parts of a spoil mound, encroaches into the western part of the site and is protected from development by TWLP Policy NE6. This policy requires that the Green Network is protected, maintained, enhanced and where possible extended. The Council will only support development where the functions of the Green Network can be protected and enhanced. Where adverse impacts are identified, development will need to demonstrate that the benefits of the development outweigh and adverse impacts on the Green Network and its functions.

6.2.5 The applicant has submitted a supporting statement setting out how the proposal would protect and enhance the functions of the Green Network and suggesting how the benefits of the proposal would outweigh any adverse impacts. These issues need

to be considered cumulatively, taking into account the development as a whole and will be considered at the end of this report.

6.3 Design

6.3.1 Whilst comments from local residents have suggested that the proposal will not be in keeping with the surrounding area, clearly the building has been designed to reflect the nature of business proposed and will be located on the southern half of the site where it will be visually separated from surrounding buildings. The proposed design has been considered by the Council's Urban Designer who considers it to be of a high quality and will contain landscaping which should complement the development once built. The only concern at this stage would be signage which would need to be integrated into the design, however, this would form part of a separate advertisement consent application and would be considered separately.

6.3.2 Officers are satisfied that the proposal accords with TWLP Policy BE1 and the requirements of the NPPF in terms of requiring good design.

6.4 Highways Issues

6.4.1 The application has been accompanied by a supporting Transport Statement which confirms that the proposal is unlikely to result in any significant impact upon the operation of roads within the area and more than meets the requirements of the council's parking standards as set out in Appendix F of the local plan.

6.4.2 A total of 90 parking spaces will be provided which well exceeds the 83 spaces required based on gross floor area (GFA). An assessment of likely parking demand has also been provided using TRIC's arrival and departure rates throughout the day. This exercise confirmed that the likely level of parking accumulation on site at peak hours (54 spaces) would more than be accommodated by the parking provision on site. Officers are keen to ensure that all parking demand is catered for on site, in order to avoid any occurrence of on-street parking within the surrounding residential areas, and the application satisfactorily achieves this.

6.4.3 The site layout has been designed to the satisfaction of the Council's Highways Officers who are satisfied with the position and design of the access, the site layout and delivery area. The proposal contains connections onto the adjacent footpath and cycle network at Old Park Roundabout to the east and Rock Road to the north and therefore benefits from good connectivity to surrounding footpath and cycle networks. Two bus stops are located on Road Rock in close proximity to the site entrance and therefore provides public transport links to the rest of Telford and beyond. The proposal contains parking provision for 10 cycle spaces, which falls short of the local plan requirements, however, is considered sufficient for the use proposed.

6.4.4 Taking into account the above considerations, officers are satisfied that the proposal satisfies the requirements of TWLP Policies C3, C5 and BE1 in respect of highways, access and parking.

6.5 Landscaping

6.5.1 The proposed layout indicates a basic level of landscaping to be provided around the perimeter of the site which includes a water retention feature in the south eastern corner and secure garden and children's play area to the front and side of the main building. Precise details of landscaping will be requested as a condition of any planning permission granted. Whilst the layout is largely dominated by hard surfacing and parking, the landscaped areas to be provided will complement the design of the proposed restaurant building and will to a certain extent, offset the loss of green

network taking place in the western part of the site. These areas will also offer opportunities for biodiversity mitigations.

- 6.5.2 With regard to the Green Network, the applicant advises that the majority of the site is covered by poor specimen trees, the majority of which are self-seeded trees. The area is not public open space and residents have no right of access for recreation or dog walking. The submitted tree report clearly identifies the poor nature of the flora on site. To this extent, the applicant suggests that the site does not function as a Green Space or part of the Green Network and consequently, the development of the limited area within the application site is considered acceptable given the form and nature of the proposal. Within the development proposal is a landscaping scheme which will add to and help preserve the adjacent Green Network. The scheme seeks to add to the biodiversity of the area by introducing appropriate species which contribute to the visual amenity of the area and will be actively managed to ensure the visual amenity is retained. There are opportunities for creating spaces for bats and other species and reasonable conditions relating to the provision of bat boxes and their location will be accepted by the applicants.
- 6.5.3 The proposal is considered to satisfy the requirements of TWLP Policies NE1, NE2 and NE6.

6.6 Operational Issues

- 6.6.1 It is noted that a number of concerns have been raised by local residents and officers regarding the potential impact of the proposed use on the surrounding area. Such issues include proposed opening hours, odour issues and noise and disturbance. In response, the applicant has provided a number of comments which are considered below.
- 6.6.2 Access into the site is strictly controlled with one entry point into the main building and garden areas. The ethos of the company is to ensure the safety and security of clients whereby families visiting the site need to be sure that a safe environment is available. The single entry point will be permanently manned by staff so that people entering and leaving can be checked and monitored.
- 6.6.3 With regards to the opening hours, in response to concerns raised, the applicants have revised the proposed opening hours from 9am to 12pm, seven days per week. A copy of the company's management conditions has also been provided which, together with the amendment to opening hours, suggests that the proposed use would not be a late night drinking establishment.
- 6.6.4 The applicant advises that three other Hickory's outlets (Burton Green, Rhos on Sea and Southport) are located much closer to residential area which operate successfully without noise or extraction issues, due to the management of the sites by well trained staff and equipment installed. A condition will be imposed requiring details of appropriate extraction equipment to be installed prior to installation. The applicant advises that Hickory's install the most up to date extraction systems available which negate the vast majority of odours and the smoking process does not create any odours as it takes place within an enclosed oven and is used at all of the other outlets where no issues have been raised. The state of the art extraction system is tried and tested and enclosed within its own plant room which not only mitigates odours but also noise.
- 6.6.5 Officers note the information provided by the applicant which indicates a responsible attitude towards the management of the premises in order to minimise any potential impact upon the amenities of nearby properties. However, it should also be noted

that the site is located adjacent to a busy roundabout junction and highway network where background noise levels will be fairly high and the proposal is located on the southern half of the overall site, well away from the nearest properties. The site will also benefit from landscaping which will screen and soften views into the site.

- 6.6.6 As a result, officers are satisfied that any impact upon the quality of life of nearby residents would not be unacceptable and in this respect the proposal complies with Policy BE1.

6.7 Other Matters

6.7.1 The proposed development will create both full and part time jobs and employees will be able to take advantage of award winning training with career progression within the group. Recruitment is undertaken locally and on-site. Job creation and support through flexibility of working is important to Hickory's as is community integration. At other outlets community projects and initiatives are supported from local football (including American) teams, local children's charities, primary school projects involving access to nature and also cooking initiatives. Such social/community aspects are very important to the applicant as the local community are seen as the catchment area.

6.7.2 The proposed development seeks to add to the vitality and viability of the area and provide a facility which will prove a valuable community asset to the locality by not only providing an excellent eating/drinking establishment but also a job creator and community focus.

7.0 CONCLUSIONS

7.1 The proposed development will provide a distinctive, high quality building design which will be sympathetically landscaped and will visually enhance a prominent site adjacent a busy roundabout junction. The applicant has satisfactorily demonstrated that no sequentially preferable sites are available and that the proposal can be accommodated by the local highways network. The proposal has been laid out satisfactorily and contains sufficient vehicle and cycle parking.

7.2 Through a combination of responsible management, mitigation and siting of the building a reasonable distance from the nearest properties, it is not considered that an adverse impact upon residential amenity would result. Furthermore, the proposal will bring considerable social and community benefits in terms of job creation, career progression and involvement in local community initiatives.

7.3 Whilst part of the site will encroach into the Green Network, the applicant has demonstrated that the benefits of the proposal will outweigh the harm to the green network which will be extremely limited.

7.4 Having regard to the above considerations, the proposal is considered to comply with the requirements of the Telford & Wrekin Local Plan and the National Planning Policy Framework and is recommended for approval.

8.0 RECOMMENDATION

8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following conditions (with authority to finalise conditions and reasons

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

1. A04 Time Limit
2. B010 Details of Materials
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