

## PLANS BOARD

### Minutes of a meeting of the Plans Board held on Wednesday, 11 April 2012 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, K R Guy, A S Jhawar, R T Kiernan J Loveridge, C P R Mollett (as substitute for Councillor I T W Fletcher), S A W Reynolds and C R Turley

**ALSO PRESENT:** Councillor J M Seymour (for planning application TWC/2011/0959)

#### **PB-098      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 28 March 2012 be confirmed and signed by the Chairman

#### **PB-099      APOLOGIES FOR ABSENCE**

Councillors I T W Fletcher

#### **PB-100      DECLARATIONS OF INTEREST**

None

#### **PB-101      DEFERRED/WITHDRAWN APPLICATIONS**

None

#### **PB-102      SITE VISITS**

None

#### **PB-103      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Board and fully considered each report.

- (a)            TWC/2011/0746 Riverview, 27 Stars Lane, Cold Hatton, Telford, Shropshire, TF6 6PZ

This application, which had been deferred at Plans Board on 7 March 2012, sought planning permission for the erection of a 4-bedroomed two-storey detached dwelling and detached garage with games room above following demolition of the existing modern bungalow, Riverview. Waters Upton Parish Council had requested that the application be determined by the Plans Board.

The application had been deferred to enable Planning Officers to discuss with the applicant the Board's concerns regarding the scale of development, particularly the garage and impact on adjoining amenity, and the potential that the garage could

become an independent dwelling. The applicant declined to amend the plans but agreed to enter into a Section 106 agreement to tie the detached garage and ancillary accommodation above to the main dwelling to ensure the development did not create a separate unit of accommodation in the rural area. This would be in accord with the conditions previously proposed and which the Planning Officer still considered to be appropriate.

The Planning Officer reminded Members that prior to the Board meeting on 7 March 2012, the Applicant's Agent had resurveyed the site to accurately measure the position of the rear boundary and the location and block plans had been amended accordingly, with revisions to the red line site area. The scale and design of the development were unchanged. The Planning Officer considered that the site area was still of a sufficient size to adequately accommodate the proposed dwelling, garage and amenity space. In addition, the Planning Officer considered that the proposal was acceptable in its present form and would be in keeping with the character of the area; furthermore there were no windows on the side elevation of the garage protecting the adjoining neighbour from any noise or loss of privacy. The adjoining property had a detached garage with accommodation above and the dwelling and garage could be accommodated without adversely affecting adjoining residential amenities. The officer reminded members of the Parish representation at the previous meeting, confirming their request for a S106 agreement retaining the garage as ancillary accommodation, similar to that of the adjoining property.

The Board considered that it was an important principle that detached garage and ancillary accommodation above should remain linked to the main dwelling, and that no further ancillary accommodation was gained through the control of the garage at ground floor; officers confirmed that the proposed conditions would adequately control this.

**RESOLVED – that with regard to planning application TWC/2011/0746 the Assistant Director: Planning Specialist be authorised to grant planning permission subject to the applicants entering into a Section 106 agreement requiring that the garage shall be retained as ancillary accommodation to the main dwelling and not sold as a separate unit or let as a separate unit, and further subject to the conditions set out in the report.**

(b) TWC/2011/0959 Isombridge Farm, Isombridge, Shropshire, TF6 6NF

The application sought planning permission to convert two agricultural buildings located at either end of a small field on the edge of Isombridge Farm to a live/work unit. No information had been provided to outline the type of business which would occupy the work element of the live/work unit although the original submission stated that the business would fall within Use Class B1 which included offices, research and development and light engineering.

Councillor J M Seymour, Ward Member, had requested that the application be determined by the Plans Board.

Councillor D Johnson, representing Rodington Parish Council, spoke in favour of the application. He informed the meeting that his parish council had adopted a parish

plan which favoured, among other developments, development which would support home based employment. This plan had been consulted upon by the parish council. The current application met this plan and therefore the aspirations of residents of the parish. He noted that the Core Strategy quota of 170 dwellings permissible in the rural area in the period 2006-16 was not a well-considered quota and claimed that there had been no consultation here. He emphasised that the current application met the demand for live/work units in the locality.

Councillor J M Seymour, Ward Member, also spoke in support of the application. She emphasised that the application would benefit a local farming business that currently supported four families by sustainably using redundant farm buildings to generate a small rental income. She referred to the new National Planning Policy Framework with its presumptions in favour of applications that supported the rural economy and that made use of redundant farm buildings. In her view, the site was located very near to the existing farm complex. She considered that the advice of a specialist consultant that the buildings had architectural merit had been sidelined, and referred to the Longdon-on-Tern appeal. Cllr Seymore also considered there were 44 people who are looking for such facilities and these would be approached after any approval.

Mr B Davies, the applicant's agent, addressed the meeting in support of the application. He argued that the proposal would help to sustain the existing farm business. Furthermore, the buildings had architectural merit, as had been pointed out in the report of a consultant appointed by the applicant, and therefore he considered that the application would meet Policy H18. He also considered that the buildings were an integral part of the farm complex, and therefore the application would meet Policy E6. The agent also referred to additional information sent to the department prior to the meeting.

The Planning Officer responded to the points that had been made, clarifying the policy basis that as the site was located in the open countryside where development is strictly controlled there was a need to justify such development. Policy H18 would only permit the reuse of redundant non residential buildings to a residential use where buildings had architectural merit and in this case reiterated the Conservation and the case officers' views that the buildings were generic, disjointed and lacking in architectural or conservation merit. Taking account of policy E6 no evidence had been submitted of how the development will assist farm diversification. The officer also referred to the marketing report for a B1 use over a two year period and the only interest was purely for residential conversion, and as such raised concerns over the viability of the scheme and the likelihood of residential without the work element especially as the two elements are separated in two buildings; subsequently justification and further evidence had been requested from the agent however such information had not been submitted.

The officer also highlighted Members attention to the additional information submitted by the agent since the publication of the report, and responded to those points.

The Assistant Director also responded to some of the points that had been raised, in particular, how the allocation of rural housing had been arrived at by due planning

process involving a public inquiry and the scrutiny of a Planning Inspector, and the place of the new National Planning Policy Framework, which, while it guided planning policy, did not supersede existing local plans and was to be considered where no local planning policies covered an application. He noted the presence of a survey of live/work requirements which had not been adopted or implemented, and emphasised that planning policies should prevail.

Members debated the most appropriate approach to this application. While Members expressed their support for the encouragement of small business, some Members were not assured that this proposed unit would be taken up by businesses in the area, and they noted that there were business units in the Borough that were unoccupied. The Chairman expressed his concerns that the application should not become a pretext for a solely residential development; other Members considered that the points made by the Parish Council held some validity; subsequently it was proposed by Councillor Dugmore, and seconded, that determination of this application be deferred to allow Members to undertake a site visit. The Assistant Director reminded the Board that the purpose of an inspection was not to hear further arguments with regard to the proposal, and other Members did not consider that an inspection would resolve the issues at stake here. Consequently, on being put to the vote, the visit was not agreed.

Councillor Guy proposed that an open deferral be allowed to enable the applicant to make a clearer business plan, and evidence of viability with potential occupants with regard to the potential take-up of a live/work unit at this location.

**RESOLVED** – that determination of planning application TWC/2011/0959 be deferred to gain additional information and justification for the proposed live/work unit in the open countryside.

(c) TWC/2012/0046 The Hedges, Rowton, Telford, Shropshire, TF6 6QY

This proposal sought planning permission for a new dwelling, garage and ménage area with lighting at land to the south of Rowton in the open countryside.

Councillor S J Bentley, Ward Member, had requested that the application be determined by the Plans Board.

Mr A McPaul, the applicant, spoke in support of the application. He gave his view that the application site was within what he defined as the village of Rowton, and that it was only 200 metres from the centre of the village and only 50 metres from the neighbouring property. He identified the services that to his view made Rowton a village and not a Hamlet. The proposal would be sited with lane access to the village and would adjoin the pumping station serving the village. His proposed building would be a small, affordable and sustainable dwelling which would be sited on an existing hard standing area with no impact on additional land.

The Planning Officer emphasised that in line with the Council's policies this site was defined as lying in open countryside outside of the defined settlements within the rural area where development would be located, and that furthermore no need or justification had been shown why the applicant required to reside at this site. No

agricultural or forestry need had been demonstrated, and that the equestrian use of the site related to a leisure use rather than any agricultural use. Furthermore, the application was not defined as an affordable dwelling as suggested by the applicant as it did not meet the Council's affordable housing policy exceptions. Additionally the proposed house construction being built to meet code 3 for sustainable homes was a medium level, and a high level of sustainability would be code 5 or 6. Members concurred with these strong presumptions against granting planning permission, noting in addition that the site was further from the settlement of Rowton than they had initially imagined, and was not a defined settlement where development would be focused, and as such set an adverse precedent undermining the councils policies. Members also raised concerns with regard to the height of the ménage lights.

**RESOLVED** – that planning application TWC/2012/0046 be refused for the following reasons:

1. The Local Planning Authority considers that the erection of a new dwelling on this highly unsustainable site is unacceptable as it is outside the settlements of High Ercall, Tibberton and Waters Upton. Furthermore, the special circumstances advanced fail to justify this proposal as an exception to general housing policy. Accordingly, the proposal is contrary to “saved” policies H10 and H24 of the adopted Wrekin Local Plan 1995-2006 and policies CS1 and CS7 of the Local Development Framework Core Strategy, 2007 and the National Planning Policy Framework.
2. The Local Planning Authority considers that proposal to erect a new dwelling in the open countryside exceeds the maximum housing numbers permitted in the rural area and undermine the Core Strategy approach. Accordingly, the proposal is deemed contrary to policy CS1 of the Local Development Framework Core Strategy, 2007.
3. The Local Authority considers that the proposed lighting poles by reason of its location, scale and height would have a detrimental effect on the amenities of adjoining residential properties by virtue of visual impact and light pollution; furthermore the proposal would detract from the character of the predominantly rural open area. Accordingly, the development is contrary to saved policy UD2 of the Wrekin Local Plan and policy CS15 of the Local Development Framework Plan.

(d) TWC/2012/0102 6 Hillside East, Lilleshall, Newport, Shropshire, TF10 9GZ

This application sought planning permission to extend a dwelling house with a single-storey side extension and to convert part of an existing garage into habitable space (annexe) with the erection of a new dormer window.

**RESOLVED** – that with regard to planning application TWC/2012/0102 the Assistant Director: Planning Specialist be authorised to grant planning

**permission subject to the applicants entering into a Section 106 agreement requiring that the development shall be retained as ancillary accommodation to the main dwelling and not sold as a separate unit or let as a separate unit, and further subject to the conditions set out in the report.**

- (e) TWC/2012/0147 Sundip, Somerwood, Rodington, Telford, Shropshire, SY4 4RF

This was an application seeking planning permission for the conversion of an existing double garage to form a habitable annexe. It also sought retrospective consent for a door and two windows within the building's north facing elevation. Members expressed their concerns that this was a retrospective application. The meeting was informed that the conversion would, as part of a planning consent, become subject to building control approval.

**RESOLVED – that with regard to planning application TWC/2012/0147 the Assistant Director: Planning Specialist be authorised to grant planning permission subject to the applicants entering into a Section 106 agreement that the development shall be retained as ancillary accommodation to the main dwelling and not sold as a separate unit or let as a separate unit, and further subject to the conditions set out in the report.**

- (f) TWC/2012/0157 39 New Street, Wellington, Telford, Shropshire, TF1 1LU

This application sought advertisement consent to display one externally illuminated fascia and one externally illuminated hanging sign on the front of the premises on New Street, Wellington. This application was considered in conjunction with application reference TWC/2012/ 0158 seeking consent for change of use, alteration to shop front and installation of a satellite dish and air conditioning unit.

Members considered that the proposed advertisements respected the nature of the Conservation Area.

**RESOLVED – that with respect to planning application TWC/2012/0157 advertisement consent be granted subject to the conditions as set out in the report.**

- (g) TWC/2012/0158 39 New Street, Wellington, Telford, Shropshire, TF1 1LU

This application sought permission for change of use from retail (Use Class A1) to betting office (Use Class A2) alteration to the shop front and installation of a satellite dish and air conditioning unit to the rear of the building. This application was considered in conjunction application reference TWC/2012/ 0157 seeking consent for advertisement of signage at the front of the building.

Wellington Town Council had requested that the application be determined by the Plans Board.

Councillors G Riley and P McCarthy, representing Wellington Town Council spoke in opposition to the proposals. They expressed the concerns of the town council at the decline of shopping opportunities and diversity that their town was able to offer and the resultant reputation that the town might acquire. There were already two betting shops in the town and a total of four gambling outlets. The town council considered if this was an application for an additional sex shop members views would be different. The town council was concerned that the proposal was located in a deprived area and would encourage a destructive and addictive habit. They had collected a petition signed by 300 local signatories that supported this view.

The Planning Officer confirmed that the petition had not been submitted to the department and consequently not reported on the report or any update. The officer highlighted that whilst the proposal would conflict with the 1 in 4 non retail units in this precise location, along the street the proposal would not reduce the retail units to less than 25% as set out in the report.

The Board, however, considered that empty shopping units were more destructive to a retail environment, and retail units that were in use enhanced the 'footfall' in our towns and thus helped to sustain other retail units.

**RESOLVED** – that with respect to planning application TWC/2012/0158 planning permission be granted subject to the conditions as set out in the report.

The meeting ended at 7.30 pm.

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**25<sup>th</sup> April 2012**

Schedule 1 - Planning applications for determination by Board

<b>TWC/2011/0916 Land To The West Of, Station Road, Newport, Shropshire</b> Erection of a new superstore, highway works, associated infrastructure and landscaping *****AMENDED DESCRIPTION***** .....	<b>2</b>
<b>TWC/2012/0011 Land At, Audley Avenue, Newport, Shropshire, TF10 7BX</b> Outline application for the demolition of existing buildings and structures, erection of a new food store, associated cafe, access, highway improvements, servicing and parking (Access, Scale and Layout).....	<b>64</b>
<b>TWC/2012/0109 The Swan, A442, Waters Upton, Shropshire, TF6 6NP</b> Outline application for residential development (up to 5 houses) on part of pub car park and beer garden, with amended access off River Lane.....	<b>102</b>
<b>TWC/2012/0128 16 Frame Lane, Doseley, Telford, Shropshire, TF4 3BQ</b> Alterations to garden boundary (amendment to Planning Permission W2007/0773).....	<b>108</b>
<b>TWC/2012/0203 The Rose &amp; Crown PH, Stirchley, Telford, Shropshire, TF3 1DY</b> Change of use from car park to car wash facility .....	<b>113</b>
<b>TWC/2012/0228 Highway Verge, St Georges Square, Gower Street, St Georges, Telford, Shropshire</b> Determination under part 24 of the GPDO for the erection of a 15m high telecommunications mast with 6no. antennas, installtion of 1no. equipment cabinet and associated works .....	<b>117</b>

TWC/2011/0916 Land To The West Of, Station Road, Newport, Shropshire  
Erection of a new superstore, highway works, associated infrastructure and  
landscaping \*\*\*\*\*AMENDED DESCRIPTION\*\*\*\*\*

**APPLICANT**

St Modwen Developments

**RECEIVED**

27/10/2011

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South

OBJECTIONS RECEIVED: Yes .

MAIN ISSUES: Economic Development, Retail Need, Impact on Town  
Centre, Impact on Highway Network, Sustainability

**PROPOSAL:**

This application is for full planning permission for the erection of a new food store (called a superstore in the application particulars), highway works, associated infrastructure and landscaping.

The proposal will be served by a new access from Station Road formed by a proposed three arm roundabout. This access will also serve the adjoining land that forms part of the site of an outline application for mixed use housing and employment uses (Application reference TWC/2011/0871).

An important part of the application is the proposal to divert footpath CA2, Hutchison Way around the edge of the site. The proposed alignment will take the footpath along Station Road and then west along the site boundary to intersect with its existing alignment south of the site. This aspect is a permanent solution to enable the development of the store and car park to proceed. It is however stated in the applicant's submissions that any future development coming forward on adjoining land would seek a further diversion of CA2 to take place thereby allowing yet further improved linkages to take place with future development proposals.. These development proposals however are in their infancy and cannot be considered at this time.

The principal elements of the proposal comprise:

- A new supermarket to provide 8,100 sq m gross internal floor area (GIA) and net retail sales floor space of 4,645 sq m.
- In-store restaurant comprising 297 sq m.
- Highway alterations and infrastructure provision - via a new 3-arm roundabout off a realigned Station Road followed by a short section of new highway serving the site and adjoining land connecting to a 4-arm roundabout providing direct access separately to the car park, service yard to the store and adjoining land
- Car park providing 530 car park spaces including 34 disabled spaces and 34 parent and child spaces
- Cycle and motor cycle parking provision

- Biomass Boiler
- Diversion of Public Rights of Way (PROW) Route CA2 Hutchison Way around the edge of the site

Whilst the superstore proposal is a stand alone application for full permission, the Council has received a separate application for outline planning permission for mixed housing, employment and retail development on a larger 28 hectares site to the south east of Newport (TWC/2011/0871) For information only, at the present time this application includes proposals for up to 350 housing units, a new extra care home for the elderly, a new industrial estate comprising B1, B2 and B8 land uses, a new superstore and PFS and car wash and new public open space provision incorporating sports pitches and other play areas. This application will be considered by the Council in due course but it is important to note that this full application is not dependent on any elements of the outline proceeding. That said, the outline application includes a wider master plan that includes the site of the proposed superstore. The outline application is also the subject of formal Environmental Impact Assessment procedures, which is helpful to this full application as it covers - at a fairly sophisticated level - various environmental information and reports. EIA was considered not to be required for this standalone superstore application for Full permission and the Screening Decision under the EIA Regulations is attached to the public file. Where relevant, we have taken into account the environmental information from the EIA on the wider outline proposal.

The application originally included a proposal to build a petrol filling station, ancillary kiosk and car wash. Following concerns expressed by the Environment Agency however, this aspect of the proposals was removed. The space is however retained as an open area and indeed the outline application still contains this proposal. The applicants believe therefore that a technical solution may still be possible although the current application without the PFS must be determined on its own merits.

The proposal for internal access arrangements contained within this application for Full Permission proposes an initial access arrangement deliverable in its own right. Should development of land to the south and east of the site be approved, the applicant has stated that a modified internal access would be provided, which is indicated within the submitted Design & Access Statement.

The proposals show that the store once opened would provide employment opportunities for 274 (Full Time Equivalents) jobs, which is approximately 400 full time and part time equivalent jobs.

The Application is accompanied by a series of reports and environmental information, as follows:

- (i) Design and Access Statement;
- (ii) Planning Statement including Heads of Terms for a possible section 106 Obligation;

- (iii) Transport Assessment
- (iv) Travel Plan;
- (v) Service Yard Management Plan
- (vi) Flood Risk Assessment;
- (vii) Drainage Strategy;
- (viii) Infrastructure Services Report;
- (ix) Air Quality Assessment;
- (x) Noise Report;
- (xi) Heritage Statement;
- (xii) Landscape and Visual Assessment;
- (xiii) Phase 1 Ecology Assessment;
- (xiv) Bat Survey;
- (xv) Habitat Regulations Assessment;
- (xvi) Tree and Hedgerow Survey Report;
- (xvii) Retail Statement;
- (xviii) Geo-environmental Report;
- (xix) Energy Statement;
- (xx) Statement of Community Involvement.

In response to issues raised during the consultation period, further information was requested by the Council and the following additional information was received.

- (i) A number of amendments relating to the scheme layout and design principally to the elevations of the new store including the introduction of larger glazing areas and the use of sustainable timber sections and raising of roof canopy to the store.
- (ii) Through removal of the PFS, this has allowed an increased landscaping buffer along the main Station Road and reconfiguration of the existing pond to help provide an enhanced wetland feature and habitat
- (iii) Hutchison Way – the application has been revised to retain as much of the landscaped area comprising the entrance gateway onto Hutchison Way off Station Road as possible; a woodland copse is now proposed at this point. The footpath will be diverted for a short stretch along Station Road to a point alongside the store site entrance when it will continue along its original path.
- (iv) Addendums to various technical reports have been submitted, including Ecology, Acoustics, Transport Assessment, Flood Risk Assessment and Drainage Strategy, Infrastructure and Services, Groundwater Risk and Contamination, Landscape Assessment and Tree Mitigation Strategy, Retail Assessment and PROW.

The application was screened under the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 as amended and a decision made by the Council under Regulation 5 that an Environmental Assessment was not necessary.

The Secretary of State has informed the Council that it should not proceed to determine this application without his further confirmation following the consideration of this report that the decision can be left to the local planning authority. This follows representations made to the Secretary of State from third parties. It should not be viewed as indicating that the Secretary of State is mindful to take the matter out of local hands.

#### SITE AND SURROUNDINGS:

The application site comprises an area of 4.7 hectares located to the south of Newport and outside the built up area of the town and outside the development boundary of the Wrekin Local Plan. The site is bounded to the north by a dense belt of tree and shrub planting forming part of the former railway line running east-west from Station Road and the entrance to the Hutchison Way. To the south running north south is Station Road itself and open fields that eventually leads to the Newport by-pass. Hutchison Way and public right of way forms part of the site running north-south from a wooded glade that fronts Station Road.

The site has a relatively gentle sloping topography and has a typical edge of settlement character with four low level grazing fields bounded by interrupted hedgerows. A significant local feature is the entrance of the Hutchison Way off Station Road and forming part of the former railway line, which forms a small wooded copse containing mature and semi-mature trees, some of which were planted as memorial planting.

The area surrounding the site to the north comprises a mix of residential and employment uses with town centre uses further to the north east.

#### PLANNING POLICY CONTEXT:

National Planning Guidance:  
National Planning Policy Framework (NPPF)

The NPPF was issued on 27<sup>th</sup> March 2012 and will be an important material planning consideration for members as they consider this application. It replaces the previous guidance on town centre uses contained within Planning Policy Statement 4 (PPS4). A key feature of the NPPF is the emphasis on achieving sustainable economic growth. In dealing with applications for main town centre uses which are not within an established centre nor allocated within an up-to-date Development Plan the two principle tests of the now superseded PPS4 are largely retained. These are the sequential town centre impact tests.

Regional Policy and Guidance:  
Regional Spatial Strategy for the West Midlands incorporating Phase 1 Revision (January 2008). While the Government has stated its intention to revoke RSSs as part of its Localism agenda, the RSS retains its status as a material planning consideration in accordance with the Cala Homes Court of appeal case.

Policy RR3 Market towns:

Market towns have a key role in regenerating rural areas. Action priorities include developing shopping within town centres where sites exist; where no sites exist, shopping development should be subject to national planning policy.

Policy T2 Reducing the need to travel:

Especially by car; reduce the length of journeys.

Policy T7 Car parking standards and management:

Maximum standards in line with national planning policy (i.e. Planning Policy Guidance Note 13).

### Local Planning and Policy Guidance

The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2001 (adopted 2002):

Joint Shropshire and Telford and Wrekin Structure Plan 1996-2011 represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains “saved” policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

- Conserve resources and the environment by reducing reliance on car travel and length of journey, fostering bio-diversity and the conservation of natural resources
- Improve the quality of life by: protecting the natural and cultural assets of the area; improve employment prospects; and tackle levels of deprivation
- Achieve a sustainable environment by careful location of development; improve access and maximise use of previously developed land and existing infrastructure; and
- Foster a prosperous economy, support for the rural economy and encourage inward investment

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

Saved Wrekin Local Plan Policies:

The Wrekin Local Plan (1995-2006) – This Plan together with the above Structure Plan form part of the ‘Development Plan’ (along with the Core Strategy) The Structure and Local Plans however are becoming increasingly dated and they are currently being superseded by LDF documents. However the “saved” policies of the Local Plan (some 88 in total) will continue to have weight in the determination of planning applications for the time being.

Policy S1 Service centre hierarchy:

Newport is identified at Level 2 in hierarchy with other Borough towns and District Centres, behind Telford Town Centre. More recent Development Plan policy (WMRSS policy RR3 above and Core Strategy Policy CS6 and national

policy (Planning Policy Statement 4) need to be considered alongside policy S1.

Policy OL6 Open Land – Open land without any special designation can often make a valuable contribution to the character of the area; many of these types of site are within Newport. The Council may seek through negotiation, planning benefits in order to fulfil the potential of open land where they form an important and integral part of the development. Of particular relevance to this application is the fact that the site is situated outside of the Built Up Area of Newport identified in the Local Plan Proposals Map.

Other policies of relevance include: EH7 (Contaminated Land); EH8 (Remedial Action on Contaminated Land); UD2 (Design Criteria); OL11 (Woodland and Trees); T4 (Development Principles); and HE4 (Detailed Applications).

Local Development Framework Core Strategy (CS):

Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

Policy CS2 Jobs:

Newport to be the focus for small and medium-sized employment development. Offer a choice of work opportunities to reduce levels of out-commuting.

Policy CS6 Newport:

Help support Newport in its role as a market town and enable it to fulfil its role as a rural service centre. Town's economy and its service and facility base will benefit from being bolstered and expanded. Aim to achieve a sustainable economy.

Policy CS7 Developments within the Rural Area – will be limited to that necessary to meet the needs of the area.

Policy CS8 Regeneration:

Development associated with regeneration initiatives will be supported where it will, amongst other things, strengthen the market town role of Newport and the services and facilities it provides.

Policy CS9 Accessibility and social inclusion:

Locate development in centres. Promote sustainable forms of travel. The CS acknowledges that the role and function of Newport town centre has been eroded by the changing dynamics in both the local economy and changing shopping habits following the development of new retail attractions elsewhere. In encouraging development in Newport that enhances the role and function of the town centre and maintain its position second only to Telford in the local retail hierarchy, development that assists regeneration, create jobs and reduce social exclusion will be supported.

Other policies of relevance include CS12 (Natural Environment); CS14 (Cultural, Historic and Built Environment); and CS15 (Urban Design).

#### PUBLICITY AND CONSULTATION RESPONSES (scheme as originally submitted):

##### TWC Highways:

The Council's Highways Team in considering a range of development proposals coming forward for residential, employment, retail etc at this time believe that it is important to assess the cumulative impacts arising from all developments. The Department is currently looking at the highway infrastructure to determine what level of mitigating works is necessary. The Department is aware of the scale of contributions that will be necessary for public transport and PROW footway/cycleway but this is under review at present. Particular comments can be made at this time and these are as follows: Further swept path analysis necessary for the roundabout overrun area; question how service access to be accommodated with the proposed (future) residential access road – this should be designed and built out now; the offer to extend public transport provision is under consideration at this time – the development will need to make a substantial financial contribution to meet the frequency of service that will be required. Given that there are a number of schemes in the pipeline (that may or may not be supported) the total figure for public transport would need to cover at least ten years to allow for provision over the life of all of the development phases. The total figure will likely be fixed and so if one or more of the proposals are not supported then the contribution may be affected. Similarly there will be benefits to the developments in enhancing and improving linkages to the town centre via the footway/cycleway and PROW networks and appropriate contributions will be necessary for these. Finally subject to agreeing the scale of the highway works please be advised that these will fall into two categories. Works directly attributable to a specific development and to access that development will be provided by the development under S278 Highways Act. Off site works where there is a cumulative impact will be apportioned to each development based on the level of impact and the cost estimate for the improvement scheme. The funding for this will be secured through the negotiation of appropriate Agreements either under section 106 of the Planning Act or, if involving the Council, by the responsible officer for Asset & Property matters covenanting to make adequate contributions. The Highway Authority will deliver those works.

##### Environment Agency:

No Objection since the removal of the PFS from the proposal. The EA advises that the risk of pollution of groundwater at a sensitive site has been removed. The Environment Agency has confirmed in their latest consultation response dated 5<sup>th</sup> April 2012 that it has no objection to the proposed development subject to conditions relating to the proposed surface water drainage system, protection of the underlying aquifer and decontamination of the site.

For information, the site is located on a principal aquifer which represents a major water resource and source of domestic supply in the region. A public water supply bore hole utilizes groundwater from this aquifer less than 100 metres from the site. A number of wells collectively known as Baddley's Wells and Wells Head Spring are also present in the vicinity. The site therefore falls within Source Protection Zones (ZPZ) 1 and 2. The development also falls within a Water Framework Directive (WFD) Drinking Water Protected Area

The EA also advise that there is an un-surrendered landfill licence comprising part of the former railway line should be the subject of intrusive investigation. The EA recommends that the advice of the Council's Land Contamination Officer should be sought.

Finally, the EA explains that the Flood Risk Assessment makes reference to the need to restrict flows to Millwood Mere to the north of the site. The Applicant needs to establish agreement with Severn Trent that connection to the Mere is viable and the control is adequate. Proposed use of underground surface water tanks as attenuation measures is not a SUDS solution although it is recognised that the proposal will incorporate rainwater harvesting.

These conditional matters are dealt with later.

#### Severn Trent Water:

In acknowledgement of the number of planning applications currently being considered by the LPA, Severn Trent Water has prepared a "Position Statement". In summary, the following represents STW's position:

Under the Water Industry Act, developers have the right to connect foul and surface water flows to public sewers and STW have a duty to provide additional capacity. Where there is insufficient capacity, STW cannot refuse connection but can ask the LPA to delay development pending upgrading. STW have to fund any capacity improvements, but also have a duty to minimise the impact on customers' bills - they also don't want to delay new development but need to avoid abortive expenditure associated with speculative development. STW also has a duty to comply with discharge consents issued by the Environment Agency (EA).

In terms of the **sewerage network**, Newport is split into two sewerage sub-catchments – one to the north-west and the other to the south-east. There are known capacity issues within the SE catchment with records of sewer flooding affecting properties and gardens etc Mitigation to properties has been successful but risk to external areas - gardens and highways - remain. Preliminary investigations suggest that additional flows from proposed development in the western catchment are likely to exacerbate existing problems. Investigatory work to look at solutions and options will be completed early summer 2012. Possible solutions include the developers reducing the amount of surface water (rain water) that enters the foul sewers, which will free up capacity for additional foul flows, and/or replacing parts of the sewerage system with larger sewers. The costs and benefits of each of the options will be assessed and the most suitable solution will be selected.

STW may invite the LPA to delay commencement or occupation of any development until sufficient capacity is provided. STW recommend that the Council uses appropriate conditions on planning applications to ensure that developers provide details of foul drainage that the Council would then approve.

In terms of **sewage treatment**, STW confirm that the sewerage network problems are not linked to the capacity of the existing sewage treatment works in Newport. Spare capacity exists for an additional 670 new dwellings within the existing discharge consent for the treatment works. The current treatment process is anticipated to have sufficient capacity for later development phases. Any additional capacity requirements would be provided on site at the existing treatment works. The impacts on air quality will be negligible.

With regards to **surface water management**, this should be managed on site rather than being discharged to the sewerage system or where necessary, restricted to "Greenfield rates". Such sustainability measures will reduce the demand on the existing sewerage network capacity.

In terms of **water mains system**, a study is underway for Telford as a whole, which will report in April 2012. It is anticipated that STW along with TWC will manage the impact of new development. It is finally recommended that a Water Cycle Study be prepared by TWC for development across the Borough.

Pollution Control Team (TWC):

If Plans Board is minded to approve the Application, the following should be considered.

#### Air Quality

An Air Quality Assessment was required for the Proposed Development.

There are two distinct issues.

##### 1. Air Quality during Construction.

It is an inevitable consequence of the construction of any development of this size that dust will be produced and that this dust could cause nuisance to properties in the vicinity. In order to minimise any such nuisance it is recommended that a condition be included in any permission granted that that the development be the subject of a Construction Environmental Management Plan to be agreed in writing with the Local Planning Authority.

##### 2. Air Quality on Completion.

On Completion of the Proposed Development, the effect on local Air Quality will be within acceptable limits.

#### Petrol Filling Station

Comments are no longer relevant following deletion of PFS from scheme proposals.

#### Nuisance from Mobile Car Washing

A condition is proposed by the Environmental Health Officer to restrict mobile car washing within the car parking area so as to prevent contaminants entering surface waters and polluting the underlying aquifer..

### Noise

A Noise Impact Assessment was requested and this was produced in October 2011.

Public Protection (Environmental Health) raised a number of issues with this Assessment, as did a number of objectors. Further particulars were requested, and an addendum to the report was submitted in January 2012.

It is recommended, that if permission is granted for this development, that any such permission contains conditions relating to management of the service yard and appropriate noise attenuation. Comments in relation to noise controls on the car wash facility are no longer relevant following deletion of PFS from scheme proposals. However a second noise assessment was submitted when the PFS was omitted in March and this indicated that the application as revised will be acceptable in terms of noise levels.

### Plant Noise

The Noise Model provided shows that sufficient measures have been proposed to alleviate the noise from these sources.

### General Noise

The Noise Assessment provided with the application and the subsequent addendum considers the impact of the noise sources within the proposed development on existing Noise Sensitive Receptors. On this basis, Environmental Health do not object to the proposed development. If this development is granted, it will impact on the Outline Application for residential properties adjacent to this site which will require appropriate Noise Attenuation Measures to be incorporated in any such Residential Development.

Planning Ecology Team (TWC):

Flora: It appears that the botanical interest of the site is higher than was noted in the survey. The pond also supports a greater diversity of species than the survey recorded, including water-purslane, a species which has not formerly been recorded in the borough. Further investigation of the floral diversity of the site and an updated assessment of its value is necessary.

Bats: The report needs to demonstrate that 2 emergence surveys using 2 surveyors on a site of this size is a sufficient level of survey effort to confirm absence of roosting bats on the site. I suggest a justification of the survey effort is provided, with reference to the Natural England Standing Advice. Several of the mature trees were assessed as having a high potential for roosting bats. No bats were seen to emerge from the trees during the survey, but it is unclear from the survey report whether detailed visual inspection of these trees have been undertaken to confirm presence/absence of a roost. The bat activity surveys show use of the site by bats for foraging but the report lacks an assessment of the impact of the development on bats or any

recommendations for enhancement. The mature trees with bat potential and areas used for foraging/commuting should be retained.

Great Crested Newts: The report states that “the ponds were only considered to have limited suitability for common amphibians”. More information would be useful, e.g. Habitat Suitability Indexes. In addition, two common frogs have been recorded in the western pond. There are a number of ponds visible on the GIS in the surrounding area. Whilst the road is a barrier to most of them, their presence should be mentioned in the report, and the pond 100m to the NW of the site may require investigation.

Reptiles: The Phase 1 Habitat Survey states that “no reptiles were seen during the site visit, but an area next to the industrial estate, at the edge of plantation woodland, appeared to have some potential.

Invertebrates: There are habitats on site that are suitable for invertebrates but no consideration has been given to the potential invertebrate assemblages on the site.

Mitigation and enhancements: Habitats and ecological features should be retained, restored and enhanced as part of the development. The reports should be used to inform the development’s design, landscape plan and management plan. If mature trees, woodland, hedgerows, standing water and scrub are to be lost as part of the development then further information will be required to assess the development’s impact on these features and provide details of how adequate mitigation and compensation will be provided. Development proposals should demonstrate how they contribute to Shropshire Biodiversity Action Plan (LBAP) targets. For example there are ponds on site and the Standing Open Water Habitat Action Plan has a target to replace ponds unavoidably lost through development on a two for one basis. Other enhancements, e.g. erection of bat and bird boxes, should be incorporated into the final scheme, and a lighting strategy should be produced so that the northern hedgerows (important bat and bird foraging and commuting features) are not adversely affected.

Natural England (NE): No Objection.

Protected Species: see NE’s Standing Advice. We do not propose to comment further on the submissions – if there are outstanding matters relating to European protected species that require NE’s advice, please re-consult.

European Sites (Natura 2000 Network): The site is within 5km of Aqualate Mere SSSI forming part of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites. PPS9 makes clear that Ramsar Sites are to be considered of equivalent status to European Sites (SPA/SAC). In NE’s view, either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the important interest features of the Ramsar Site or any of the special scientific interest features of the Aqualate Mere SSSI. The reasons for this are:

- (i) Public water supply and foul drainage – following consideration (sic.) there are no significant environmental impacts arising from water supply or waste water treatment on Aqualate Mere.
- (ii) Hydrology – the development lies outside and effectively downstream of the surface water catchment area of the SSI/Ramsar site. As a matter of good practice NE expects suitable design and sustainable drainage systems to be delivered as part of the final proposal. A suitable planning condition may be appropriate.
- (iii) Air Emissions – the development proposal's distance from the SSI/Ramsar makes indirect effects from vehicle related emissions very unlikely. If the proposal is to be approved careful design in terms of maximising the scope for access to the town centre by sustainable modes of transport (walking, cycling and public transport) will play an important part in minimising unnecessary use of the private motor car. A suitable planning condition may be appropriate.
- (iv) Recreation pressure – the current means of access to the SSI/Ramsar (car parking spaces and footpath access) are such that the scope for increased visitor pressure is strictly limited. As a matter of good practice, if approved, the development's open/green space resource should be designed and delivered in such a way as to facilitate access on foot both into town and into wider outlying countryside. A suitable planning condition may be appropriate.

Newport Canal is located close to the existing Severn Trent waste water treatment works. NE has no objection to this development in relation to the issues of water supply and foul drainage provision and satisfied that there will no significant impacts from water supply or waste water treatment on the Newport Canal SSSI.

On the associated matter of a consultation zone around Aqualate Mere SSSI and Ramsar site. No relevant, defined zone exists at the moment. This is reasonable as different planning proposals would need to be considered individually. The following points are relevant:

The SSSI's water catchment is captured in the ECUS report referred to as a footnote in our responses. The key message is that the catchment lies entirely upstream of Newport (and within South Staffordshire LPA) and as a result, provided developments embrace appropriate drainage provision no adverse effects should arise. We welcome the dialogue with Severn Trent Water Ltd and their recommendation that the council produces a Water Cycle Study as this will address the issue in a strategic context.

The issue of recreation pressure might reasonably be considered as new development comes forward. At the current time the scope for unmanaged and damaging impacts from an increase in recreation demand is judged to be limited by the availability of car parking at the National Nature Reserve and the limited pedestrian access routes into it.

Similarly air quality associated with traffic generation will need to remain 'on the radar' according to the detail of individual planning proposals. In general,

nitrogen deposition is the foremost consideration in terms of traffic related air quality effects on designated sites. Current understanding is that nitrogen deposition effects are manifested within 200m of the relevant road route. Aqualate Mere is no closer than 400m from either the A519 (Forton) or A518 (David's Pits Covert).

Sustainability Officer: There are some very positive sustainability aspects of the development, for example the development is being built to BREEAM 'Very Good' standard.

Taking this into account it is recommended the standard of BREEAM "Very Good", with a requirement to consider "Excellent" should be 'conditioned'. If the development occurs after April 2013 then the requirement should be 'Excellent'.

However, greater consideration by the developer could also be given to:

- FSC wooden frame building, A-class rated cladding system
- Low energy hand dryers with maximum ten second drying ability – 1.5 kilowatts
- Fast closing, movement sensing loading bay doors to reduce heat wastage
- 90% of construction waste avoidance from landfill
- Energy performance certification rating 'A'
- Over the option of Air Source Heat Pumps and Biomass Heating, consideration should be given to Biomass Heating - a biomass boiler with wood pellets providing renewable hot water and heating.

#### Third Party Representations:

A large number of residents and local organisations have commented on the application. Copies of all representations are held on file and can be viewed by Members online. Officer reports can only hope to summarize the main points raised by third parties. Similarly, often those making comments ask questions of the authority, some of which are rhetorical in nature. This section of the report summarizes views expressed but also specifically highlights one or two representations where they have been submitted by people that represent local groups. The representations include both general objections and specific issue concerns.

There have been upwards of 450 letters of objection to the proposals. The comments of these are summarised as follows. The main reason for objection is the impact of the proposed out of town supermarket on the existing High Street. It is considered that the proposal will not result in linked trips to the Town centre, and will undermine the vitality and viability of the high street. This will result in closure of businesses and job losses. The long term concern relating to business closure was increase anti-social behaviour and crime due to boarded up shop fronts and harm the Newport Conservation Area due to increased numbers of vacant properties. Furthermore, the

proposal will not promote social inclusion as there will be fewer facilities within the town. It is acknowledged that the new supermarket will create jobs but public opinion is such that any job creation will be negated by job losses at other premises elsewhere in Newport, and there will be a net loss of jobs within Newport.

A significant number of objections have raised concerns of impacts on the High Street, citing similar examples at Oswestry, Oakengates, Wellington, Market Drayton and Dudley and the detrimental impact schemes have had to the traditional high streets, whilst Ludlow, with the store within the town has been identified as a success, using retail to regenerating a town.

It is considered that the size and siting of the proposed store is inappropriate, and there is no need for a store of this size. Furthermore, development of Brownfield land should occur first and any new retail should preferably be closer to town on one such site, or reuse the former Focus site. A smaller low cost retailer is a more appropriate form of development for Newport, as discussed at the Mere Park appeal. In addition there is no need for a petrol filling station, as the area is well served by two existing facilities. The style of the store fails to respect and enhance the quality of the town and built environment.

Residents consider that the Local Planning Authority has a duty to promote the Town Centre and seek the reuse of existing vacant buildings and encourage growth on Water Lane, or elsewhere within the Town.

Another significant issue of objection related to the increased traffic generated from this development and cumulatively with all the other currently proposed developments within Newport. This will result in congestion within Newport, increased CO2 emissions and unsafe junctions and speeds on the access. The proposal will not improve public transport and there is a lack of pedestrian links particularly to the town which is not accessible by foot from the High Street.

The development is proposed on Greenfield land, and will result in the loss of important open space, which is of agricultural and historic value to the community, with historic path ways and walks. This land is considered an important buffer between Newport and Church Aston. The development will have an adverse impact on the wildlife on site. Principle of development: application site is Greenfield land outside the development boundary for Newport (Brownfield first approach is a fundamental principle of good planning), contrary to PPS1, PPS4 and PPS7. Also contrary to Core Strategy Policy CS7 and Wrekin Local Plan Policy OL6. These policies were relied upon by the Council at the previous Mere Park appeal.

The proposed development will have a detrimental impact on Newport's infrastructure in terms of electricity, drainage, social infrastructure and increased issues of flooding.

The proposed development due to its scale and siting is contrary to national policy and the 'Save the British High Street' government drive and Localism. The development is also contrary to local policies, particularly CS6 of Core Strategy and regeneration objectives for Newport. This development will adversely impact on the unique character of this historic market town. This is not sustainable development. This development fails to promote the regeneration and tourism potential of Newport.

The proposed development will create issues of noise relating to traffic, car parking and trolleys etc and pollution in terms of light pollution from store and floodlighting of car park and litter.

It is noted that this site is owned by the Council and residents are concerned about the conflict of interest between land owner and Local Planning Authority as decision maker. The sale of the land is already allocated with the Telford and Wrekin Councils budget, and is therefore pre-determined the application processed and this is a financially driven proposal, rather than meeting community needs for Newport.

Other than the main issues raised above which most objectors have commented on there are a number of other issues of concern relating to the lack of public engagement, the diversion of public rights of ways, loss of privacy, increasing the retail catchment areas, water contamination, issues of boreholes on site and flaws with the retail impact assessment. The site would be better used to re-site Burton Borough School. Site is subject to three separate PROWs and will be subject to removal of trees/landscaping and is used by local people for recreation.

Ecological information and reports submitted with the application, including Extended Phase 1 Habitat Survey, Nocturnal Bat Activity Survey Report and Hedgerow Survey are insufficient to arrive at an adequately informed decision. The report production should follow IEEM Guidelines for Ecological Impact Assessment that incorporates 5 main stages (Scoping/Baseline Survey/Determining Value/Impact Assessment/mitigation-compensation-enhancement. Main inadequacies include, inter alia, timing and adequacy/accuracy of survey work

Flood Risk Assessment fails to address potential flood risk from all sources as required by PPS25 e.g. FRA does not include potential flood risk from "artificial" sources such as reservoirs and other surface water features (Millwood Mere). Groundwater levels have not been mentioned – there are ponded areas on site which could indicate a high water table. Stines Brook hydrology has been assessed using inadequate methodology. No assessment undertaken of Moorfield Brook. Site is underlain by a Source Protection Zone serving a public water supply, which could be polluted by PFS and car parks. Inadequate attention given to downstream watercourse impacts.

Transport Assessment is fundamentally flawed.

- Traffic surveys suspect; trip rate dependent on pass-by trips and is optimistic;
- potential to create a rat-run if the wider proposals take place; traffic growth factors contain discrepancies;
- a number of junctions A518/Audley Avenue, A518/A41 roundabout and Station Road/Wellington Road are close to failing and need to be improved;
- capacity assessment of junctions is also suspect;
- parking demand assessment required as site is out of town;
- pedestrian and cycle routes – proposed route for Hutchison Way is not appropriate given that it was designed for recreational purposes; the wider improvements can only take place if wider development proposal takes place; there is no pedestrian link proposed between existing footway on western side of Station Road and the Hutchison Way access. Existing footway from the town stops 80m to the north. No crossing point across Station Road in vicinity of access. Existing footway on eastern side narrows to 1.3m and is substandard.
- Bus service provision if partially upgraded as part of the proposals will require other services to be upgraded.
- Junction and roundabout proposals and improvements are unsatisfactory

Newport Regeneration Partnership (letter dated 16/11/11)

The Partnership believes that the absence of a 'master plan' has led to inappropriate piecemeal approach and denied the community a voice contrary to Localism. The Partnership makes the following points:

- Brownfield sites should be developed first
- TWC hasn't engaged with the community
- Enormous development off Station Road will add to existing severe capacity issues in utility services, contribute to flood risk and add to traffic volumes.
- Scale of retail proposals excessive and contrary to Core Strategy Policy
- Will not benefit Newport – increase in local spend will be at the superstore rather than Newport; Waitrose (very much part of the High Street) will be critically affected.
- Disagree with submitted Retail assessment – it will not improve access or choice if marginally profitable TC stores close; it is not located within the existing town; will not reduce the need to travel; will not support the role of Newport as a market town; it will not improve social inclusion; will not reduce CO2 emissions.
- Newport privileged in having two main food stores and has substantial walk-in population.
- Part of Council's case at Mere Park based on potential undermining of town centre – the impact here will be far greater
- CS Policy 6 states that all development will enhance the quality of the town's built and natural environments – superstore shed does not do this.
- Economic impact

- Council's own retail study does not advocate a store of this size – this is a trade off between living in Newport and living in Telford
- Contrary to Government's emerging policy 'Town centre First' – catastrophic impact on green environment to south of Newport, urban environment of High Street and overall quality of life

Telford & East Shropshire Ramblers Group: On behalf of the Ramblers I wish to lodge an objection to the above development on the grounds of loss of vital green space and the consequent diversion of a much-used right of way. The footpath carries the Hutchison Way which is to form part of a new scheme to provide a multi-user route linking Staffordshire with Ironbridge. The proposed diversion would be substantially less convenient and pleasant for users.

Both Waitrose and the Co-op strongly object to the proposal on the following grounds:

- Waitrose believe they act as anchor to the town centre serving Newport and rural hinterland and underpins trading performance and attraction.
- Proposal contrary to CS Policy CS6 in that it will serve a wider area than required to meet the needs of Newport and its rural hinterland
- Council's Study 2009 does not identify a need for a store of this size
- Compliance with sequential test not demonstrated
- Combined effects of stores have not been assessed
- Will have a significant adverse impact on TC contrary to PPS4 and Ministerial Statement 23 March 2011 and Draft National Policy Guidance July 2011
- Not accessible by choice of transport modes contrary to CS9
- Applicant's retail approach is flawed (see Appendix to Waitrose letter)
- Shoppers' survey revealed that 76% of people satisfied with existing retail offer in the town
- Size of store is grossly out of kilter and proposal will absorb a significant proportion of all convenience goods expenditure to the detriment not only of existing stores in the town but also of independent retailers in Newport
- Co-op believe that the retail evidence is misleading – in particular the store will be dependent on expenditure currently spent within the catchment
- The dynamic of retail activity will change to the detriment of the town centre as people will be able to do all their shopping 'under one roof'.
- The site is not accessible
- Sequential test has not been undertaken properly
- The Mere Park appeal decision is a material planning consideration – failure to take account of the outcome of the appeal would undermine the ability of the Council to properly consider town centre impacts
- Waitrose is technically edge of centre but performs as a TC site
- Applicants should be asked to undertake a cumulative impact assessment to include Mere Park site

## PUBLICITY AND CONSULTATION RESPONSES (scheme as revised in January and March 2012):

Following the submission of additional information, the application was the subject of two further re-consultation exercises and the following additional responses have been received: It is important however to note that Members must consider all representations received and also that officers in assessing the planning considerations later have considered all representations irrespective of timing of receipt of representations.

Environment Agency: No objection subject to conditions

Ground water protection:

Notwithstanding the removal of the PFS, the sensitivity of the groundwater resource and borehole to pollution remains. As such it is of critical importance that robust protective drainage proposals are implemented and maintained.

We have no objection to this amended proposal subject to the imposition of the following conditions on any planning permission. Without these conditions, we consider that the proposed development would pose an unacceptable risk to the water environment. These conditions expand on our previous comments in respect to drainage matters. They are now also informed by the further submitted detail in the Amended Plans and understanding of the groundwater sensitivities.

Recommended Condition A

Any development permitted by this planning permission shall only be carried out in accordance with the specific mitigation measures detailed below:

1. All piping that is within or passes through the Source Protection Zone 1 (SPZ1) of the public supply borehole shall be of a sealed, non-perforated, impermeable and twin walled design. A regular maintenance schedule for the testing of the integrity of the system shall be agreed by the Local Planning Authority prior to first use of the car parking and loading areas, to minimise the risk of leakage.
2. The surface of the loading and unloading service area of the store shall be impermeable with drainage to a single point that can be closed in the event of a spillage, such that any spillage can be contained within the area to facilitate required remedial measures.

Reason: To protect the adjacent Severn Trent Water public supply borehole and groundwater resource.

Recommended Condition B:

Unless otherwise previously agreed in writing with the Local Planning Authority there shall be no de-watering of the site and no interruptions to ground water flows.

Reason: To protect the adjacent Severn Trent Water public supply borehole and groundwater resource.

Recommended Condition C:

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Recommended Condition D:

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the Severn Trent Water public water supply borehole and groundwater resource.

Pollution prevention information as advised by EA:

It is advisable that the developers adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured at this sensitive location.

We note that Foul Drainage is to be directed to the public foul sewer system via an on-site (private) pumping station and "break chamber". The following principles that should be applied to the construction and operation of the pumping station are that there should be:

- Residual capacity in the wet well, above pump activation level, to act as temporary emergency storage in the event of any mechanical and/or electrical pump(s) failure. This should be equivalent to 6 X DWF (dry weather flow) which is often referred to as 2 X 3DWF;
- no emergency overflow outlet;
- both duty and standby pumps;
- an alarm to warn of mechanical and/or electrical pump(s) failure. It would be preferable that this is an audible alarm with a telemetry link e.g. into the on-site management systems;
- Consideration of the provision of a facility for the connection of a generator in the event of a major pump failure that could not be rectified within the 6 X DWF timescale. The only other alternative if there is major pump failure, is tankering of the sewage;

- Documented emergency guidance to deal with any failure of the pumping station included in the emergency procedures associated with the management of the site.

The proposals for Surface Water (in excess of any infiltration routes) in this Drainage Strategy by Rodgers Leask ref CD11/022 Strategy include:

- Roof water to trapped gullies;
- Car park drainage, via trapped gullies, to a bypass oil separator;
- Short section of access road to highway drainage.

Both roof water and car park drainage will ultimately drain to Millwood Mere via an on-site underground attenuation/storage tank(s).

EA comments on Surface water flood risk information: The submitted Drainage Strategy for the site proposes attenuation storage tanks which will be able to hold the 100 year event with a 30% allowance for climate change. They propose to constrict the pass forward flows to 17l/s. We have no objection to the proposed Strategy but have the following additional comments for your information:

As the site lies in Flood Zone 1 (FZ1) that is the zone which has a low probability of fluvial flooding, the main risk of flooding would arise from surface water rainfall run off. We would expect that your internal Drainage Engineers will advise you on any necessary conditions for the detailed implementation of this Strategy and provision for its long term maintenance.

The Strategy refers to a pass forward flow to Millwood Mere, which we understand may be a Severn Trent asset in which case Severn Trent would need to agree to the flow. In order to deal with future use of the Mere, we recommend that you investigate and confirm the ownership and hence the consequent maintenance responsibility. Comment – this is not a STW asset.

EA comments on Sustainable drainage information

We note that the Drainage Strategy proposes tank storage for surface water, however the Sustainability Statement refers to possible use of rainwater harvesting for public and staff toilet flushing. We would encourage the use of sustainable drainage options wherever possible including rainwater harvesting and the sustainable reuse of 'clean' roof water on site. Your Drainage Engineers may advise on a condition in respect of securing appropriate sustainable drainage systems for this location and site use.

TWC Drainage Engineer: Reasonably content with the revised details as set out in the FRA and addendum. Will be recommending a series of conditions but is relatively content that it is in principle possible to adequately drain this site. However there are a number of matters that will require further consideration and condition. In particular, as the site sits on a high water table, there will be a need for conditions so that further approval of information on protection methods from ground water ingress to any SUDS features on site. In addition, the issue of potential surface water pollution from car wash facilities needs to be addressed. Such effluent should be disposed to a foul

water drainage system or stored in a sealed system for off-site removal as a liquid waste. Details are required on the areas where any mobile car washing will take place and how this potential pollution will be treated.

Planning Ecology: The additional information provided in the ecological addendum justifies and clarifies the majority of (previous) concerns.

I suggest that the recommendations from all the reports are written into a mitigation strategy/management plan, to include precautionary working methods, the retention, enhancement and management of habitat features, the erection of bat, bird and invertebrate boxes on buildings and trees, and the creation of refuges.

This should ideally be provided prior to planning permission being granted, but can be conditioned. A lighting strategy should also be produced to ensure that the northern hedgerows (important bat and bird foraging and commuting features) are not adversely affected.

Highways Team: As you are aware there have been a number of Planning Applications lodged for various potential developments in Newport. The Highway Authority is concerned that the cumulative impact on the local highway network, should these developments all receive Consent, will be such as to cause capacity and safety issues on parts of the strategic highway network.

In light of this the Highway Authority has carried out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments. The works have been costed and the cost to each development has been apportioned based on the level of impact derived from the trip distributions. Contributions will be secured through a suitably worded S106 agreement with the works delivered at appropriate trigger points based on phasing of development. In terms of this submission the proportional impact will require a contribution of £907,548.

Physical works that have been identified for access are not included and will need to be delivered by the relevant development under S278 Agreement.

The Developer has recognised that the development will need to provide enhancements to the local public transport services and infrastructure. In the accompanying TA it was proposed to enhance the existing local (but limited) service to an increased frequency at approximately 30 minutes intervals from 7am to 7pm, Monday to Saturday for a minimum of 5 years after completion. This equates to an additional bus and driver. This service would be pay to ride.

Internal discussions with the Passenger Transport Team has confirmed that it will be possible to provide this level of service and that this will have sufficient spare capacity to be capable of expansion to serve the other emerging developments under consideration at this time. The Developer's consultant

has subsequently entered into negotiations and carried out their own assessment (addendum TA Jan 2012 Appendix C) and has arrived at the same conclusion.

In order to provide the aforementioned level of service the development will need to provide a subsidy of £600,000. Infrastructure such as bus shelters and bus boarder kerbs will be additional to this. I would suggest £10,000 on the basis of two stops on Station Road. The Passenger Transport Team would procure the service and would agree the timetable.

Turning to the details of the site itself the following issues have been discussed.

As a result of the way the Application has been presented there is a requirement to form a temporary access road to the service yard. As it stands this would appear to prejudice the delivery of the internal highway infrastructure presented for the related Outline Application (TWC/2011/0871). Discussions with the landowners concerned have confirmed that all parties are aware of this issue and that they propose this access to be a temporary measure only. I am expecting details of the delivery mechanism for the final access including a plan in the near future.

In a similar vein the application proposes a diversion to the named PROW, Hutchinson Way. The mechanism to achieve this will need to be discussed with the Rights of Way Officer. The route along Station Road would only be considered as an interim solution as the wider outline application will require a further diversion. It is suggested that the final alignment should ideally make use of the proposed green spaces.

Suitable highway related Conditions are recommended

Arboricultural Officer:

With regard to the updated Landscape Visual Addendum provided by FPCR January 2012, I would like to make the following comments regarding the arboricultural implications within the site, in conjunction with:

Policy OL11, "The council will seek to retain & enhance the contribution that trees & woodland, (especially areas of ancient woodland) make to the landscape character of the district.

b) Resisting development proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a settlement or its setting or have a significant ecological value.

The tree population which may be affected by the proposed development has been assessed accordingly and the following observations made:

G26, A row of Ash trees adjacent to the old railway line. The initial tree surgery works are intended to remove the overhanging branches from this group of trees to facilitate the erection of the supermarket building, whilst

retaining the trees to lessen the visual impact of the building. The foundations of the building appear to be within metres of the trunks of the trees.

They are intended to remain in situ until the new landscaping and replacement trees are established within the landscape, they are then proposed to be removed.

The Council would like assurances that after the replacements are established the developer will remove the trees and no liability will be inferred to the Council.

The proposed new footpath has 34 newly planted trees adjacent to it, therefore the use of root barriers is strongly recommended to abate the risk of future trip hazards, the surface must also be permeable to allow for the exchange of water & nutrients.

The loss of G27 (a group of White Poplars) is regrettable but as previously stated, they are not the ideal species to be growing over a footpath or car park. Their loss is somewhat mitigated by the proposed new plantings.

T89, Ash, This tree has been highlighted for removal, given the location of the car park and the unfortunate health of the tree. There has been no mitigation strategy proposed for its removal, so given its location the wood could also be left on site to contribute to the ecology of the area, the stump could be carved to make an attractive sculpture. The replacements for this tree should also be sizable e.g. in the region of a 20- 25 cm girth or larger.

G29 is a group of 30+ early mature Ash trees which have been proposed for removal to facilitate the car park of the supermarket. To compensate for the loss of this grouping they must at least be replaced on a one for two basis within the proposal.

T81, The proposal for the mitigation of the loss of this veteran Oak is to retain the wood on site and propagate cuttings from the tree. The replacements are considered to be too small, all replacement trees should be of such a size that they offer the scheme maximum visual amenity & impact from the outset.

T82, The wood from this Oak should also be retained within the development, as it will continue to enhance the ecological & bio-diversity aspects of the site.

The replacement trees surrounding the proposed petrol station include Cherries, Field maples and Hawthorns none of which attain a tall mature height. Ash & Beech trees are some of the most efficient at removing carbon from the atmosphere. Yet, they have only been proposed as either woodland planting or hedging respectively.

With regard to the overall landscaping proposal, it is felt that the replacements are too small to justify the loss of the current arboricultural value of the site.

In addition to the above and on behalf of Parks & Open Space, whilst raising no objection, there is no detail in the planning application of which (if any) areas of open space are to be adopted by the council. With this in view, if any

such areas are adopted it is essential that a sufficient commuted sum is sought via a section 106 agreement for any maintenance required for a period of 15 years based on the final agreed landscape design. There are a number of smaller issues relating to the suitability of plant species for specific locations which need to be addressed to ensure longevity i.e. not positioning sun loving species in shaded areas and including species that prefer drier conditions in wet areas. Where native species are used, these should be sourced from indigenous populations to the Midlands where possible.

Recommend a series of conditions to implement landscaping scheme and maintenance.

Newport Town Council (views on planning obligations):

Newport Town Council has now met without prejudice to discuss the issue of planning gain. Your officers have advised the Town Council that any requests for planning contributions must meet the tests on the use of planning conditions and section 106 covenants (must have planning relevance, must relate to the development, must be proportionate to the development under consideration and must be reasonable in all respects). However the involvement of the Town Council is welcome as that Council is able to represent the interests of the local community of Newport only.

Although it falls upon this Council as LPA to negotiate appropriate levels and types of planning contributions, it is appropriate to consider what the Town Council has said on the issue. The following paragraphs highlight the response of the Town Council in respect of section 106 negotiations:

*Members of Newport Town Council recently met with representatives of the applicant for the subject planning application.*

*At the meeting The Council was asked what community benefit could be gained from the development should it receive planning consent and to inform you?*

*The full Town Council considered the question at its meeting on 8 February 2012 and have asked that I convey their indicative thoughts.*

*There are a number of challenges/projects facing Newport due to a variety of factors including; numerous development proposals unitary authority budget cuts and public comment, which could be supported or mitigated against by community benefits associated with the planning application.*

*There is a desire to improve recreational and leisure facilities including:*

- Improvements to the swimming pool.*
- Improvement to and additional Sports pitches and facilities.*
- Assistance with aspirations to improve and extend the canal to Norbury junction*
- Maintenance and protection of 'green space'.*

*Improving/ increasing car parking provision in and around the High Street.*

*Providing opportunities for 'close to town' non-kerbside recycling and refuse. (Should Newport lose its recycling centre as part of the unitary authority proposed budget cuts)*

*Assistance to maintain the viability of the High Street – we note that the supermarket developer has provided opportunities in other similar planning applications for the provision of consultancy services, sign posting of high street businesses from within its store, funding (in whole or part) town centre managers and educational programmes for high street traders.*

*Assistance in developing close-to-town sites such as Water Lane, which was the subject of a Unitary Authority document a few years ago.*

*It is also understood that a recent planning application in respect of housing on land near Wellington Road TWC/2011/0821, during its public consultation phase, sought the views of the public on potential community benefits. It is considered that any comments provided under that application are likely to provide some indication of other community benefits. I ask that you consider those comments.*

*I have enclosed a record of the discussions of the meeting with the developer's representatives for your information.*

*In summary, Newport Town Council would wish to be actively engaged in identifying community benefits as a result of impending development. If you could advise how best that might be achieved I would be more than content to meet with you or your colleagues who deal with these issues.*

Chetwynd Aston Parish Council (views on planning obligations).

Should this application be approved, and the Council very much hope it will not be, Councillors feel that this Parish may well be entitled to some 106 money.

I have therefore been instructed to pass on the Council's wish list.

We would like to see:-

Permanent SIDS in Pave Lane, preferably the type which have recently been installed on the A41 at Chetwynd.

A new road layout on the A41 at the Pave Lane/ Stockton Road junction. Councillors consider this to be a very dangerous junction, and there have been a lot of accidents there. Again the road layout recently installed at Chetwynd would be ideal.

Councillors hope these request will be considered in the event of Planning Permission being granted to Sainsbury's.

#### Third Party Representations:

There have been a number of further representations made to the revised details. The objectors believe that nothing changes in terms of their original representations despite the revisions to the scheme proposals. A number of areas of particular ongoing concern and which need to be highlighted relate to the following issues:

#### Ecology:

There remains ongoing concern about the quality of the ecological report and addendum reports lodged by the applicant. This now includes the Shropshire Wildlife Trust who wishes to support their members in objecting to the proposal. Comments received suggest that the level of survey data that informed the various reports is insufficient and importantly the application is linked with other schemes and that EIA was necessary for this development. The Trust although recognising that the site form part of wider arable fields the horse paddock and pond will have richer biodiversity interest. Greater linkages for biodiversity enhancement necessary. The lack of official records that the area does not have GCN populations is not conclusive.

Additional comments received on this issue relate to the following

- It is considered that the level of ecological information submitted with the application is insufficient to arrive at an adequately informed decision on impacts on features of significant nature conservation value within the site. The addendum report does not address the inadequacies identified in previous correspondence and moreover, raises concerns of the adequacy of surveying and reporting.
- The timing of the walk over in February is sub-optimal time for some flora and fauna, and the biodiversity is greater than initially identifies, however other than an inspection of two trees for bats, no further surveys are suggested. It is considered that the nature conservation value of the site is being underestimated.
- Habitats and vascular trees; Trees and hedges, it appears there are veteran or near veteran trees on site and these are of particular value for biodiversity as per PPS9 and their loss should be avoided. Two trees have been subject to further investigation for bat use in Jan 12, there is no further evaluation or potential for residual impacts investigated. Also advice for felling is contrary to the Extended Phase 1 report. Should these trees be felled further investigation of their likely value should be undertaken and appropriate mitigation proposed.
- Grasslands, the addendum seeks to justify the classification of the site as a horse paddock but details of species found raises concerns about the adequacy of the surveys and reports undertaken, and there is no justification for a designation of semi-improved neutral grassland, as the detailed survey was not at an appropriate time of year. It is asserted that this field could be categorised and lowland meadow, which is a priority habitat and significant potential impacts may have been missed and mitigation therefore inadequate.

- Bats the addendum justifies the level of bat activity survey, which is not disputed. However details of emergence/re-entry surveys on high potential roost trees are still outstanding, it appears from the information survey of high potential roosts that the survey fails to meet guidelines in terms of time period. There is no accurate assessment of the impact of the proposed development on bats and their commuting/foraging routes or any targeted recommendations made for mitigation. Due to the lighting of the scheme and potential for light spillage, it is considered likely that significant potential impacts may have been missed and mitigation would be inadequate.

Greenfield issue - The development will result in a loss of accessible green space, the PPG17 assessment for Newport identified that the town had the lowest provision of Natural and semi-natural open space in the Borough. Moreover trees and hedges within the development site merit further attention with regard to potential bat presence, known bat foraging routes, and to insufficient levels of compensation and mitigation relating to their loss.

Drainage Issues: FRA fails to address potential risk from all sources as required by PPS 25 eg flood risk from artificial sources such as Millwood mere and existing smaller watercourses.. Pondered areas on site indicate high water table. Problems from PFS within aquifer and Water Protection Zones should be considered.

Transport Issues: TA is fundamentally flawed in terms of survey work, trip assignment based on pass-by trips is flawed; traffic growth – discrepancy in the figures used; mitigation of other junctions should be provided; parking is 10% below standard. The site is not sustainable for cycle and pedestrians and lack of continuous footway links to the TC; general scheme layout is not appropriate for future residential development..

Comments received following consultation on amended details:

- Lilleshall Residents Association: Objects. Newport does not need an out of town supermarket; it will decimate our High Street. It does need a small discount store as recommended by the Planning Inspectorate report of September 2010. This goes against policies of conservative and labour parties, who claim to protect the counties high street.
- It is on a Greenfield site, and there are Brownfield site available, which should be used first. The proposal will result in the loss of Hutchison Way. The current vacant commercial and industrial premises should be offered on favourable terms to generate real employment. The hypermarket may employ many people, but will be counterbalanced by job losses from Newport High Street, also any store profits will not be reinvested in Newport.
- Newport Regeneration Partnership: Objects. The NRP is opposed in principle to the proposed development primarily because it is premature, fails to comply with planning policy and the cumulative effect economically and physically. The revisions are a matter of

details and do not have any influence on the NRP's firm opposition to the proposed development.

- Newport Liberal Democrats: object to the out of town store. Loss of Greenland and wildlife habitat. Will this store be necessary if shopper's patterns are changing to online shopping. Newport will benefit from a 'low cost' food store within the town centre.

At the time of writing this report, there have been approximately 100 additional letters of objection many of the objections cover issues raised previously raised on the initial consultation although some issues have been further expanded and are summarised below:

- The amendments to the scheme do little or nothing to address the issues raised in the original objections raised by neighbours.
- The proposed amendments are a matters of detail and do not material affect original objections to the proposed development, ad there remains no policy justification for a supermarket in this location, of this scale and nature and is in excess of local need and will therefore have a detrimental impact on vitality and viability.
- Large out of town developments have a deleterious effect on the high street. The development will not result in linked to trips to the High Street; people will drive to store only. The 'Portas' report has identified a national crisis with High Streets and warns against out of town development such as this.
- The developer's arguments that expenditure in the new storey will benefit Newport's economy have been shown to be fallacious by the New Economics Foundation, whose research shows that money spent off the high street is more likely to leave the local area.
- Shopping patterns are changing. Retail analysts see home delivery and online shopping growing and supermarkets adapting to focus on this with smaller scale stores (as suggested by Tesco). If this is the future, what is the need for an out-of-town superstore in Newport? Not only is the proposed store completely out of scale with the size of local demand and the population of Newport, it would seem to be premised on an out of date retail model
- The proposed development is being driven by landowner and developer needs rather than community needs (as 20% of turnover is outside Newport and catchment area). If there is a need in Newport it is for a low cost supermarket built on a Brownfield site, which will enhance the choice and competitiveness of food retail offer and strengthen the High Street.
- The development will create fewer jobs than forecast, as there will be a net loss of jobs on High Street and existing supermarkets.
- The style of the proposed superstore (a shed) is not compliant with the council's policy that says any development should respect and enhance the quality of the town and built environment. The proposed enhancements in the amendments with the use of timber and glass will not alter what is basically a large industrial building,

- There is no need for an additional petrol station. There is no need for the store to be in operation 24 hours. Such an operation will lead to excessive noise disturbance.
- The proposed supermarket will have a serious impact on the High street of this traditional market town and affect the conservation area and tourism. The heritage assessment is a biased report; there are inaccuracies in terms of studies undertaken. The archaeologist has missed the ridge and furrow feature within the site, and by missing this feature, the heritage of the site has not been adequately assessed.
- The Council are considering closing the Newport community recycling centre, and this will mean additional trips to the nearest alternative at Donnington. Where people could enjoy joint trips with supermarket shopping, and be more sustainable and therefore negate the need for this store.
- The Communities and Local Government select committee report on the draft National Planning Policy Framework (NPPF) has confirmed that there should be no presumption on Greenfield land. The supporting documents cite government economic policy as a basis to support the development, and suggest there should be a presumption in favour of sustainable economic development and environmental and social criterion be considered of less importance. However the select committees report states that environmental and social factors should be seen as equally important as economic, and concludes that the new planning system will be used to implement poorly planned and unsustainable development, as is the case with this proposal. They also suggest the reinstatement of brown field first. The Inspector at the Mere Park enquiry reinforces this by indentifying suitable Brownfield sites within Newport to accommodate smaller scale retail development
- The proposed superstore will be environmentally damaging to this important green space, (there is an application for village green status of this space lodged for consideration), with no net benefit.
- Ecological and environmental issues, including issues of potential leakage from petrol tanks and impact on water supply. Result in loss of wildlife habitat. The governments white paper, upholds the importance of green spaces to the health and happiness of communities. Proposal results in loss of extensive public footpaths. The retention of the pond as an enhanced wetland habitat is laughable, as the tarmac and traffic will have a detrimental impact on wildlife.
- The ecological survey information has omissions in terms of history and inconsistency between reports, there is a clear need for further information and surveys so the full impact can be assessed. Issues relating to the EU Habitat Directive need to be considered before determination, and cannot be dealt with by planning condition.
- Any development proposal will need appropriate infrastructure improved or replaced, i.e. sewers and drainage. There are issues with flooding in the area as existing this development will exacerbate these.
- Issue relating to traffic generation and congestion in relation to the proposed store and add to CO2 emissions and increase likelihood of accidents. The size of the car park is excessive and could be reduced.

- Works undertaken by the Council as landowner to secure the site,( fencing, tree cutting and footpath diversions) suggest a presumption that development will occur, which is illegal and will be subject to legal challenge, should Plans board decide to approve the application.
- The application should be refused and under Localism Act the community given the opportunities and resources to formulate a fitting plan for the future of Newport.
- Should the application be approved by the Plans Board, it is hoped this would be subject to a legal challenge and be called-in by the Secretary of State, on the grounds both of pre-determination (given the manner and scale of works carried out to 'secure the site' and the inclusion of the capital receipt (£20 million) for the disposal of the site in the Council's budget) and that the application is a clear departure from the current Local Development Plan (Core Strategy).

Newport Partnership makes the following points:

The brief given to WYG is too narrow – they do not properly address CS7, CS6 or CS8. No mention of comparison goods. The sample Household Survey June 2011 is weak. They refer to Shropshire CS! In particular:

- Station Road is outside defined boundary for Newport being on Greenfield land; this exceeds what is necessary to satisfy local needs.
- Too large a store at 87000 sq ft gross – WYG suggest that a smaller store should be considered.
- Considerable change at national/regional levels – Localism Act, NPPF is a material consideration – preference for Brownfield over Greenfield land
- Shaping Places and subsequent DPDs will provide the proper democratic basis for these types of proposals
- Waitrose already underperforming - loss of 26% is significant; WYG's conclusions regarding adverse impacts are not based on full facts
- Need of Newport shoppers is for low cost food – this could be satisfied in-centre
- WYG estimates that 38% of turnover will come from edge of centre or outside the catchment stores – this is not sustainable economic development
- Limited linked trip opportunities (foot and cycle) with the TC but this will equally apply to car borne shoppers
- Mere Park plus the Station Road would not comply with CS6
- No analysis undertaken of scenario whereby Station Road and Audley Avenue go ahead.
- Should be refused that (i) CS should take precedence (ii) Does not comply with CS6/7 given lack of expenditure capacity (iii) does not meet tests of PPS4 and will lead to significant impact and sequentially preferable sites do exist. (iv) does not comply with economic development tests in PPS4 – TC viability/trade draw. (v) Contrary to EC 16.1 – harm heritage asset of Newport.

Indigo Planning comments on behalf of developers at Audley Avenue:

Objects to the proposal, they have concerns relating to the MRPP retail assessment and intend to provide comment once the White Young Green response on retail matters has been provided. A number of the technical supporting reports are inadequate and additional information is necessary.

Object to the principle of development, this is Greenfield land outside the development boundary of Newport, in the rural area and not appropriate for a new food store, particularly given that there is the previously developed site at Audley Avenue available. The Brownfield first approach is a fundamental principle of good planning. National policy promotes this principle. Development of this Greenfield site is contrary to Policies in PPS1, PPS4, and PPS7 and local policies in Wrekin Local Plan and LDF Core Strategy.

The site is within the rural area and is currently used by local people for recreational purposes. It is worthy of retention as a valuable recreational, wildlife and visual resource. The site is adjacent to the built up area of Newport and also contributes to the character and amenity of the area. The proposed development therefore conflicts with the Councils policy objectives for 'open land'.

The council's 'Brownfield first' approach is in accordance with national guidance and is important as there is an alternative food store scheme proposed on a Brownfield site within the development boundary at Audley Avenue. Development within the rural area should accord with policy CS7 and be necessary to meet the needs of the area.

At the Mere Park appeal for a new retail unit in 2010, policy CS7 was referred to by the council and consent was refused as the proposed development would not meet the needs limited to the rural area and was therefore contrary to policy CS7. The inspector in the decision to dismiss the appeal concluded that the proposal was contrary to policy CS7. As the station road site is also within the rural area, policy CS7 equally applies and there are no special or extenuating circumstances to justify an exception to this policy.

In conclusion, the development of Station road site for a new 'superstore' conflicts with the objectives of national and local policy, which seeks to protect valuable open land from inappropriate development. In consideration of the retail unit at Mere park garden centre the council considers the proposal contrary to CS7 as it did not specifically meet the rural need. And there were no 'special or extenuating circumstances to support an exception. This stance should equally apply to the proposal at Station Road.

It is agreed that there is a need for a new food store in Newport, the extent of this need can be accommodated at Audley Avenue, a previously developed (Brownfield) site which benefits from extant planning consent for a major retail development.

As described above both Waitrose and the Co-op object and maintain their objections to the amended scheme.

Osborne Clarke on behalf of ASDA Stores Ltd:

- A smaller store would be more appropriate for this location
- Sequential assessment therefore flawed and both sites considered by applicant should be considered
- Discount store could take place as Inspector suggested up to 1000 sq m
- Applicant's retail submissions flawed – Sainsbury's turnover far greater than estimated having a greater impact on Town Centre
- Applicant does not explain trade draw arising from comparison shopping
- Site can't make the necessary links to the TC
- Impacts on existing town stores underestimated
- Sensitivity tests should have included Audley Avenue site too given the possibility of both being consented
- Applicants have exaggerated the expenditure retention – the impacts on TC will be therefore greater
- In conclusion application is unacceptable because (i) lack of flexibility in sequential analysis (ii) Underestimation of proposal's turnover and hence impact on TC, and (iii) questions surrounding impact assessment and the assumptions made in relation to trade draw and expenditure retention.

Consultants acting for Actoris Developments - developer partner to Mere Park Garden Centre who are promoting a Morrison's food store scheme at the Garden Centre:

- WYG's turnover estimates for the proposed store at Mere Park are not accurate – sales densities are higher and the net convenience sales floor space is also higher
- Trade draw as a consequence would be doubled and would have a serious impact on existing edge of centre stores and jeopardise their future
- Without proper assessment of Mere Park, any decision to approve would be open to challenge

PLANNING CONSIDERATIONS:

PLANNING POLICY CONSIDERATIONS:

National Planning Policy:

*National Planning Policy Framework (NPPF):*

The NPPF states that the purpose of planning is to achieve sustainable development and that development means growth. Sustainable development is about change for the better in terms of built and natural environments, historic environment and standards of design. There are three dimensions to

sustainable development – economic, social, environmental, which give rise to the need for the planning system to respond to a number of roles. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not seek to change the statutory basis of the development plan as the starting point for decision making but provides at its heart a “*golden thread*” running through both development plan making and decision taking which sets a “*presumption in favour of sustainable development*”. The NPPF is a material consideration with immediate effect. The principles for development management (decision making on applications) have two important threads:

- The need to approve proposals that accord with the development plan without delay
- Where the development plan is absent/silent, or relevant policies are out of date, local planning authorities should grant permission unless any adverse effects arising from doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole or where specific policies expressed in the NPPF indicate that development should be restricted.

The NPPF identifies 12 principles that planning should:

- Be plan-led through local and neighbourhood plans should be kept up-to-date and provide a practical framework for decisions
- Not simply be about scrutiny but a creative exercise
- Proactively drive/support sustainable economic development – planning should take account of market signals taking account of the needs of residential and business communities
- Secure high quality design and a good standard of amenity
- Acknowledge the roles and character of different areas including the vitality of main urban areas and the intrinsic character of the countryside
- Support the transition to low carbon future in a changing climate
- Contribute to conserving/enhancing natural environment and reducing pollution
- Encourage the effective use of land that has been previously developed
- Promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas
- Conserve heritage assets in a manner appropriate to their significance
- Manage patterns of growth to maximise public transport, walking/cycling and focus development in locations that can be made sustainable
- Take account of strategies that support improved health, social and cultural wellbeing for all and deliver community and cultural facilities and services to meet local needs

The Government is committed to securing sustainable economic growth and that local planning authorities should plan and not over-burden business with bureaucratic controls.

There are sections of the NPPF that are highly relevant to this application proposal, these in summary are:

- a) The presumption and delivering of sustainable development
- b) Core planning principles
- c) Building a strong competitive economy
- d) Ensuring the vitality of town centres
- e) Promoting sustainable transport
- f) Requiring high quality design
- g) Promoting healthy communities
- h) Conserving and enhancing natural environment

In terms of ensuring the vitality of town centres, LPAs should recognise town centres as the heart of their communities and pursue their viability and vitality and, inter alia promote competitive town centres that provide customer choice and a diverse retail offer, allocate sites to meet the scale and type of retail (and other needs) in full and for those not to be compromised by limited site availability. Where suitable and viable town centre sites are not available, allocate appropriate edge of centre sites for main town centre uses. Where sufficient sites cannot be identified, meet needs in other accessible locations that are well connected to the town centre and set policies for consideration of proposals which cannot be accommodated in or adjacent to town centres.

In terms of applications, LPAs should apply a sequential test and only where suitable sites in or on the edge of centres are not possible should out of centre sites be considered. Where such sites are considered, preference should be given to accessible sites that are well connected to the town centre. Two impact tests should be undertaken – firstly, the impact on existing, committed and planned public and private investment in a centre and; secondly, the impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. Where an application fails to satisfy the sequential test or the development is likely to have a significant adverse impact on one of the twin tests, planning permission should be refused. The general impact considerations set out by Policy EC10.2 have not been directly carried through to the NPPF and the previous Policy EC16.1 impact tests have been ‘streamlined’ into the impact tests referenced above.

The promotion of sustainable transport is recognised as fulfilling an important role in facilitating sustainable development. Developments should provide opportunities for sustainable transport modes, provide safe/suitable access and refused only where the residual cumulative impacts are severe.

Developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...;
- Incorporate facilities for electric and ultra-low emission vehicles; and,
- Consider the needs of people with disabilities by all transport modes.

The balance of land uses and mix of uses should be the aim in planning policies so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The NPPF recognises that planning system can play an important role in creating healthy, inclusive communities and deliver social, recreational and cultural facilities, guarding against the unnecessary loss of valued facilities while ensuring an integrated approach to considering the location of development. Access to high quality open spaces and recreation can make an important contribution.

The primacy of the development plan remains – the planning system should be plan-led. The policies in the NPPF apply from the date of publication. It is intended to strengthen local decision making and reinforce up-to-date development plans. Development plans adopted before the NPPF should not be considered out of date.

The above provides a succinct summary of policies contained within the new NPPF that are considered of relevance to this application. The main thrust of the new policy framework in relation to retail planning decisions relate to the town centre first approach and the need to undertake a sequential assessment. There is a presumption in favour of sustainable development and there is support for the use of Brownfield land over Greenfield sites for development more generally. The retail policy approach has not changed significantly from the two principle tests within the now superseded PPS4. The sequential test remains paramount while the key aspects of town centre impact policy is retained and must still be considered

Officers agree with the applicant that there is a quantitative and qualitative need for a store of the size proposed. This has been identified in the Retail Assessment accompanying the application and has been verified by our retail planning consultants. The impact on trade draw from the town centre is seen as acceptable and not significantly adverse (the NPPF test). The impact on Waitrose and the Co-op is a consideration as they both perform a role as town centre shops despite both being edge of centre stores. The impact on these stores is not considered sufficient to result in those stores closing. WYG maintain that the health of the town centre in Newport remains strong with low vacancy rates and a good mix of retailers. Critically there is considerable leakage of retail expenditure to other retail centres. But important to this application is that there is both a qualitative and quantitative need for a store that provides the range of goods that people travelling to other centres look for. We are advised that a store of the size proposed at Station Road would meet the needs of those people choosing at present to shop in other centres and would represent the “step change” that needs to occur in order to stop retail expenditure leakage from the Newport area and encourage greater use of the town centre. The positive effects from claw back of expenditure on the town centre should be recognised.

The Development Plan:

Before considering the retail planning issues in detail, some consideration should be given to the status of planning policy documents that have been described above and identify what weight should be given to the various documents in the determination of this application.

The Development Plan comprises the following documents:

- The Regional Spatial Strategy (RSS) for the West Midlands. Part of the statutory development plan for Telford and Wrekin, it contains policies to apply to development and to be taken into account in preparing the Council's LDF. LDF documents are required to be in general conformity with RSS.
- Shropshire and Telford & Wrekin Joint Structure Plan 1996-2011. Policies within the Joint Structure Plan have formed part of the local Development Plan since November 2002. By Direction of the Secretary of State in September 2007, a number of Structure Plan policies ceased to form part of the Plan, whilst others were 'saved', until expressly replaced by new Local Development Framework policies.
- Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.
- The Wrekin Local Plan was prepared in the mid / late 1990s, adopted in February 2000, and had an end date of 2006. In September 2007 certain policies were formally "saved", recognising that they were consistent with national policy and up-to-date. Whilst not part of the LDF these policies remain in force and form part of the development plan (all other Local Plan policies were discontinued at this date).

The relevant policies have been identified in the preceding section. A particular issue relevant to the Wrekin Local Plan that arises from this application is that the site is situated outside the settlement limits of Newport as shown in the Local Plan Proposals Map. Policy OL6 anticipates that open land that contributes to the character of the area should be retained for its intrinsic value or brought into beneficial use as part of a development proposal. The Plan defines the Borough's open land as "land which is not allocated for built development....land that helps to provide a pleasant setting around and within...Newport...as it provides recreational opportunities close to where people work and live".

That said, the Plan was prepared in the mid to late 1990's and the Proposals Map defined the settlement limits on the basis of the growth that was anticipated up to 2006 (coinciding with the end of the Plan period). The Proposals Map did not depict the A518 Newport By-pass, which was constructed at about this time. Arguably, the by-pass has changed the character of this part of Newport and although the site remains outside the development plan boundary, as the character of this site has altered, the relevance of Policy OL6 to this site has similarly depreciated. But with any development plan that is out of date, it is true to say that some policies have

outlived their usefulness. It is therefore suggested that greater attention is given to the Core Strategy as the Council's up-to-date policy stance.

Chapter 9 of the Core Strategy sets a detailed consideration of the future strategic development of Newport. Policy CS 6 states that:

*'Development in Newport will support its role as a market town. The amount of available employment land within the town will be increased, in order to provide new local employment opportunities. Development will be limited to that required to meet local needs, including those of its rural hinterland, and to support the town's regeneration. New housing development will be expected to deliver affordable housing to the level of 35% of all such development. Newport's spatial development will include:*

- *development that directly benefits the town's economy;*
- *increasing the accessibility to key services and facilities;*
- *meeting the local need for new homes and related facilities.*

*All development will respect and enhance the quality of the town's built and natural environments, including its townscape and impact on surrounding countryside.'*

In addition, Policy CS8 indicates that development associated with regeneration initiatives will be supported where it assists in the creation of job opportunities, strengthens the market town role of Newport and the services it provides, and demonstrably meets identified rural regeneration needs.

The long term development vision of the Core Strategy up to 2016 therefore views Newport performing the role of a market town, acting as a service centre for the town and its rural hinterland. Development in Newport is anticipated to support this role by strengthening its provision of services and facilities, whether in the town centre or elsewhere, meet local housing and employment needs and reduce the need to travel. The Core Strategy is not yet accompanied by a spatial plan that identifies how the development strategy is to be accommodated. It is though appropriate to mention that the Inspector's Report on the Examination of the Core Strategy DPD issued November 2007 in relation to the Preferred Options Report, opined that development of housing would "ultimately entail extensive use of Greenfield sites." Whilst the Wrekin Local Plan (2000) defines the current settlement boundary to meet development growth between 1995 and 2006, it would have been the role of the Core Strategy DPD to have defined future 'Greenfield' growth locations beyond 2006.

Furthermore, the Inspector found that insufficient emphasis had been given to employment in the Strategy; this was partially addressed in changes to Policy CS6 to provide the impetus for employment opportunities in Newport. Both policies have implications and relevance to this application.

The application has been advertised as a “Departure” to the Development Plan on the basis that it constitutes a ‘Departure’ to Wrekin Local Plan Policy OL6. There has been much said that Core Strategy Policy CS7 should also apply and this fact has been raised and used by objectors as justification for a refusal of permission. The location of this site adjoining Newport is within the Rural Area and Policy CS7 focuses development on the three settlements of High Ercall, Tibberton and Waters Upton and elsewhere development being limited to that which satisfies the “local needs” of the Rural Area. As a “Greenfield” site, outside any recognised settlement boundary, Policy CS7 should apply and a strict interpretation of this policy means that in applying the first element of the policy, which limits development outside the three settlements, the Council should not allow built developments unless it is satisfied that there are special or extenuating circumstances to support exceptions being made to the policy.

CS7 however should not be read in isolation. In the absence of a spatial plan that accommodates the development vision envisaged for Newport in the Core Strategy, as explained above, it is inevitable that development of Greenfield sites will need to occur so that Newport can be supported in its role as a market town. Officers would conclude from this that urban fringe Greenfield sites within the area contained by the by-pass would represent logical development locations and a strong case can be made that their development to meet local housing, employment and regeneration needs.

Whilst the departure from policy is acknowledged, it is clear that material considerations must also be considered when analysing the merits of the application proposal. Based on the above analysis, development at this edge of settlement location does represent a logical development location, particularly having regard to the assessment of sequentially preferable development sites that has been undertaken by the applicant and described in the following section of this report. It is argued that the Council will need to permit the reasonable expansion of Newport if the town is required to grow and fulfil its role as a market town serving a wide rural hinterland, particularly if it is to meet its housing growth targets as adopted in the Core Strategy and to support economic development and regeneration aspirations. Greenfield sites may be the only reasonable solution to accommodate growth. Your officers are satisfied that the Station Road site is accessible and well connected to the town centre.

Officers consider that sufficient material planning considerations exist to fulfil the requirements of Policy CS7 and, as the sequentially preferable site (see below), is therefore considered to be in accordance with the general aims of Policy CS7.

#### RETAIL PLANNING CONSIDERATIONS:

The application is accompanied by a Retail Assessment. In order to best assist the Council in its consideration of this application (as well as others), retail planning consultants have been commissioned to undertake a Retail Study of applications coming forward at Newport. This Study prepared by White Young Green (WYG) is attached to this report. It not only provides an

assessment of the Retail Impact Assessment(s) (RIA) submitted with this proposal (and the other retail development application before the Council) but also assesses the relative retail planning merits of both schemes. It is a standalone document and has been used as supporting information to officers in reaching their conclusions and the Assistant Director's recommendation to this Board. The document has been made available for public scrutiny. Representations have been received in relation to WYG's assessment, summarised later in this report together with a rebuttal and additional clarification from WYG.

The application raises issues relating to retail planning policy and the need to promote and support the town centre as the heart of the community. This is highlighted by the substantial number of objections to the scheme. It is important to note that some of the objectors to the scheme involve retailers in the town, including the two national food retailers. The stance adopted by these particular objectors is an important consideration for the Council as they represent important stakeholders in the economy of the town centre despite both national retailers enjoying edge of centre location status (secondary shopping area), rather than actual town centre status (primary shopping area). But Waitrose in particular claim that they represent the 'anchor store' within the town centre and perform an important underpinning role for Newport's retail sector, and this is acknowledged by WYG and your officers.

The main retail objections can be summarised as follows:

- The Council's Retail Study 2009 does not identify a need for a store of the size proposed;
- Compliance with the sequential test has not been demonstrated;
- The combined effects of other food store schemes has not been assessed;
- The proposed food store will result in significant adverse impact on Newport town centre;
- The food store is not accessible by a choice of transport modes.

The location of the application site is out-of-centre in NPPF terms, beyond the urban area. Accordingly, the proposal has been assessed on this basis. The NPPF is a particularly important consideration as it represents Government's latest planning policy guidance and indeed is a later document and definitive policy for economic development proposals when set alongside the Council's suite of Development Plans. The Council will need to attach considerable weight to this document and recognise its significance to retail proposals.

The NPPF requires the development plan process to recognise town centres as the heart of their communities and pursue policies that support their vitality and viability. LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of

centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The NPPF requires the application of two tests – town centres impact assessment and the sequential analysis. LPAs need to be satisfied through impact assessments lodged with relevant applications that:

1. the impacts of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal is acceptable; and,
2. the impacts of the proposal on town centre vitality and viability, including local consumer choice and trade in the particular town centre and wider area are acceptable.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, LPAs should refuse permission.

In terms of location of the Station Road proposal, the site is out-of-centre.

Although strict quantum of ‘need’ for retail development no longer features in the NPPF (and didn’t in fact in PPS4 either as opposed to its predecessor PPS6), it is important to note that the sequential test is linked to the scale of need for additional retail facilities and that these should be met in full, not compromised by limits in size of store or site availability. NPPF retains the commitment to supporting town centres and one clear means of ensuring this is to locate new town centre uses within or accessible to existing centres through the application of the ‘Sequential Test’.

This application has been promoted on the basis that it will provide a retail offer that currently does not exist in Newport and that it will reduce the need for Newport residents to travel further afield to satisfy their shopping needs, while the town’s attractiveness as a shopping destination will increase as a consequence of this development and draw people who shop elsewhere.

WYG advise that in terms of capacity, there is potential for the new food store to clawback leaked expenditure from other shopping destinations i.e. there is evidence that confirm that Newport residents and that of its rural hinterland shop elsewhere and that Newport lacks consumer choice, particularly when undertaking a comprehensive ‘main food shop’. There is clear evidence that Newport loses significant trade to centres and stores elsewhere including Donnington (a lower order centre in retail hierarchical terms), Stafford, Market Drayton and Telford. WYG acknowledges that a large food store would address qualitative deficiencies in Newport’s retail offer and would reduce the need to travel further afield to source certain items. The development would therefore help to meet Core Strategy Policies CS6, 8 and 9.

## **RETAIL TEST 1: THE SEQUENTIAL TEST**

NPPF includes a strong commitment to supporting town centres and promoting sustainable economic growth. Investment shouldn't be over-burdened by the combined requirements of planning policy expectations. One clear means of ensuring this is to locate new town centre uses – shops, entertainment facilities, offices etc. – within the existing centres. If this is not possible then edge of centre locations are the next best and only if no suitable sites can be found should out of centre locations be considered with preference to accessible sites well connected to the town centre.

The issue of CS 7 of the Core Strategy is a relevant consideration to the sequential test and has been considered above. As has been explained, the proposal seeks to meet the local needs of Newport and its rural hinterland. It is appropriate for a sequential test to be one of the pre-determining factors to be considered and it is therefore appropriate for the applicants to limit their area of sequential search to Newport as the principal service centre. The following summarises the sequential assessment undertaken:

The starting point for the applicants is to undertake a sequential assessment having identified what they believe to be their baseline size of store that will meet the needs of Newport as it strives to act as a service centre for the wider rural hinterland. A sequential assessment should consider whether there are sites more accessible and well connected to the town centre that would be capable of providing the same retail offer or opportunity. The applicants argue that in order to provide the qualitative benefits and sustainability benefits that Newport needs as it performs its role, the site should be capable of delivering a superstore of approximately 3,800 sq.m (6,000 sq.m gross) with 400 car parking spaces and the necessary access arrangements, landscaping and servicing arrangements. This equates to some 2.7ha of land, ideally.

Two sites are identified for further consideration by the applicants, these being:

- a) Site 1: Former Concrete Batching Plant, Avenue Road, Newport; and
- b) Site 2: Land between St Mary's Street and Water Lane, Newport.

But both sites are discounted as falling well below the size needed to accommodate the "baseline size of store".

In addition, given the apparent desire to redevelop Classic Furniture site at Audley Avenue, it is appropriate for the Council to explore whether that site would be sequentially preferable.

#### Site 1: Former Concrete Batching Plant, Avenue Road

The Council has resolved to grant outline permission subject to a s106 agreement (planning application reference W2008/0626) for the redevelopment of this site for residential development. Moreover, a full planning application (reference TWC/2011/0334), which seeks permission for the development of the site for 61 dwellings, was submitted in March 2011. A resolution to approve has been made subject to the completion of a section

106 Planning Obligation. The site is some 1.5ha in size but is irregular in shape which would affect delivery of a superstore, although probably not a discount retail scheme. This site can reasonably be discounted due to the landowner's intention to deliver housing and the Council's advice that the additional and greater retail floor space would be better used to effect clawback of leaked expenditure. In addition, the Council is faced with an application for a store that can provide a broad type of food retail development and on the basis that it accepts there to be benefits arising from such a store, then this site is much too small and thus unsuitable and should be discounted.

#### Site 2: Land between St Mary's Street and Water Lane

Site 2 comprises approximately 1.24 hectares and is in a variety of ownerships. The Royal Victoria Hotel which is owned by Marstons however effectively splits the site into two. The availability of the wider Water Lane site was considered at an appeal against the non-determination of an application to develop land adjacent to Mere Park Garden Centre for a discount foodstore (planning application reference W2009/1023). Whilst the Inspector found that the site was available in part and suitable to accommodate a discount foodstore, the Royal Victoria Hotel element of the site is not available and that this landholding is critical in assembling a site of sufficient size to accommodate development of the broad type proposed. The Council's officers conclude that this site at best is only partially available and could only at best provide the opportunity for a discount retail store, which would neither address the qualitative need nor stop leakage of retail expenditure..

#### Audley Avenue and its comparative relationship with the Station Road Site

The applicants do not consider this site can be regarded as a candidate sequential site but nevertheless explained that it is distant from the town centre, not accessible by foot to the vast majority of the town's population, neither served by public transport nor demonstrated how such facilities would be operated/funded and cannot be accessed by car by Newport residents other than by using the A518 or A41. The Plans Board decision to oppose a foodstore application at Audley Avenue at the 7<sup>th</sup> March 2012 meeting on the basis of its poor accessibility and thus failure against the sequential approach including that the Station Road site is sequentially preferable means that this exercise and balance has already been reached by Members. The Station Road site as will be shown later in this report is clearly available; Members too have adjudged it to be sequentially preferable. Both the Station Road and the Audley Avenue sites are out-of-centre for the purposes of NPPF; but the Station Road site is located significantly closer to the defined Newport Primary Shopping Frontage boundary. It is estimated that the Station Road site is located approximately 1,000m on foot from the Primary Shopping Frontage, with the Audley Avenue site being approximately 1,500m away. Station Road is a ten minute walk away while Audley Avenue is a 15 minute walk. Members also believed that when the sites are compared in detail, there is a further impediment to the Audley Avenue site being accessed by car by a significant proportion of residents living in the north and east of the town who are prevented from travelling down Audley Avenue by the presence of a bus gate. This gate prevents cars and other traffic from travelling up and down

Audley Avenue and would of course prevent customers of any store here taking the most direct route. The only traffic permitted in reality, given that there is no bus route serving the immediate area, is the school bus that brings in schoolchildren to the Burton Borough School on Audley Avenue. The school buses travel (only one-way) up Audley Avenue from the direction of the by-pass, drop-off children at the school gate and proceed down Audley Avenue and back onto Stafford Street.

Interestingly the number of people within 5, 10 and 15 minutes walk from each site has been assessed. This indicates that just four people currently reside within a five minute walk of the proposed Audley Avenue store, compared to 1,161 people residing within five minutes of the Station Road store. Similarly, 474 people reside within a ten minute walk of the Audley Avenue store, compared to 3,889 people residing within ten minutes of the Station Road proposal and 3,340 people residing within 15 minute walk of Audley Avenue and 7,524 from Station Road.

The NPPF considers that preference will be given to sites that are accessible by a choice of means of transport and well connected to the town centre and thus have a higher likelihood of forming links with the centre. Officers believe that the application site at Station Road, when compared to the Audley Avenue proposal, offers the best opportunity to maximise use of alternative means of travel, whether by foot or cycle. Furthermore in practice, the Station Road site offers a better chance of linked shopping trips with the town centre. Although this is a 10 minute walk, it is along a convenient, direct and pleasant footway. The Audley Avenue route is by comparison more circuitous and passes the industrial area of the town and is less pleasant for this. Officers therefore affirm that Audley Avenue is not sequentially preferable to the Station Road site.

In addition, having assessed the above alternative sites, the application proposal meets the sequential test in terms of the size of store as proposed. Also, although officers continue to consider one outstanding matter, which is close to resolution, they are nevertheless sufficiently confident that once fully resolved, there will no longer be any constraint to developing the site at Station Road and thus the site can be considered available, suitable and viable for development for food retail purposes within a reasonable timescale.

In reaching conclusions about sequential preferences, it must be acknowledged that the Station Road site is a 'Greenfield' site (as opposed to 'Brownfield'). Members will need to carefully balance whether the benefits derived from supporting the Station Road site should outweigh the presumption in favour of developing the Audley Avenue Brownfield site. Your officers consider that the sequential assessment proved that the planning and sustainable transportation arguments in favour of the Station Road site were conclusive. Furthermore, the intrinsic qualities of this urban fringe albeit Greenfield land in terms of landscape quality, ecological significance and recreational value would also suggest that the Station Road site should not be dismissed in favour of the Brownfield site on this basis alone. The location of

this relatively flat and fairly featureless area of highly grazed farmland on the very edge of the built-up area of Newport within the confines of the by-pass means that it is at best of relatively moderate landscape quality. The report on the Station Road proposal confirms its low ecological significance with ecological mitigation and enhancement opportunities offered as part of the development. While objectors suggest otherwise, the site the subject of the Station Road application has modest recreational value, which can be enhanced through those proposals. Accordingly, officers are satisfied that this balance can be made in favour of the Station Road site.

As previously explained, it is your Officers' opinion that it would be appropriate to allow the Station Road site to come forward as a suitable site to meet the needs of Newport and its rural hinterland as envisaged in CS6 of the Core Strategy. If this is a correct interpretation, then Station Road can reasonably be considered for the purposes of the sequential test alongside the application site at Audley Avenue. Given that Station Road is suitable and available, officers, in comparing the two sites have concluded that the Audley Avenue site does not meet the Sequential Test as Station Road performs substantially better in planning terms.

Given this, the requirement for Members now is to carefully balance all remaining planning considerations, including the size of store proposed at Station Road and town centre impacts, which are considered in the next section and, the remaining technical planning considerations, which are considered later in this report.

## **RETAIL TEST 2 – TOWN CENTRE IMPACTS**

The NPPF sets out a requirement that when assessing planning applications for retail and other town centre uses where they either fall outside town centres or are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment to include an assessment of:

- the impact of the proposal on existing, committed or planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

Attention is drawn to WYG's analysis of quantitative need for a store of this size and the "qualitative" benefits that could accrue from a proposal of this kind and size. In so doing they have reviewed the retail assessment information on the store's catchment, population growth over a 5 year period, expenditure growth rates in both convenience and comparison retailing and turnover of existing stores within the catchment (to ascertain whether they are trading over/under/at benchmark rates i.e. company averages) - most notably Co-op and Waitrose stores within Newport. The conclusion is that there is a shortfall of expenditure capacity within the catchment of Newport at the point of store opening of some £3.8m and that there will be a 18% trade draw from existing convenience stores, albeit that both the Co-op and Waitrose are

located outside the town centre at edge-of-centre locations for the purposes of NPPF. The LPA will need to pay due regard to trade draw because of the role that the Co-op and Waitrose stores play in the way that Newport Town Centre operates as a market town. But the advice from WYG is that both the edge-of-centre stores will continue to trade and that neither store will close.

The NPPF in repeating previous PPS4 advice, removes the requirement for applicants to satisfy a direct test of 'need' in justifying proposals for town centre uses. This means that the Council cannot refuse applications purely on grounds of need. But having said that, it is evident that need still informs the conclusions reached in terms of the town centre impacts test.

WYG prepared a comprehensive analysis of the impact tests that featured in PPS4 as can be seen from their Study attached to this report. The analysis not only remains highly relevant in covering the impact tests required in the NPPF but also assists in considering development management issues that Members will need to consider. The results are summarised in the following paragraphs.

The applicants maintain that the health of the town centre is good with low vacancy rates and in good condition particularly with recent public realm enhancement giving the centre attractiveness. WYG also believe that the centre is performing strongly and given the town's wide rural hinterland, it fulfils its role as a market town well.

WYG then go on to assess the likely future impact should permission be granted for this development in isolation. WYG believes that 20% of the store's turnover will be diverted from within the catchment area comprising 15% from Waitrose, 4% from Co-op and 1% from other (smaller) stores. Both principal stores would trade below benchmark rates post-development of Station Road. WYG has also undertaken a cumulative impact analysis on the assumption that both the Station Road and Audley Avenue proposals were built. A third retail opportunity may now also be available at Mere Park following a successful appeal against the decision of the Council to refuse a Certificate of Lawfulness. This appeal decision if not challenged would permit the Mere Park Garden Centre to operate as an open ended A1 retailer. The garden centre provides slightly in excess of 2000 sq m (plus 1000 sq m of warehouse – back storage) of convenience floor space, albeit in an unsatisfactory store format.

Whilst it is not seen as likely that all three proposals - Station Road/Audley Avenue/Mere Park Garden centre - proceed, nevertheless, in terms of trade draw, this would equate to just over 22% impact on the Co-op, over 39% impact on Waitrose and over 20% on other convenience stores in the town. WYG advise and officers agree that three additional foodstore would in combination represent an unacceptable trade draw and impact on the town centre. The same would be true if Audley Avenue and Station Road are approved. It must be considered unlikely in market terms for a food store to be built at Audley Avenue if a larger; more accessible (by car and other means)

store is implemented at Station Road. This is given weight by the existence of a retailer contracted at Station Road scheme compared to the lack of such firm support at Audley Avenue.

Now that the Mere Park appeal is successful (subject to any challenge), the remaining question arises whether, in combination, the Mere Park open-ended A1 scheme, together with the Station Road proposal would lead to unacceptable levels of trade draw. However as WYG advise, the Mere Park building would offer compromised premises which would not be particularly well suited to the needs of the big four supermarket operators or their customers. There is a likelihood that with a conforming, larger store at Station Road, that no operator would take these premises. Notwithstanding, under such a scenario, the likely trade draw from Newport's existing stores would equate to just under 16% impact on the Co-op, over 28% on Waitrose and just under 15% on other stores in Newport. WYG advise that the identified level of cumulative trade draw resulting from a larger store at Mere Park alongside the Station Road proposal would be acceptable. In order for the LPA to be in a position to refuse permission, the impact would need to be of such a scale that it would have a significantly adverse impact on the vitality and viability of the town centre. This position will not be reached even if Station Road and Mere Park each develop as foodstore.

Moreover there will be a need for the LPA to examine and give appropriate weight to other relevant material planning considerations in reaching a decision. Your officers are satisfied that a modern food superstore would have significant benefits relating to improvement in customer choice, improved competition and price, and the reduction in the need to travel. In addition, the proposal will be likely to generate around 400 new full and part time jobs, many of which would be likely to be taken up by local people and this alone would be likely to have a very positive effect on the local economy and on social inclusion. In line with the NPPF, and having regard to the proposal's positive contribution towards Core Strategy policies CS6, CS8 and CS10, a balance must be undertaken in reaching a decision and must apply the presumption in favour of sustainable development. LPAs must proactively drive and support sustainable economic development to deliver homes and businesses etc that the country needs and specifically to objectively identify and meet the development needs of its area and respond positively to the growth agenda including the provision of local choice. Such matters must therefore be appropriately weighted when Members consider the "planning balance".

In conclusion, officers believe that in terms of retail policy, the scheme proposals can be supported. Indeed as a competing application to the Audley Avenue scheme proposals, the Station Road foodstore proposal is sequentially preferable and in officers' views, demonstrably so. Although out-of-centre for the purposes of national and local policies, the applicants have successfully demonstrated that there are no other sequentially preferable sites that could be brought forward to meet the needs identified.

In terms of the town centre impacts test advocated in NPPF, the combinations of potentially three stores coming forward, however unlikely, would represent an unacceptable significant impact on Newport Town Centre's vitality and viability. The same would be true if the Audley Avenue and Station Road schemes proceed. However, officers conclude that the application proposal combined with the compromised and thus potentially unlikely Mere Park scheme (which becomes the worst case scenario if Members accept that all three cannot be supported) can be supported on the basis of WYG's advice of impact being acceptable.

#### Design Considerations:

The application proposals were the subject of pre-application design discussions, without prejudice to the decision of Plans Board. A number of design options were considered and are detailed in the Design and Access Statement. A key issue for the architect was the need to address the Station Road frontage. Given the size of the store and the proposed general location for the store, officers recognised and accepted that a traditional road frontage development would be inappropriate in this instance. Officers did criticise the original design submissions in respect of the PFS. Following negotiations, there have been a number of design changes to the PFS and car wash facility and to the store itself, with the PFS element subsequently being withdrawn.

In relation to the store, the design is contemporary with a strong horizontal emphasis incorporating a neutral palette of materials. The building is designed to have a bright and modern feel with crisp sleek clean lines utilizing good quality sustainable and low maintenance materials which according to the DAS is intended to sit comfortably within its surroundings. Following a design review, a request was made to introduce more sustainable materials. Timber now features prominently on the front façade and the opportunity taken to increase the extent of glazing to this elevation and raising of the front canopy. This has marginally improved the design of the superstore itself.

The proposal sets out a number of measures and initiatives to ensure that CO2 emissions are minimised with a BREEAM 'very good' rating to be achieved if not Excellent by the time of full design and assessment. It is clear too that a convenience store located here would reduce the need for travel by Newport and rural area shoppers who would be drawn to Stafford and Telford foodstore.

From a design perspective, it is concluded that the proposal will be acceptable at this location.

#### HIGHWAY AND TRANSPORTATION ISSUES

The site enjoys a frontage onto Station Road which links the A518 into the centre of Newport. The A518 together with the A41 forms a by-pass around the southern and eastern sides of Newport. The A518 provides a connection south-west to Telford and to the east to Stafford, while the A41 provides a connection south towards Wolverhampton and north to Market Drayton. The proposed highway arrangements would allow for a new three arm roundabout off Station Road that connects to a mini roundabout within the site that would serve the development. The mini roundabout would access the proposed

store service yard and land to the south that forms part of the wider outline application proposals currently before the Council. Should the wider outline development be supported, the applicant has stated that a modified internal access would be provided, which is indicated within the Design & Access Statement.

A Public Rights of Way (PROW) crosses the site from Station Road in a generally southerly direction towards the A518. This is to be diverted for a short section around the Station Road frontage to the site and re-join at a position close to the proposed mini-roundabout. Presently an informal pathway leads east-west through part of the northern section of the site, which comprised the former railway line. This particular pathway runs through a copse of trees and is well used by local people as it connects with other formal PROW and residential areas to the north and north-east of the site. The routes of the PROW and the informal pathway have been delineated recently through the erection of fencing and light surfacing. No planning permission was necessary for these works.

A full Transport Assessment (TA) has been submitted with the application. Existing traffic conditions were assessed together with an assessment of the capacity of various existing highways and junctions and provision of public transport. The proposal includes provision for on-site and immediate off-site highway works contained in the application description. These do not raise any objections in principle.

The TA has been fully assessed by the Council's Highway Team at TWC along with a number of other schemes currently under consideration by the Council in Newport. The Highways Team have concerns about the capacity of the wider local highway network to accommodate all developments currently in the pipeline. Without prejudice, it has undertaken its own assessment of highway works that would be necessary to allay concerns of capacity and highway safety. It has provided preliminary designs for highway network improvements, costed these improvements and apportioned these costs pro rata to each of the developments in the pipeline. This approach has been used in Telford Town Centre and it is considered that this is the most appropriate approach incorporating the *developer-pays* principle. Clearly as Newport expands, if only to accommodate the development growth anticipated in the adopted Core Strategy, there will be a need for highway improvements.

The plans attached to this report depict the level of improvements that will be necessary. The costs have been apportioned between the developments based on the level of impact derived from the trip distribution put forward in the TAs prepared for each application. The trigger points for both implementation of the highways scheme together with payment of monies will be dependent on how quickly development comes forward in Newport. It is anticipated that developments will be phased and/or limited to accord with Core Strategy housing delivery rates. For the purposes of this application however, a sum of money has been identified and is detailed in the section on Planning Obligations later in the report.

NPPF considers that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

The opportunities that the site may provide to encourage linked shopping trips and whether the site can be well served by a choice of means of transport are important considerations to the proposal's acceptability or otherwise and have been discussed elsewhere in this report as part of the sequential assessment. As set out elsewhere, a significantly greater number of people are resident within a five, ten and 15 minute walking distance of the Station Road site when compared to the only other suitable site that could be available to accommodate a sizeable store at Audley Avenue. Although there will be criticism that local residents may not wish to shop by means other than the private motor car, it is Government's firm policy that LPAs should encourage sites that can be accessed by foot, cycle and bus. This site is well placed for these opportunities, despite its location approximately 1000 metres from the town centre. The offer of a significant financial contribution towards the provision of a regular local bus service that will operate for at least five years is considered acceptable. Moreover officers are satisfied that the Station Road has a good chance of encouraging links with the town centre.

For the purposes of assessment, it is advised that the scheme is acceptable in terms of highway including public rights of way and traffic impacts and subject to appropriate conditions and section 106 contributions towards strategic highway improvements and provision of financial contribution to the provision of public transport facilities, the scheme represents an acceptable development in highway terms.

#### **DRAINAGE AND FLOOD CONSEQUENCES:**

The Flood Risk Assessment and Drainage Strategy raised a number of concerns from third party neighbours, principally on grounds of flood risk, particularly from "artificial" sources such as reservoirs and other surface water features (Millwood Mere). In addition concerns have been raised to the fact that water table levels are considered to be particularly high in this area. Also that the proposed development is located on a principal aquifer and in a Source Protection Zone (SPZ) of a public water supply (PWS) borehole at Baddley's Well. These concerns were especially vigorous when the proposals included the Petrol Filling Station, which has since been removed from the application.

The importance of the Borehole is that it serves a number of purposes, including providing compensatory flows into the Strine Brook, itself of relatively poor quality, and is also used to sustain flows within the town's foul sewerage system. Although the Borehole is not used for domestic supplies, it is licensed for that purpose and the circumstances could change. Because of recent drought conditions, the aquifer and borehole is "water stressed"; the water table has dropped considerably and is currently close to 1976 levels and, although the applicant's borehole testing suggests that the water table is some 11m to 16m below surface level, historical data confirms that the water table is normally a few metres below surface. In addition, the water table

flows towards the Bradley Borehole making it sensitive to pollution risk from the application site.

In relation to the Millwood Mere, the Council's Drainage Engineer asked for further calculations to be forwarded to assess the impact of surface water flows on the Mere. It was concluded that Millwood Mere is a viable option for surface water discharge and a suitable discharge rate has been agreed, equivalent to Greenfield runoff rates.

The EA has also been involved and has pointed out that sustainable drainage systems (SUDS) should be acceptable although the high water table locally may require other storage systems such as holding tanks. In terms of flood risk, the design of any attenuation pond must ensure that there is sufficient storage area above the ground water table. If the soil conditions are favourable then the use of permeable hard surfacing treatments should work.

It is recognised that we are currently experiencing drought conditions and the true nature of the hydro-geology in the vicinity of the application site may not be fully appreciated at this time. That said, the Drainage Strategy recommends further assessment of the underlying strata to establish the feasibility of using infiltration drainage for the development. Surface Water Attenuation ponds are suitable for most ground conditions, however attention must be given to the design where the land or the proposed development could give rise to pollution and the development is located on an aquifer and in a Source Protection Zone (SPZ) of a public water supply (PWS) borehole. It is anticipated that underground storage tanks for surface water attenuation will be necessary and this is considered acceptable.

The existing pond on site is to be reconfigured and used as part of the ecological and landscape enhancement proposals. Drainage works will be necessary to prevent flooding and appropriate conditions can be included to this effect. This pond should not be confused with a balancing pond and no such facility is deemed necessary at this location.

Officers are satisfied that subject to appropriate conditions the proposals accords with Policy CS13 of the Core Strategy and Section 10 of the NPPF.

#### **NOISE AND POLLUTION CONTROL ISSUES:**

The development raises several detailed considerations relating to noise and pollution control matters including air quality and noise from plant, general and car park noise. The potential pollution risks associated with the original proposal to include a PFS and car wash no longer exist.

Given the presence of the Newport by-pass within a short distance from the site, it was considered that air quality could be further prejudiced by this development. An Air Quality Assessment was produced. This included an assessment of air quality both during construction and following commissioning of the store. The assessment conclusions were acceptable.

In relation to noise, a Noise Impact Assessment was submitted and was the subject of an addendum report following issues raised by the Council's Pollution Control team. A noise model was created to accurately depict existing and 'with development' conditions. The developer has committed the end-operator to incorporate additional noise mitigation measures, particularly in relation to deliveries and the management and use of the service yard. These include covered docking bays, the use of 'white noise' reversing alarms, modern roll cage designs, the use of tail lifts with 'low noise packs' and ultra low noise fridges. A draft Service Yard Management Plan has been submitted that indicates to officers that this should not pose a problem.

Details of fixed service plant and revisions to the proposals which omit the PFS and jet wash facilities suggests that these items should not either individually or cumulatively result in noise problems.

It is considered that noise and pollution control issues can be reasonably managed, subject to appropriate mitigation and conditions. It is considered that the development is acceptable.

#### ECOLOGY AND NATURE CONSERVATION:

An ecological report, a later addendum report and a Biodiversity Management Plan were submitted with the application and included the results of a Phase 1 Habitat Survey and separate bat surveys. Ecological data supplied by the Shropshire Biological Records Centre and the National Biodiversity Network gateway revealed a number of European Protected Species, UK Biodiversity Action Plan (UKBAP) and Local Biodiversity Action Plan (LBAP) species within a 2km radius of the site.

Following concerns expressed at the timing and the veracity of survey methodologies undertaken at the site, the applicants were requested to clarify the extent of the ecological surveys undertaken. The LPA has commissioned its own ecological consultants to review the information submitted. This was considered important, as very detailed and technical representations had been received that called into question the ecological assessment submitted with the application. It is accepted that the Phase 1 Habitat Survey work may not have been carried out during the optimum period for all species; however the site has been visited on numerous occasions by the developer's ecological team. Additional surveys have been carried out including a hedgerows assessment, tree survey, nocturnal bat activity survey, detailed tree inspection for evidence of bat roosting and habitat suitability assessments of ponds for great crested newts. As a result, the addendum report was submitted. This provided further justification of the bat survey, further investigation of the trees with bat roost potential, and assessment of the development proposals on bats and recommendations for enhancement, and the submission of further information and justification on the importance of the site to amphibians and reptiles, and consideration of invertebrate species on site.

In terms of its botanical interest, the application site can be described as semi-improved neutral grassland. The pond is now proposed to be reconfigured to provide opportunities to reinstate existing and promote additional wetland plant species.

Protected species and their habitats are a material planning consideration in the determination of planning applications and case law has established that survey and mitigation if required should be provided prior to determination. Natural England's Standing Advice recommends that all relevant material considerations are taken into account and that the presence of protected species and the extent to which they may be affected by a proposed development should be established before planning permission is granted, except under exceptional circumstances. However it goes on the state that developers should only be required to carry out surveys for protected species if there is a reasonable likelihood of protected species being present and affected. There continues to be disagreement between the applicant's ecologist and ecologists acting for third parties.

The report and addendum report considered the following:

- Botanical value. Further information provided by the Applicant concludes that the field should be considered as poor semi-improved neutral grassland, which is based on the description of the habitat in The Handbook for Phase 1 Habitat Survey, and the list of additional plants. This is disputed by an objector who queries this status stating this evaluation is not based on an adequate survey data and a local botanist who suggests a better description is Semi-Improved Neutral Grassland, citing the presence of species of grassland fungi. Furthermore a local botanist identified additional aquatic/wetland species in the existing pond that had not been picked up by the applicant's ecologist. This has been the subject of debate and the applicant's ecologist suggesting that the pond will now be reconfigured and enhanced.
- Amphibians. The Extended Phase 1 Survey acknowledged that the existing pond on site could support small numbers of amphibians but it is thought unsuitable for Great Crested Newts, due to an absence of typical habitat/features known to be used by this species; such as those identified in Natural England's Standing Advice Species Sheet. Habitat Suitability Index assessments have also been provided by the Applicant in respect of ponds on and off site including the Millwood Mere. Based on its information the applicant maintains that their assertion that this species is reasonably unlikely to occur is correct and no further surveys should be required, which is further supported by the lack of any formal recording of the presence of newt populations close-by.
- Bats. The report suggested that based on the information available, it was considered that the site has a high potential for bats to be present onsite. However, surveys undertaken concluded that the site is not used for bat roosting but the area to the north of the site is used for foraging. The applicant's ecologist concluded that the site is unlikely to be of high or moderate value to bats and survey work supported this. Existing trees were also inspected for bat activity in accordance with best practice but did not reveal any roosting or hibernation. The hedgerows to be removed

similarly have little potential for bats; however the retention and reinforcement of trees along the northern edge would assist.

- Invertebrates. As the site surrounding the site is intensely managed arable land and heavily grazed horse paddock with survey work supporting the lack of presence of invertebrates, the applicants conclude that the site has very low potential for invertebrate assemblages.

The applicant undertook a Habitats Regulations Assessment due to the site's proximity to the Midlands Meres and Mosses Phase 2 Ramsar site, the closest edge of which lay approximately 2.36 km to the northeast from the site. The HRA considered a range of potential impacts but concluded that there was unlikely to be any effect, or that impact would not be material. It was concluded that in no circumstances would any of the impacts would have a significant effect on the integrity of the Ramsar site. At the same time, Natural England (NE) gave this matter further consideration while also commenting on the wider cumulative effects from increased pollution of the Ramsar site from increased loading of the water reclamation works at Newport that may arise if all the developments in the current planning pipeline came forward. In NE's view, either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the important interest features of the Ramsar Site or any of the special scientific interest features of the Aqualate Mere SSSI arising from environmental impacts from water supply or waste water treatment, hydrology, air emissions and recreational pressures..

Attention is drawn to the latest advice of our in-house Ecology team who have reviewed the recent information and addendum report provided by the applicant's ecologist in accordance with NE's Standing Advice. The additional information provided in the ecological addendum justifies and clarifies the majority of the team's original concerns in relation to the number and timing of surveys undertaken and the extent of species identified. The principal issues relate to the need to retain, enhance and manage habitat features. The application proposals have been revised to provide the following features and enhancements:

- a) In terms of the botanical value of the site, there has been disagreement between the applicant's ecologist and objectors over the botanical value of the site. The existing pond has also been identified as having greater value than the applicant suggests. The proposal now shows the pond will be repositioned slightly and to enhance it through appropriate planting. Drainage can be conditioned should permission be granted. The opportunity will be taken to further enhance the botanical community of the grassland and by linking the area of the pond to the woodland area to the north of the site, it is considered that the botanical value will be considerably improved.
- b) In relation to bats, it is now proposed to retain and enhance the existing bat foraging area within the woodland to the north of the store proposal and ensuring that lighting is effectively managed on the northern facing side of the store. Landscaping will also help provide additional foraging opportunities. The in-house ecology team recommend that bat boxes be placed on the larger trees to encourage roosting.

c) In relation to amphibians, the in-house ecology team accept that the presence of Great Crested Newts is reasonably unlikely given the information contained within the applicant's report, including the suitability and quality of local water features, local records information and the applicant's Phase 1 Ecological Survey. Other amphibians may be present but can be managed through appropriate mitigation and enhancement of the site's water feature.

d) In relation to reptiles and invertebrate assemblages, the Phase 1 Survey results are accepted and the site is of low value. Notwithstanding the woodland area to the north is largely to be retained and enhanced, while other parts are to be landscaped, which represent an enhancement of the present quality of habitats.

The applicants have made a robust response to criticisms of the ecological information and evidence presented to the Council. It is for the Council to consider and evaluate the information presented and have particular regard to European Protected Species and to more general ecological interests of the site and if necessary to request further evidence and mitigation. The objectors have reiterated their previous objections, in particular to the timing, adequacy and accuracy of survey methodology carried out, which in their view did not properly identify wildlife features/habitats.

As a result of the ongoing disagreements, the Council has commissioned a consultant ecologist to work in tandem with the Council's in-house ecology team and to review the various reports submitted by the applicants, the various critiques lodged by objectors and to confirm whether the Ecology Team's advice to the planning case officer preparing this report is sound. The conclusions arising from this work are as follows:

1. The consultant ecologist having now visited the site considers that the majority of the applicant's ecological findings are sound but that the applicant's ecology report failed to distinguish between the site of the superstore and the wider outline application proposals and this has caused some confusion among objectors;
2. The arguments put forward originally by the applicant for not undertaking newt surveys is weak; however the applicants confirm that GCN surveys will be carried out and that this is a reasonable and proportionate response to criticisms made from others. One such survey has been undertaken and others planned for late March and mid/end of April - the timings will meet national guidelines;
3. In the event of GCN being recorded a suitable mitigation strategy to maintain favourable status will be needed and Natural England licence required;
4. During the consultant's visit, he noticed that the pond on site was dry and unlikely to provide the necessary habitat for GCN. Millwood Mere however does have some potential and if present could be using part of the site as part of its habitat.
5. However the ecologist acting for the Council believes that the site is not ideal for newts. Hedges and woodland could offer some habitat for shelter/hibernation. In the event of GCN being found, solutions

- would be possible involving fencing/trapping and translocation to a more suitable habitat
6. The ecologist believes that the proposed mitigation involving enhancing the pond on site would lead to betterment
  7. The site in the opinion of the Council's ecologist is correctly described as poor semi-improved neutral grassland despite views expressed to the contrary;
  8. The ecologist is satisfied that the issue of bats and reptiles have been adequately dealt with;
  9. Officers are advised that the Biodiversity Mitigation and Management Strategy provides reassurances that ecological impacts would be satisfactorily addressed and that enhancements would be provided, managed and monitored. A separate mitigation strategy should be required in the event of GCN being recorded following survey work.

The applicant's Biodiversity Mitigation and Management Plan is considered to be an appropriate response to concerns expressed by objectors to the scheme. This describes the mitigation and compensation measures for the proposed development including habitat creation, environmental enhancements and management of retained features. The proposals are comprehensive and demonstrate a commitment to enhancing the site's biodiversity potential. However, the proposals have not adequately dealt with the issue of great crested newts. The consultants advise that the site and surroundings are unlikely to comprise suitable habitats for GCN and that additional surveys will determine what may be necessary later. Normally, officers would not be in a position to recommend that applications be determined without the necessary up-to-date surveys of protected species carried out at the appropriate time of year. Although it is becoming clearer that protected species are unlikely to be present at this site, it is important that no decision is taken without the necessary survey work, which is imminent.

Officers consider that save for the issue of GCN, the application proposals can be supported subject to planning conditions. The applicant has advised that a full survey report addressing the additional GCN surveys will be provided prior to Members consideration of the application at Plans Board. In particular the advice in PPS9 (paragraph 16) states that planning authorities should refuse permission where harm to the species or their habitats would result unless the need for and benefits of, the development clearly outweigh that harm. Based on the information provided to the Council and subject to further survey work being undertaken in relation to GCN and results submitted prior to determination, officers believe that on balance the application can be supported from an ecological perspective as being compliant with Policy CS12 and NPPF. In the event of GCN be recorded, the applicants be requested to provide a full mitigation and methodology strategy, which could include provision for enhancement works to be undertaken off-site, the details of which to be agreed by the LPA. The application will not be finally determined until the Assistant Director Planning Specialist in consultation with the Chairman of Plans Board is satisfied that the issue of protected species has been fully addressed.

## LANDSCAPE STRATEGY AND ARBORICULTURAL CONSIDERATIONS:

Following concerns expressed both by officers and the local community to the original scheme, a number of revisions have been made that seek to enhance the proposals. These included an increase in the landscaped buffer to Station Road and the re-routed Hutchison Way. Furthermore, revised landscaping proposals have been provided designed to reduce the impact arising from the loss of part of the copse that presently forms the northern boundary of the site (adjoining Hutchison Way).

The development will involve the loss of trees and hedgerows and an Arboricultural Assessment accompanies the Addendum Report. A key feature of this report comprises proposals for compensatory tree works. The loss of the trees and scrub trees within the area adjoining Hutchison Way is regrettable, despite the general low quality of the trees concerned. It is proposed to recreate the feature along the dismantled railway line, as well as translocation of those trees that can be saved into the remaining area. A range of new planting including native specimen trees will be introduced into this area. Planting will continue along Station Road along the line of the diverted Hutchison Way PROW – Footpath CA2 – through the planting of avenue trees, hedgerow, shrub planting and areas of wildflower meadow and reconfigured pond.

Members will be aware of the public sensitivities over the loss of some of the trees within the copse to Hutchison Way as some of the trees were planted by local people/groups as part of public tree planting/open space improvement projects for Hutchison Way. The applicants' proposal involves transplanting many of these trees.

Visually, the proposals will in the medium to long term provide an enhanced street scene and buffer to the development proposals. The proposals along the former railway line will not only recreate this linear copse but with the proposed enhanced quality of planting, there will be a positive contribution to the local landscape resource. For these reasons, although the application proposals affect the small woodland at Hutchison Way, the landscape mitigation proposals are now considered sufficient and Policy OL11 of the Wrekin Local Plan is satisfied.

## OTHER ISSUES:

### VILLAGE GREEN ISSUE:

An application has been made for the development site to be registered as village green. The Council as Registration Authority has received this application and will be processing it independently of its role as local planning authority and of its role as landowner. In order to succeed, the applicant has to prove that a significant number of the inhabitants of any locality, or any neighbourhood within a locality have indulged in lawful sports and pastimes as of right on the land for a period of at least 20 years. At the time of writing this report, the publication stage of the village green application had commenced. The evidence in favour of and against registration will be

considered in due course by the Council as village green registration authority. If the Village Green application succeeds, it is likely to have an impact on the deliverability of the proposed development. However, the registration evidence has not yet been considered in detail and no determination has been reached. The fact that this registration process is continuing can be noted by members but cannot be regarded as being of any significant weight as members consider the material planning considerations relating to this proposed development.

#### PLANNING OBLIGATIONS REQUIREMENTS:

The applicant has provided the Council with Heads of Terms for any section 106 Obligation and these needs to be acknowledged.

Planning Obligations are secured by Agreement between the parties; they are required to secure community infrastructure to mitigate the impacts of new developments upon community facilities. They must also meet the tests set out in Part 11 of the Community Infrastructure Levy Regulations 2010:

- a) Necessary to make the development acceptable in planning terms
- b) Directly related to the development; and,
- c) Fairly and reasonably related in scale and kind to the development

Although there appears to be support for the range of the planning obligations proposed, there have been only limited discussions between the Council and the developer over the monetary value of the obligations. Because of this, officers will be inviting Plans Board to delegate authority to the Assistant Director – Planning Specialist in consultation with the Chairman to finalise the precise sums of money to be negotiated. This is particularly important in relation to the highways contributions as the applicants have not yet fully agreed the methodology that was used by the Council's highways consultants in respect of the highway improvements.

1. Highway Matters: The Council as both local planning authority and local highway authority intend to adopt a strategic approach to planning contributions towards highway infrastructure provision and this is considered to follow the Government's Community Infrastructure Levy approach. As described elsewhere, the approach that the Council would adopt in the event of permission is to apportion the costs of highway improvements required to the strategic network to each development coming forward over the forthcoming 5-year period (and beyond). The highway and transport infrastructure would also comprise provision of bus subsidies and public transport infrastructure. The Local Highway Authority has identified the following necessary contributions:

- a) Off site highway infrastructure - £907,548.
- b) Public transport service enhancements - £600,000.
- c) Public transport infrastructure - £10,000 (unless delivered through the S278 works).
- d) Travel Plan monitoring - £5,000.

2. £15,000 Planning & Financial monitoring.
3. Public art contribution of £50,000
4. Town Centre Impacts: While this development has been fully assessed against the “impacts tests” contained within NPPF and found to be policy compliant, it is clear that the proposals will have some impact on Newport Town Centre. To help off-set the impacts, broad discussions have taken place with the developer who will contribute towards two initiatives detailed below. These are:
  - a) Financial contribution to be determined so that the Council can operate a shop front enhancement scheme to help further upgrade the physical environment of Newport Town Centre; the amount sought is £300,000 including administration costs; and,
  - b) Financial contribution to be determined for the employment a Town Centre Manager to assist in the promotion of Newport as a shopping destination and to work with town centre operators to achieve this objective. The amount sought is £100,000.
5. Commuted sums in respect of open space maintenance to be agreed.

As described above, should members wish to grant planning permission for this application, delegation will need to be given to the Assistant Director - Planning Specialist in consultation with the Chairman of Plans Board to negotiate the level of planning and other contributions detailed above.

#### CONCLUSIONS:

The proposed retail store has been fully considered and assessed to be in accordance with guidance in NPPF, the RSS, the Core Strategy policies and Wrekin Local Plan policies.

In terms of impact tests contained within the NPPF, the applicant has demonstrated to the satisfaction of the Local Planning Authority that the proposal complies with the sequential approach to site selection and that the site is suitable, viable and available. In addition, the Local Planning Authority is satisfied that having considered the evidence presented to it, the proposal will not lead to significant adverse impacts on the viability and vitality of Newport Town Centre. Having considered evidence prepared by both the applicants and objectors, the Council has commissioned its own assessment of studies prepared and objections lodged and considers that the existing health and condition of Newport Town Centre is good and that the trade draw impact as a consequence of this proposal on existing retailers in Newport.

The site is outside the built up area of Newport as defined in the Wrekin Local Plan, and the Core strategy is not accompanied by a spatial plan, however the Inspectors report on the examination of the core strategy DPD opined that development would entail extensive use of Greenfield sites and there was also insufficient emphasis given to employment. The site is adjacent to Newport, in the urban fringe and contained by the by-pass. The development of this greenfield site for employment purposes is needed to support Newport in its role as a Market Town.

The proposed store is of a suitable scale, mass and design, which respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy.

The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to highway safety. The layout also provides adequate car parking and bike storage provision, and to support sustainable modes of transportation to the site, a financial contribution is necessary to subsidise improvements in terms of timing of service for the existing bus service along Station Road.

The development will preserve either in-situ or through translocation those trees on the site which are of important value to the visual amenities of the area and reinforce this through additional tree planting and landscaping.

Issues of ground conditions, flooding, drainage, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. In relation to ecological considerations, the Council is satisfied that apart from the issue of great crested newts, the survey work undertaken together with the proposed mitigation and management strategy complies with the Council's policy in relation to biodiversity and ecological protection and enhancement. The Council requires further consideration be given to great crested newts. The proposal creates a demand for additional off-site requirements, which can be adequately mitigated through planning obligation contributions.

#### RECOMMENDATION:

That once the matter of protected species has been resolved to the satisfaction of the Assistant Director – Planning Specialist in consultation with the Chairman of Plans Board and the application has been referred to Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and subject to confirmation from the Secretary of State that he does not wish to call-in the application for determination and subject to the Council as landowner agreeing that the land will be bound by the obligations in respect of the provision of a sum of monies comprising a contribution of up to £907,508 for the provision of major highway schemes, up to £600,000 towards public transport; £10,000 towards public transport infrastructure; £5,000 for monitoring of the store travel plan £50,000 for the commissioning of public art on or off site as may be subsequently agreed, an appropriate commuted sum for open space maintenance and £15,000 for monitoring of financial and planning covenants and a contribution of £300,000 to enable the Council to operate a shopfront and property enhancement grant scheme and £100,000 for the employment of a Town Centre Manager, the Assistant Director – Planning Specialist is authorised to **GRANT planning permission**, subject to the following conditions (authority to finalise conditions

and reasons for approval to be delegated to the Assistant Director – Planning Specialist):

1. A04 Time Limit Full
2. B11 Samples of materials
3. B12 Sample brick panels
4. B34 Highways details
5. B45 Travel Plan
6. B49 Custom Service Access road, alterations and remedial works
7. B57 Land contamination
8. B61 Foul and Surface Water
9. B79 Custom Drainage – exceedence flow routing plan
10. B79 Custom Drainage – details of impact on public foul water network
11. B89 Custom Service Yard Management Plan hours of use for delivery, quiet deliveries demonstration scheme principles.
12. B89 Custom Car Wash plant
13. B130 Trees – protective
14. B131 Trees – service routes
15. B132 Trees – no dig method
16. B145 Lighting Strategy and design
17. B150 Site Environmental Management Plan
18. C20 Parking/loading/unloading and turning
19. C22 Gas Mitigation
20. C28a Greenfield runoff
21. C38 Plans
22. C49 Custom Drainage – lining of attenuation features
23. C76 Landscaping Implementation hard and soft
24. C97 Nesting birds (vegetation)
25. C91 Mitigation Strategy Implementation
26. C114 BREEAM standard
27. CC Custom Retail floorspace limits
28. DC Custom No vehicle washing in main car park, only in service yard and petrol filling station
  
29. DC Custom - assessment of the underlying strata to include permeability testing and groundwater level monitoring to establish the feasibility of using infiltration drainage

Informatives:

- I05 Advertisements need separate consent
- I06 Section 106
- ICustom Highways S278 works
- I32 Fire Service
- I40 Conditions
- I43 Reason for grant of planning permission

#### REASONS FOR GRANT OF PERMISSION:

The proposed retail store has been fully considered and assessed to be in accordance with guidance in the National Planning Policy Framework, the

RSS, the Core Strategy policies and Wrekin Local Plan policies. In terms of the impact tests contained within the NPPF, the applicant has demonstrated to the satisfaction of the Local Planning Authority that the proposal complies with the sequential approach to site selection and that the site is suitable, viable and available. In addition, the Local Planning Authority is satisfied that having considered the evidence presented to it, the proposal will not lead to significant adverse impacts on the viability and vitality of Newport Town Centre. Having considered evidence prepared by both the applicants and objectors, the Council considers that the existing health and condition of Newport Town Centre is good and that the trade draw impact as a consequence of this proposal on existing retailers in Newport is acceptable. There would be significant improvements to local consumer choice, improved competition, enhancements to employment, reduction in the need to travel and retention of local expenditure in the town. The site is outside the built up area of Newport as defined in the Wrekin Local Plan, and the Core strategy is not accompanied by a spatial plan, however the Inspectors report on the examination of the core strategy DPD opined that development would entail extensive use of Greenfield sites and there was also insufficient emphasis given to employment. The site is adjacent to Newport, in the urban fringe and contained by the by-pass and the development of this greenfield site for employment purposes is needed to support Newport in its role as a Market Town. It will also assist in the regeneration of the town. The proposed store is of a suitable scale, mass and design, which respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy. The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to the highway safety. The layout also provides adequate car parking and bike storage provision, and will support sustainable modes of transportation to the site through a financial contribution considered necessary to subsidise improvements in terms of frequency of service for the existing bus service along Station Road. The development will preserve either in-situ or through translocation those trees on the site which are of important value to the visual amenities of the area and reinforce this through additional tree planting and landscaping. Issues of ground conditions, flooding, drainage, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. In relation to ecological considerations, the Council is satisfied that apart from the issue of great crested newts, the survey work undertaken together with the proposed mitigation and management strategy complies with the Council's policy in relation to biodiversity and ecological protection and enhancement. The Council requires appropriate survey work to be undertaken, recording and if appropriate further mitigation and management in relation to great crested newts and will only grant planning permission where it is satisfied that protected species are not harmed. Appropriate great crested newt surveys have been undertaken and further surveys will be carried out during April 2012 in compliance with Natural England advice. The proposal creates a

demand for additional off-site requirements, which can be adequately mitigated through planning obligation contributions.

Note: These reasons for granting permission may be altered by the Assistant Director - Planning Specialist in the light of member discussions.

TWC/2012/0011 Land At, Audley Avenue, Newport, Shropshire, TF10 7BX  
Outline application for the demolition of existing buildings and structures,  
erection of a new food store, associated cafe, access, highway improvements,  
servicing and parking (Access, Scale and Layout)

**APPLICANT**

Audley Avenue Business Parks

**RECEIVED**

06/01/2012

**PARISH**

Chetwynd Aston and Woodcote,  
Newport

**WARD**

Church Aston and Lilleshall, Newport  
South

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Economic Development, Retail Need, Impact on Town  
Centre, Impact on Highway Network, Sustainability

**PROPOSAL:**

The application is expressed in outline form but includes a request for approval of the following Reserved Matters: Access/Layout/Scale. It is proposed to demolish existing employment related buildings and replace these with a retail food store incorporating a café together with associated access, servicing and parking and highway improvements. There is no named food retailer behind the application. The proposed footsore unit is 5,084 sq m gross with a net retail floor space of up to 2,787 sq m, with the remaining area for storage, back-up and staff facilities. The proposed store will have a 75%/25% split between convenience and comparison sales

The site will be accessed via a new mini roundabout on Audley Avenue, which will lead directly to the store car park that will front the proposed foodstore. A dedicated access is proposed directly to the store's service yard from the new roundabout at the site entrance that will ensure service traffic and customer separation.

A total of 319 car parking spaces are proposed including 12 disabled and 11 parent/child spaces. Dedicated staff parking is provided adjacent to the service yard while secure cycle parking facilities will be provided. A dedicated pick-up/drop-off point and bus stopping area is proposed immediately in front of the store.

Improvements to the existing highways infrastructure in the vicinity of the application site are also proposed, including the upgrading of two existing priority junctions to roundabout junctions to improve access and ease the flow of traffic. A new bus service is proposed to link the foodstore to Newport town centre and the surrounding residential areas, including local villages. To facilitate this, it is proposed to improve the existing one-way bus gate at Audley Avenue to allow two-way movement of buses only.

The application proposals originally included proposals to develop under used agricultural land to the east of the existing Business Park to provide a

community allotment and wildlife area incorporating proposals to increase site levels through the tipping of inert waste. This element has stalled following concerns from the Environment Agency (EA) and our Planning Ecologist and the lack of support from adjoining landowners who needed to allow access through adjoining land. This element no longer features despite these proposals being referenced in the applicant's planning submissions.

Members will be aware that a near identical application is the subject of an appeal against non-determination (Application Ref. TWC/2011/0632). A decision to object to that proposal at the forthcoming public inquiry was made by this Board in March.

#### **SITE AND SURROUNDINGS:**

The site is a Brownfield site located on the eastern edge of Newport within the built up area as defined in the Wrekin Local Plan Proposals Map. The site lies approximately 1.3 km south east of Newport town centre and approximately 0.5 km from the roundabout junction of the A518/A41.

The Classic Furniture site comprises a mix of buildings with some 6,317 sq m of floor space for the assembly, storage and delivery of furniture with ancillary office and retail showroom open to the public.

All existing buildings will be demolished to facilitate the development proposals. It can be treated a Brownfield site.

The application is accompanied by the following reports:

- Planning Statement
- Statement of Community Involvement
- Design & Access Statement (DAS)
- Flood Risk and Drainage Assessment
- Ecological Statement
- Retail Impact Assessment
- Transport Assessment (TA)
- Travel Plan
- Outline Application Drawings

#### **PLANNING HISTORY:**

W2008/0885	Outline application for mixed retail (comparison and convenience) and employment development at Classic Furniture and Parkland House sites.	Refused 4.11.08 Appeal lodged, but later withdrawn when W2009/0312 was granted.
W2008/0886	Full application for erection of business units following demolition of existing buildings on Parkland House site.	Granted 4.11.08

- W2009/0312 Demolition of existing buildings and construction of a mixed use development comprising employment, car auction and retail together with associated parking, servicing, landscaping and access (Outline application). Granted 13.8.09
- Condition 19 restricts the sale of goods from the two retail buildings to only “bulky comparison goods”.
- W2009/0934 Section 73 application to vary condition 21 of outline planning permission W2009/0312 to allow the sale of food with ancillary non-food goods from one of two retail buildings, previously granted but not yet built. Application withdrawn

Members may recall that the same applicant (Classic Furniture) had previously sought planning permission for a mixed convenience (ie. food) and comparison goods retail development together with new employment buildings (W2008/0885). This was refused planning permission on grounds relating to: lack of retail need; impact on Newport’s town centre; and undermining the Core Strategy’s objective to increase the amount of employment land in Newport.

Subsequently, Plans Board granted outline planning permission (W2009/0312) on 12<sup>th</sup> August 2009 for a mixed retail/employment redevelopment of the Classic Furniture and Parkland House premises at Audley Avenue. This involved the erection of two retail buildings (comprising five units) totalling 3,252sqm gross (units 1 to 4 totalling 1,858sqm and unit 5 of 1,394sqm gross) on the Classic Furniture part of the site, and the erection of new industrial/employment buildings (3,344sqm gross) on the Parkland House part of the site following the demolition of all of the employment/manufacturing/retail buildings on the Classic Furniture site and demolition of the warehouse/car auction buildings at Parkland House.

This permission was subject to conditions including one to restrict the sale of goods from the two retail buildings to only “bulky comparison goods” in order to limit the impact on Newport town centre. Condition 21 reads as follows:-

*“The retail units shall be used for the sale of comparison bulky goods only namely DIY goods, Gardening goods and Equipment, Furniture, Furnishings and Floor Coverings, Motor and Cycle Goods and Accessories, Office Equipment, Electrical Goods, Pet Foods and Products.*

*Reason: To limit the impact that the retail development will have on Newport town centre”.*

Comparison goods, sometimes referred to as durable goods, can be distinguished from food and other frequently bought items. Comparison goods therefore include clothing, footwear, books, jewellery and household goods

including hardware, furniture and furnishings, floor coverings and electrical goods. Many of these goods are traditionally sold on the high street where spending decisions can be made between different retailers and the choice and quality of goods they have available. The condition therefore sought to limit the range of goods that could be sold to those regularly found in traditional retail warehouse parks.

The applicants subsequently sought to modify Condition 21 of the original permission to permit the sale of food. Although no named operator supported the application, the applicant promoted the application and provided an assessment on the basis that it would be occupied by a “discount food retailer” e.g. the likes of Aldi or Lidl. An appeal was lodged against non-determination but this was subsequently withdrawn.

#### PLANNING POLICY CONTEXT:

National Planning Guidance:  
National Planning Policy Framework (NPPF)

The NPPF was issued on 27th March 2012 and will be an important material planning consideration for members as they consider this application. It replaces the previous guidance on town centre uses contained within Planning Policy Statement 4 (PPS4). A key feature of the NPPF is the emphasis on achieving sustainable economic growth. In dealing with applications for main town centre uses which are not within an established centre nor allocated within an up-to-date Development Plan the two principle tests of the now superseded PPS4 are largely retained. The sequential test remains paramount. These are the sequential and town centre impacts tests.

Regional Policy and Guidance:  
Regional Spatial Strategy for the West Midlands incorporating Phase 1 Revision (January 2008). While the Government has stated its intention to revoke RSSs as part of its Localism agenda, the RSS retains its status as a material planning consideration in accordance with the Cala Homes Court of appeal case.

Policy RR3 Market towns:  
Market towns have a key role in regenerating rural areas. Action priorities include developing shopping within town centres where sites exist; where no sites exist, shopping development should be subject to national planning policy.

Policy T2 Reducing the need to travel:  
Especially by car; reduce the length of journeys.

Policy T7 Car parking standards and management:  
Maximum standards in line with national planning policy (i.e. Planning Policy Guidance Note 13).

Local Planning and Policy Guidance:

The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2001 (adopted 2002):

Joint Shropshire and Telford and Wrekin Structure Plan 1996-2011 represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains “saved” policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

- Conserve resources and the environment by reducing reliance on car travel and length of journey, fostering bio-diversity and the conservation of natural resources
- Improve the quality of life by: protecting the natural and cultural assets of the area; improve employment prospects; and tackle levels of deprivation
- Achieve a sustainable environment by careful location of development; improve access and maximise use of previously developed land and existing infrastructure; and
- Foster a prosperous economy, support for the rural economy and encourage inward investment

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

Saved Wrekin Local Plan Policies:

The Wrekin Local Plan (1995-2006) – This Plan together with the above Structure Plan form part of the ‘Development Plan’ (along with the Core Strategy) The Structure and Local Plans however are becoming increasingly dated and they are currently being superseded by LDF documents. However the “saved” policies of the Local Plan (some 88 in total) will continue to have weight in the determination of planning applications for the time being.

Policy S1 Service centre hierarchy

Newport is identified at Level 2 in hierarchy with other Borough towns and District Centres, behind Telford Town Centre. More recent Development Plan policy (WMRSS policy RR3 above and Core Strategy Policy CS6 and national policy (Planning Policy Statement 4) need to be considered alongside policy S1.

Policy E4 Development on Unallocated Employment Sites in the Urban Area  
Development employing more than 5 people should be within or close to a centre, on a public regular bus route or on a Brownfield site.

Policy S9 Retailing from Employment Areas

Only small-scale convenience of no more than 300sqm will be permitted in employment areas. Job creation should not be important criteria to judge retail applications.

Local Development Framework Core Strategy (CS):

Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

**Policy CS2 Jobs:**

Newport to be the focus for small and medium-sized employment development. Offer a choice of work opportunities to reduce levels of out-commuting.

**Policy CS6 Newport:**

Help support Newport in its role as a market town and enable it to fulfil its role as a rural service centre. Town's economy and its service and facility base will benefit from being bolstered and expanded. Aim to achieve a sustainable economy.

**Policy CS8 Regeneration:**

Development associated with regeneration initiatives will be supported where it will, amongst other things, strengthen the market town role of Newport and the services and facilities it provides.

**Policy CS9 Accessibility and social inclusion:**

Locate development in centres. Promote sustainable forms of travel.

The CS acknowledges that the role and function of Newport town centre has been eroded by the changing dynamics in both the local economy and changing shopping habits following the development of new retail attractions elsewhere. In encouraging development in Newport that enhances the role and function of the town centre and maintain its position second only to Telford in the local retail hierarchy, development that assists regeneration, create jobs and reduce social exclusion will be supported.

**PUBLICITY AND CONSULTATION RESPONSES:**

As the application site straddles two parishes, both the Newport Town Council and the Lilleshall & Chetwynd Aston Parish Councils have been notified and offer the following comments:

**Newport Town Council:**

Resolved to strongly object to the planning application as submitted.

'In reaching its decision the Town Council was mindful of discussions with both representatives the Newport Regeneration Partnership, the Newport Chamber of Commerce and the developer, Indigo Planning. Previous, similar planning applications were researched by officers of the Town Council and the application was considered against the Town Council's recently adopted planning and regeneration principles.

Newport is a market town with much of the central area designated as a conservation area. It is considered that a large 'out of town' supermarket

would have significant detrimental effect on the appearance of the High Street with a real likelihood of shops becoming empty. The appearance of other local towns has suffered dramatically from similar development and you would only need to look at towns in close proximity, such as Market Drayton to visualise the likely impact of large out of town supermarkets on the character and viability of the High Street.

There is an existing approved outline planning application for part of the site proposed. That application was for non-food retail goods. The conditions imposed in the previous application were imposed for a valid reason and that was to limit the impact on the Town Centre and primary shopping area. The factors that led to these conditions are still considered valid.

In August of 2010 another application for an out of town food store was considered (on appeal) by the planning inspectorate. One of the main points of the appeal (confirming the denial of the application) was the failure of the sequential test in terms of access to food and general grocery shopping by a choice and means of transport. The planning inspectorate considered that a small-scale food store could be accommodated. The planning inspectorate's findings (APP/C3240/A/10/212557) related to a proposed retail site of approximately half the size of that now proposed by Indigo Planning. By merely increasing the size of the development the developer has sought to exclude more preferable sequential sites nearer to the heart of the Town. Furthermore, the retail statement uses the 'potential new housing growth within Newport' to demonstrate the increased demand, this is not yet reality and Newport Town Council are opposed to housing development over and above the LDF target of 60 per annum therefore, any potential growth should be discounted at this stage.

The applicant's retail statement seeks to support the need for a large-scale retail unit. There are likely to be a number of factors that contribute to leakage that cannot be addressed by building an additional supermarket in Newport e.g. brand loyalty, accessibility of larger wide ranging stores en route to and from work. There is no guarantee that those individuals on the edge of the surveyed area (many miles from Newport) e.g. Muxton will not continue to shop at the likes of Asda in Donnington which will remain the closest large scale food outlet, or those in Gnosall where the Tesco in Stafford is just as close.

The proposed site lies on the edge of the by-pass and there are concerns that a significant increase in traffic flow along an already identified black spot on the A41 may become further congested and defeat the purpose of the by-pass.'

Newport Town Council (views on planning obligations):

Newport Town Council has now met without prejudice to discuss the issue of planning gain. Your officers have advised the Town Council that any requests for planning contributions must meet the tests on the use of planning conditions and section 106 covenants (must have planning relevance, must relate to the development, must be proportionate to the development under

consideration and must be reasonable in all respects). However the involvement of the Town Council is welcome as that Council is able to represent the interests of the local community of Newport only.

Although it falls upon this Council as LPA to negotiate appropriate levels and types of planning contributions, it is appropriate to consider what the Town Council has said on the issue. The following paragraphs highlight the response of the Town Council in respect of section 106 negotiations:

*Members of Newport Town Council recently met with representatives of the applicant for the subject planning application.*

*At the meeting The Council was asked what community benefit could be gained from the development should it receive planning consent and to inform you?*

*The full Town Council considered the question at its meeting on 8 February 2012 and have asked that I convey their indicative thoughts.*

*There are a number of challenges/projects facing Newport due to a variety of factors including; numerous development proposals unitary authority budget cuts and public comment, which could be supported or mitigated against by community benefits associated with the planning application.*

*There is a desire to improve recreational and leisure facilities including:*

- *Improvements to the swimming pool.*
- *Improvement to and additional Sports pitches and facilities.*
- *Assistance with aspirations to improve and extend the canal to Norbury junction*
- *Maintenance and protection of 'green space'.*

*Improving/ increasing car parking provision in and around the High Street.*

*Providing opportunities for 'close to town' non-kerbside recycling and refuse. (Should Newport lose its recycling centre as part of the unitary authority proposed budget cuts)*

*Assistance to maintain the viability of the High Street – we note that the supermarket developer has provided opportunities in other similar planning applications for the provision of consultancy services, sign posting of high street businesses from within its store, funding (in whole or part) town centre managers and educational programmes for high street traders.*

*Assistance in developing close-to-town sites such as Water Lane, which was the subject of a Unitary Authority document a few years ago.*

*It is also understood that a recent planning application in respect of housing on land near Wellington Road TWC/2011/0821, during its*

*public consultation phase, sought the views of the public on potential community benefits. It is considered that any comments provided under that application are likely to provide some indication of other community benefits. I ask that you consider those comments.*

*I have enclosed a record of the discussions of the meeting with the developer's representatives for your information.*

*In summary, Newport Town Council would wish to be actively engaged in identifying community benefits as a result of impending development. If you could advise how best that might be achieved I would be more than content to meet with you or your colleagues who deal with these issues.*

Chetwynd Aston & Woodcote Parish Council:

Objects to this application on the basis that Newport does not need another supermarket, in particular a supermarket outside the town, which will kill trade on the High Street, and permanently change the character of Newport, which is a pleasant Market Town.

The Parish goes on to say that this application is for the erection of a food store (5,084 square metres gross) with a retail sales floor space of 2,787 square metres, together with approx 300 parking spaces. Highway works include a new roundabout on the bypass at Audley Avenue junction for the increased traffic. The application is supported by the required assessments and surveys (Retail Assessment, Traffic Assessment, Travel Plan etc) which all claim to demonstrate that there would be no significant adverse impacts from the development and that the development accords with policy. However there are many assumptions and contradictions in these assessments and surveys, which I wish to challenge and I comment as follows: This proposal is contrary to national and local retail policy (PPS4 and Core Strategy Policy CS6 Newport plus Saved Policies S1 Wrekin LP and CS9 of the DPD), which promotes investment in existing service centres with easy access by sustainable means of transport to improve social inclusion and to minimise the distance people travel. This out-of-centre site is not easily accessible - it is further from the town centre than the Mere Park proposal which was judged by a Planning Inspector as unacceptable - can only be reached on foot from Audley Avenue (no footpaths on the bypass) and the very fact that a bus service is proposed demonstrates that the site, as it is, does not meet the objectives of the policy. The Travel Plan is an irrelevant paper exercise; it suggests that the site is within walking distance of the 'majority' of Newport. It considers that a 2km radius is acceptable but this I dispute when one thinks of the amount of shopping one would have to carry. Also that cycling will be encouraged by the provision of cycle parking spaces. I am afraid that people will want more encouragement than that. The provision of a bus service should not be relied on to make the proposal acceptable. Even by car the site can only be accessed off the bypass, which means that for many people their route will involve a distance above and beyond their current journey to purchase food and other goods. I believe it very relevant to make comparison between this application and the proposal for a smallish discount store at Mere Park. The Inspector considered that the Mere Park proposal failed the

sequential test in that there were sites nearer the town centre where it could have been located. This proposal has avoided a similar judgement being made by making the proposed size more than twice that of Mere Park so that the argument is that it could not be accommodated on the sites nearer the centre and therefore the out-of-centre site is the nearest available. But does Newport need a store this size? Development should be limited to meeting local needs and those of the rural hinterland. The Mere Park Inspector considered that a small-scale discount retailer could be accommodated in the town centre, which would improve the retail mix. This out-of-centre superstore is grossly more than required for local needs and is aimed at a much wider catchment area than even the 'rural hinterland'. It's too big and in the wrong place for our needs. The assessment assumptions need to be rigorously examined and challenged as they are based on telephone (750 people) and on-street surveys which are renowned for being flawed. For example, the Indigo report claims that the proposed superstore will meet the 'weekly shop' needs of those who currently travel out of Newport and that this will only marginally affect Waitrose and the Co-op, it takes no account of the other attractions for which people travel out of Newport to do their weekly shop – the other shops that are available. It claims that High Street shops that do not sell food will not be affected. Yet even their own survey (comparison goods shops) shows that these shops have declined in recent years while the service shops have increased. There would definitely be an impact on the retailers in the High Street. More have closed since their survey. The Core Strategy Policy CS6 for Newport - development is supposed to support its role as a market town and assist its regeneration whilst directly benefiting the local economy. As well as the adverse impact on the town centre and the negative impact on regeneration, the number of jobs for local people from this proposal is questionable. Recent research suggests that for every job created by a large out-of-town superstore, at least the same number are lost from the local economy, not just in terms of local shop closures, but also from job losses in the local supply chain and in local service support. How many of the stated 300 jobs will be full time proper jobs for local people? Most of these jobs are part-time low paid and any benefit has to be measured against the possible loss of jobs caused by the closure of retailers. What is planned for those employed by Classic Furniture?

Church Aston Parish Council:

Objects to the proposal as being contrary to national and local retail policy (PPS4 and Core Strategy Policy CS6 Newport plus Saved Policies S1 Wrekin LP and CS9 of the DPD), which promotes investment in existing service centres with easy access by sustainable means of transport to improve social inclusion and to minimise the distance people travel. This out-of-centre site is not easily accessible -it is further from the town centre than the Mere Park proposal which was judged by a Planning Inspector as unacceptable.

The Travel Plan suggests that the site is within walking distance of the 'majority' of Newport. It considers that a 2km radius is acceptable but this is disputed when one thinks of the amount of shopping one would have to carry. Also that cycling will be encouraged by the provision of cycle parking spaces. This is insufficient encouragement. The provision of a bus service should not

be relied on to make the proposal acceptable. Even by car the site can only be accessed off the bypass, which means that for many people their route will involve a distance above and beyond their current journey to purchase food and other goods.

There are comparisons between this scheme and the Mere Park appeal, which failed the sequential test in that there are nearer sites to the town centre where this development could be located. Does Newport need a store this size? Development should be limited to meeting local needs and those of the rural hinterland. The Mere Park Inspector considered that a small-scale discount retailer could be accommodated in the town centre, which would improve the retail mix. This out-of-centre superstore is grossly more than required for local needs and is aimed at a much wider catchment area than even the 'rural hinterland'. It's too big and in the wrong place for our needs.

The Indigo report claims that the proposed superstore will meet the 'weekly shop' needs of those who currently travel out of Newport and that this will only marginally affect Waitrose and the Co-op, it takes no account of the other attractions for which people travel out of Newport to do their weekly shop – the other shops that are available.

As well as the adverse impact on the town centre and the negative impact on regeneration, the number of jobs for local people from this proposal is questionable. Recent research suggests that for every job created by a large out-of-town superstore, at least the same number are lost from the local economy. The claim that a large store at the edge of Newport "*would reduce the high level of expenditure leakage from the study area*" is both irrelevant and misleading. Money spent in a supermarket goes to the supermarket – wherever it is situated.

One of the main strategic priorities in the Newport Tourism Action Plan 2008 is to support and sustain existing local retail businesses. Shopping is the main day visitor attraction with the variety and choice of shops given as chief attraction, therefore the further loss of any of our independent retailers would have a direct detrimental impact on tourism and its role in the economic regeneration of Newport.

Shropshire Fire Service:

Comments regarding: a) Access for Emergency Fire Service Vehicles - necessary to provide adequate access for emergency fire vehicles. b) Water Supplies for Fire fighting and c) Provision of correctly designed sprinkler system

TWC Environmental Health Team: No Objection

TWC Geo-Technical Team:

The site is affected by high ground water levels. This must be considered when designing the foundations and BRE Protocol 1 must be followed especially in relation to high ground water. There are many contamination issues at this site as identified in the submitted report. geotechs have liaised

with environmental health over these issues and we are in agreement with their comments.

**Drainage:**

No objections the proposed development must adhere to the requirements of the Flood Risk assessment. Also conditions necessary to ensure the appropriate calculations are submitted at later reserved matters stage along with the full drainage layout.

**Severn Trent Water:**

No objection. Comments: There are two pumping stations close to the planning application site. Furthermore, any new development must not restrict our access to the sewerage pumping stations. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution.

In acknowledgement of the number of planning applications currently being considered by the LPA, Severn Trent Water has prepared a "Position Statement". In summary, the following represents STW's position:

Under the Water Industry Act, developers have the right to connect foul and surface water flows to public sewers and STW have a duty to provide additional capacity. Where there is insufficient capacity, STW cannot refuse connection but can ask the LPA to delay development pending upgrading. STW have to fund any capacity improvements, but also have a duty to minimise the impact on customers' bills - they also don't want to delay new development but need to avoid abortive expenditure associated with speculative development. STW also has a duty to comply with discharge consents issued by the Environment Agency (EA).

In terms of the **sewerage network**, Newport is split into two sewerage sub-catchments – one to the north-west and the other to the south-east. There are known capacity issues within the SE catchment with records of sewer flooding affecting properties and gardens etc Mitigation to properties has been successful but risk to external areas - gardens and highways - remain. Preliminary investigations suggest that additional flows from proposed development in the western catchment are likely to exacerbate existing problems. Investigatory work to look at solutions and options will be completed early summer 2012. Possible solutions include the developers reducing the amount of surface water (rain water) that enters the foul sewers, which will free up capacity for additional foul flows, and/or replacing parts of the sewerage system with larger sewers. The costs and benefits of each of the options will be assessed and the most suitable solution will be selected. STW may invite the LPA to delay commencement or occupation of any development until sufficient capacity is provided. STW recommend that the Council uses appropriate conditions on planning applications to ensure that developers provide details of foul drainage that the Council would then approve.

In terms of **sewage treatment**, STW confirm that the sewerage network problems are not linked to the capacity of the existing sewage treatment

works in Newport. Spare capacity exists for an additional 670 new dwellings within the existing discharge consent for the treatment works. The current treatment process is anticipated to have sufficient capacity for later development phases. Any additional capacity requirements would be provided on site at the existing treatment works. The impacts on air quality will be negligible.

With regards to **surface water management**, this should be managed on site rather than being discharged to the sewerage system or where necessary, restricted to “greenfield rates”. Such sustainability measures will reduce the demand on the existing sewerage network capacity.

In terms of **water mains system**, a study is underway for Telford as a whole, which will report in April 2012. It is anticipated that STW along with TWC will manage the impact of new development. It is finally recommended that a Water Cycle Study be prepared by TWC for development across the Borough.

Natural England:

The application site is in the vicinity of Aqualate Mere SSSI forming part of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites. The location of the proposal in relation to this Ramsar site means that the application must be determined in accordance with the requirements of the Habitat Regulations in particular Regulations 61 and 62. NE has no objection to the development proposal in relation to designated sites (International Sites and UK SSSI). Our reasoning is set out below:

European Sites (Natura 2000 Network) – the application site is within 5 km of Aqualate mere SSSI. This SSSI forms part of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites. PPS9 makes clear that Ramsar designated sites are considered of equivalent status to European Sites (SPA/SAC). It is our view that either alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect on the important features of the West Midlands Meres and Mosses (Phase 1 and Phase 2) Ramsar Sites or any of the special scientific interest features of the Aqualate Mere SSSI. Our detailed reasoning behind this view is set out below:

1. Public water supply and foul drainage – NE recently attended a meeting with your council, the EA and Severn Trent Ltd to discuss possible impacts on Aqualate Mere. We welcome the Position Statement submitted by STW and note the recommendation contained within for your authority to undertake a Water Cycle Study. We believe that this will help plan strategically for future water demands and drainage needs.
2. Hydrology – This development lies outside and effectively downstream of the surface water catchment area of the SSI/Ramsar site. As a matter of good practice we expect suitable design and sustainable drainage systems to be delivered as part of the final proposal. A suitable planning condition may be appropriate.
3. Air emissions – the development proposals’ distance from the SSI/Ramsar, together with the stand-off distance between major traffic

routes and the SSI/Ramsar made indirect effects from vehicle related emissions very unlikely. If the proposal is to be approved careful design in terms of maximising the scope for access to the town centre by sustainable modes of transport will play an important part in minimising unnecessary use of the private car. A suitable planning condition may be appropriate.

Other advice is given in relation to Protected Species.

Planning Ecology Team:

The Planning Ecologist has commented in some detail; some of the comments below related to an adjoining area to the east that was proposed as an allotment/wildlife area under a linking but separate planning application (application ref. TWC/2011/0850). The applicants no longer propose this and do not wish the Council to link such application. In essence however there are no objections from the Planning Ecologist.

The Ecology Team expressed some concern to the removal of vegetated area in the north of the site to provide the staff parking and service yard. This would have linked well with the area previously proposed as a wildlife area as it would have offered suitable mitigation.

Although the ecological survey found no evidence of nesting birds in the buildings on site, there are anecdotal records of swallows nesting in some of the buildings in previous years. The report considers that all of the vegetation and some of the buildings within the application area have the potential to support nesting birds. Work within bird nesting season should be avoided and alternative nesting opportunities should be provided, e.g. boxes and/or bricks on retained trees or new building, particularly for house sparrows and swallows (both BAP species). Replacement and enhancement planting should be carried out on site provide nesting opportunities and a food source for birds. Bat boxes should also be erected to enhance the site for local bat populations. Consideration should also be given to the creation of green/brown roofs on the new building.

The Team recommends conditions for pre-commencement checks to ensure that badger, water vole and otter surveys are updated if the development does not commence by early summer 2012 to include the vegetated northern area of the site prior to development. In addition conditions should be imposed to require erection of bat and bird nesting boxes.

Arboricultural Officer:

Following receipt of the updated Arboricultural information, the tree officers have no objection to the proposal, subject to conditions to include submission/implementation of landscaping design and protection of trees to be retained.

Comments: According to the amended plans out of the 32 trees recorded within the tree survey of this application site, the applicants are intending to retain four. These are T25, T30, T31 and T31. T25, is a young Ash tree, the

proposed car park appears to encroach into the trees root protection area. If this tree is to be retained, the applicants should consider the use of root barriers to abate future conflicts with trees and built surfaces (tarmac). Drawing No. 1022.03 shows, that at this time the tree overhangs 4 car parking spaces, as the tree matures this will obviously increase, if the tree is retained it should be protected through out the construction phase. T30, Half of the RPA of this tree is within the proposed car park, yet it has been highlighted for retention – question the feasibility of this? T31, Is outside of the car park and can be easily retained, it will require protective fencing throughout the development, this condition should also be applied to T32, although the tree has been highlighted as being poorly structured and growing with a lean, the applicants have proposed that it will be retained.

#### Sustainability Officer TWC:

A statement is required in the design and access statement where the developer should look to explain how they believe they have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to achieve Research Establishment Environmental Assessment Method (BREEAM).

The development should be assessed using BREEAM:

- BREEAM assessments for the scheme should be undertaken at the design stage and also at post-construction review.
- The development should be required to meet BREEAM 'Very Good'. Please note that BREEAM is updated regularly. The developer should refer to the latest version or the prevailing sustainable standards - whichever is the higher at the time of submission of reserved matters.
- Developers and designers should involve a BREEAM assessor as early as possible in the design process, to ensure the rating is achieved in a cost effective manner.

#### Highways Section TWC:

There have been a number of Planning Applications lodged for various potential developments in Newport. The Highway Authority is concerned that the cumulative impact on the local highway network, should these developments all receive Consent, will be such as to cause capacity and safety issues on parts of the strategic highway network.

In light of this the Highway Authority has carried out an assessment of the cumulative impact, based on the background counts carried out in support of the developments and on the distribution of development trips put forward by each highway consultant for their respective developments.

The attached plans indicate the scale of works necessary to accommodate all the developments. The works have been costed and the cost to each development has been apportioned based on the level of impact derived from

the trip distributions. The attached table shows the breakdown. These monies would be secured through a suitably worded S106 agreement with the works delivered at appropriate trigger points based on phasing of development.

Physical works that have been identified for access are not included and will need to be delivered by the relevant development under S278 Agreement.

In terms of this submission the proportional impact will require a contribution of £240,831.

The Developer has recognised that the development will need to provide enhancements to the local public transport services and infrastructure. In the accompanying TA it was proposed to enhance the existing local (but limited) service to an increased frequency at approximately 30 minutes intervals from 7am to 7pm, Monday to Saturday for a minimum of 5 years after completion. This equates to an additional bus and driver. This service would be pay to ride.

There have not been the same level of detailed negotiations regarding bus provision for this site and we are unlikely to follow the proposed alterations promoted in the supporting statement. Notwithstanding that internal discussions with the Passenger Transport Team has confirmed that it will be possible to provide this level of service and that this will have sufficient spare capacity to be capable of expansion to serve the other emerging developments under consideration at this time.

In order to provide the aforementioned level of service the development will need to provide a subsidy of £600,000. Infrastructure such as a bus shelter and bus boarder kerbs are shown to be provided on site. This provision will need to accommodate a 9m bus. At this stage it is likely that the bus route to and from the site will need to negotiate the bus barrier on Audley Avenue by the cemetery. This will need to be made two-way for (buses only) and there will be a cost associated with this as well as any equipment to be added to the bus to trigger the bollard. I have no cost for this so I would suggest this rolled into the S278 Agreement. The Passenger Transport Team would procure the service and would agree the timetable.

Turning to the details of the site itself the following issues have been discussed.

The Highway Authority response, dated 14 November, identified a number of issues that required resolution. Whilst they have not yet been addressed these can be dealt with by Grampian style conditions.

The one area where there has been some additional change relates to the access roundabout proposed for the junction between A518/Audley Avenue. The design has been reworked in order to be able to accommodate the other associated mitigating works in this area (as indicated on the attached plans).

The proposals include the provision of a footway/cycleway link along the site frontage. A similar feature was agreed for the original employment/non-food application on Classic Furniture/Parkland House site. This will link into the new alignment for the Sustrans NCN 55 being carried out by others.

Other mitigating works include the remodelling of the former Focus mini roundabout and the provision of a new roundabout for access to the store and service yard. These works have been agreed in principle but require further detailed design.

### Suggested Conditions

- 1) Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating full road/footway/cycleway construction including longitudinal sections, materials, drainage, street lighting, and a satisfactory means of draining roads to an acceptable drainage outfall for:
  - a. The new A518/Audley Avenue roundabout junction which is to accord with drw.no.1760200/100/03 (attached).
  - b. The revised Audley Avenue/Focus mini roundabout as generally indicated on PEP drw.no.2404.08 and to include an enlarged central island.
  - c. The new Audley Avenue/Site Access mini roundabout and access road linking the service yard and car park access as generally indicated on PEP drw.no.2404.09A and to include realigned footway/cycleway.
  - d. The new Audley Avenue footway/cycleway link from the Focus mini roundabout to the boundary with Parkland House including all other associated footway and footpath links.Those works so approved shall be constructed before the development is occupied.
- 2) Before the proposed development is brought into use details shall be submitted for the approval of the Local Planning Authority indicating the alterations to the proposed bus gate on Audley Avenue to accommodate two way bus movements.
- 3) Before the proposed development is brought into use all associated internal access roads, parking and service areas as indicated on the submitted plan shall be laid out and available for use and thereafter retained for those purposes.
- 4) Before the proposed development is brought into use the on site bus stop shall be provided with bus border kerbs and to be designed to accommodate a minimum 9m long bus.
- 5) Before any buildings are occupied details of the Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Workplace Travel Co-ordinator. The Travel Plan shall set out proposals, including a timetable, to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning

Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to Local Planning Authority for approval for a period of five years from first occupation of the development.

The proposed development will need to make financial contributions through a suitably worded S106 Agreement.

Off site highway infrastructure - £240,831.

Public transport service enhancements - £600,000.

Travel Plan monitoring £5,000.

All of the off site highway works comprising of the three new roundabouts, footway/cycleway provision and the alterations to the bus gate will need to be delivered through S278 Agreement with the Highway Authority.

Pollution Control (Contaminated Land): No objection on reviewing the phase 1 desk study and recommend the standard land contamination condition.

Third Party Representations:

Newport Partnership commented that although they have no objection in principle there are a number of strategically located 'Brownfield' sites within the town that would complement the existing retail offer. Conversely if development proceeds as proposed, this will adversely affect the fragile viability of High Street. In detail, the Partnership raise the following objection:

- Why when a Planning Inspector 12 m ago said that Newport only needed a discount food retailer this hasn't been promoted by TWC?
- What has changed since appeal decision? Partnership believe there are sequentially preferable sites in the town.
- What has TWC done to assemble sites eg Water Lane, Audley Avenue North George Hill Timber Yard, Travis Perkins yard and concrete batching plant?
- How can TWC reconcile the policy and aspirations for a market town advocated in PPS4?
- Proposal will have an adverse impact on town centre – cite other examples such as Oakengates.
- Question whether CS Policy CS6 is satisfied. No assessment of type and quality of jobs proposed
- Has TWC assessed impact on the market and on tourism?

A number of objections have been received from local residents, developers and local businesses. These can be summarised as follows:

- Proposal will adversely impact the vitality and viability of the Town Centre, contrary to the recommendations of the Portas report
- A new supermarket of this size is not wanted or needed, 25% of the stores turnover will be from outside the area.
- A smaller discount retailer nearer to Town is more appropriate
- Proposal is based on an out of date model for shopping
- The Council should be promoting shopping in existing centres

- The retail unit will cause more car journeys, and increase CO2 emissions
- There is no credence to proposals for a bus service, which will fail once any subsidy ends.
- This is an industrial/employment area and should stay as such, and is unsuitable location for a supermarket
- Adverse impact on drainage and sewerage
- This site is not easily accessible (further than Mere Park Proposal, which was considered unacceptable at appeal)
- Travel Plan is flawed, 2km too far to carry shopping
- Development should meet local need, this can be achieved with a smaller store closer to town.
- Core Strategy policy CS6 states that development should support the role as market town and assist regeneration. This proposal will adversely impact on jobs, and regeneration.
- Shopping is a major attraction and loss of these independent stores will have a detrimental impact on tourism
- Proposed store will have a negative visual impact on area, given the shed like nature of the development
- Site is low lying and prone to flooding
- Job creation will be offset with job losses within Town Centre
- Profits will not benefit Newport.
- Congestion, access and safety issues for children attending Burton Borough School
- The impacts of this development will be similar to Wellington and Market Drayton with closures in Town Centre following new out of town stores.
- Ludlow and Bridgnorth are examples of how supermarkets can be incorporated successfully in Towns.
- The proposal fails to meet the sequential test
- The retail assessment is flawed as it discounts Waitrose as an out of centre store, and the impact assessment should include this store.
- Run down and boarded up stores will adversely impact on the Conservation Area.
- There is a prime Town Centre store which will soon be ready for occupation which is suitable for a discount retailer
- Consideration is premature pending the Mere Park appeal decision that could if allowed result in significant consequences on the two existing retailers in the town

Consultants acting on behalf of the Co-op group have lodged objections as follows:

- The existence of a bulky goods retailing permission at Audley Avenue is immaterial – draw attention to the recent appeal decision at Mere Park
- Shoppers' survey revealed that 76% of people satisfied with existing retail offer in the town
- Size of store is grossly out of kilter and proposal will absorb a significant proportion of all convenience goods expenditure to the

detriment not only of existing stores in the town but also of independent retailers in Newport

- Co-op believe that the retail evidence is misleading – in particular the store will be dependent on expenditure currently spent within the catchment
- The dynamic of retail activity will change to the detriment of the town centre as people will be able to do all their shopping ‘under one roof’.
- The site is not accessible
- Sequential test has not been undertaken properly
- The ongoing Mere Park appeal is a material planning consideration – failure to take account of the outcome of the appeal would undermine the ability of the Council to properly consider town centre impacts – see PPS4 Policy EC17
- Unreasonable to withhold WYG’s report – this lack of transparency is unacceptable

Consultants acting on behalf of Waitrose have lodged objections as follows:

- Contrary to CS6 in that it will serve wider area than required to meet needs of Newport and its rural hinterland
- Council’s Retail Study 2009 does not identify a need for this size of store
- Compliance with sequential test not demonstrated
- Store will have significant adverse impact on Newport TC
- Store not accessible by choice of transport needs
- Waitrose is technically edge of centre but performs as a TC site
- Proposed store turnover underestimated – contrary evidence put forward
- Applicants should be asked to undertake a cumulative impact assessment to include Mere Park site the subject of appeal

Retail consultants acting for St Modwen, the Station Road developer have lodged objections as follows:

- Application is for 2,787 sq m but understand the applicant proposed an amendment but without extending the footprint or citing a commitment from a retailer. This is not credible.
- Size of store will not deliver the step change required to change unsustainable shopping patterns.
- This proposal will not effectively compete with other centres.
- The job totals are inflated – should be more like 194 not 295 suggested
- Will not provide opportunity for linked trips to the town centre
- Does not have a range of transport links
- Only 1% residents live within 10 minutes and 11% within 15 minutes walk
- Site is not easily accessible by car with the presence of the bus gate
- The Council’s consultants agree that Station Road is sequentially preferable
- The Council’s consultant’s view that Audley Avenue will provide some qualitative benefit is hypothetical as no operator has been named
- Deliverability is not secure

Transport consultants acting for the Station Road developers also object as follows:

- Capacity assessment cannot be verified as information is missing
- Applicants propose public bus service improvements. However no revenue or cost information has been provided
- Applicants rely on a 25 minute 2km walk to the store to bolster shopping by foot. This is not credible and only 1% live within 10 minute walk and 11% within 15 minutes.

## PLANNING CONSIDERATIONS

### PLANNING POLICY CONSIDERATIONS:

#### National Planning Policy

##### *National Planning Policy Framework (NPPF)*

The NPPF states that the purpose of planning is to achieve sustainable development and that development means growth. Sustainable development is about change for the better in terms of built and natural environments, historic environment and standards of design. There are three dimensions to sustainable development – economic, social, environmental, which give rise to the need for the planning system to respond to a number of roles. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not seek to change the statutory basis of the development plan as the starting point for decision making but provides at its heart a “*golden thread*” running through both development plan making and decision taking which sets a “*presumption in favour of sustainable development*”. The NPPF is a material consideration with immediate effect. The principles for development management (decision making on applications) have two important threads:

- The need to approve proposals that accord with the development plan without delay
- Where the development plan is absent/silent, or relevant policies are out of date, local planning authorities should grant permission unless any adverse effects arising from doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole or where specific policies expressed in the NPPF indicate that development should be restricted.

The NPPF identifies 12 principles that planning should:

- Be plan-led through local and neighbourhood plans should be kept up-to-date and provide a practical framework for decisions
- Not simply be about scrutiny but a creative exercise
- Proactively drive/support sustainable economic development – planning should take account of market signals taking account of the needs of residential and business communities
- Secure high quality design and a good standard of amenity

- Acknowledge the roles and character of different areas including the vitality of main urban areas and the intrinsic character of the countryside
- Support the transition to low carbon future in a changing climate
- Contribute to conserving/enhancing natural environment and reducing pollution
- Encourage the effective use of land that has been previously developed
- Promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas
- Conserve heritage assets in a manner appropriate to their significance
- Manage patterns of growth to maximise public transport, walking/cycling and focus development in locations that can be made sustainable
- Take account of strategies that support improved health, social and cultural wellbeing for all and deliver community and cultural facilities and services to meet local needs

The Government is committed to securing sustainable economic growth and that local planning authorities should plan and not over-burden business with bureaucratic controls.

There are sections of the NPPF that are highly relevant to this application proposal, these in summary are:

- i) The presumption and delivering of sustainable development
- j) Core planning principles
- k) Building a strong competitive economy
- l) Ensuring the vitality of town centres
- m) Promoting sustainable transport
- n) Requiring high quality design
- o) Promoting healthy communities
- p) Conserving and enhancing natural environment

In terms of ensuring the vitality of town centres, LPAs should recognise town centres as the heart of their communities and pursue their viability and vitality and, inter alia promote competitive town centres that provide customer choice and a diverse retail offer, allocate sites to meet the scale and type of retail (and other needs) in full and for those not to be compromised by limited site availability. Where suitable and viable town centre sites are not available, allocate appropriate edge of centre sites for main town centre uses. Where sufficient sites cannot be identified, meet needs in other accessible locations that are well connected to the town centre and set policies for consideration of proposals which cannot be accommodated in or adjacent to town centres.

In terms of applications, LPAs should apply a sequential test and only where suitable sites in or on the edge of centres are not possible should out of centre sites be considered. Where such sites are considered, preference should be given to accessible sites that are well connected to the town centre. Two impact tests should be undertaken – firstly, the impact on existing committed and planned public and private investment in a centre and;

secondly, the impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area. Where an application fails to satisfy the sequential test or the development is likely to have a significant adverse impact on one of the twin tests, planning permission should be refused. The general impact considerations set out by Policy EC10.2 have not been directly carried through to the NPPF and the previous Policy EC16.1 impact tests have been 'streamlined' into the impact tests referenced above.

The promotion of sustainable transport is recognised as fulfilling an important role in facilitating sustainable development. Developments should provide opportunities for sustainable transport modes, provide safe/suitable access and refused only where the residual cumulative impacts are severe.

Developments should be located and designed where practical to:

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians...;
- Incorporate facilities for electric and ultra-low emission vehicles; and,
- Consider the needs of people with disabilities by all transport modes.

The balance of land uses and mix of uses should be the aim in planning policies so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

The NPPF recognises that planning system can play an important role in creating healthy, inclusive communities and deliver social, recreational and cultural facilities, guarding against the unnecessary loss of valued facilities while ensuring an integrated approach to considering the location of development. Access to high quality open spaces and recreation can make an important contribution.

The primacy of the development plan remains – the planning system should be plan-led. The policies in the NPPF apply from the date of publication. It is intended to strengthen local decision making and reinforce up-to-date development plans. Development plans adopted before the NPPF should not be considered out of date.

The above provides a succinct summary of policies contained within the new NPPF that are considered of relevance to this application. The main thrust of the new policy framework in relation to retail planning decisions relate to the town centre first approach and the need to undertake a sequential assessment. There is a presumption in favour of sustainable development and there is support for the use of Brownfield land over Greenfield sites for development more generally. The retail policy approach has not changed significantly from the two principle tests within the now superseded PPS4. The sequential test remains paramount while the key aspects of town centre impact policy is retained and must still be considered

## The Development Plan

Before considering the retail planning issues in detail, some consideration should be given to the status of planning policy documents that have been described above and identify what weight should be given to the various documents in the determination of this application.

The Development Plan comprises the following documents:

- The Regional Spatial Strategy (RSS) for the West Midlands. Part of the statutory development plan for Telford and Wrekin, it contains policies to apply to development and to be taken into account in preparing the Council's LDF. LDF documents are required to be in general conformity with RSS.
- Shropshire and Telford & Wrekin Joint Structure Plan 1996-2011. Policies within the Joint Structure Plan have formed part of the local Development Plan since November 2002. By Direction of the Secretary of State in September 2007, a number of Structure Plan policies ceased to form part of the Plan, whilst others were 'saved', until expressly replaced by new Local Development Framework policies.
- Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.
- The Wrekin Local Plan was prepared in the mid / late 1990s, adopted in February 2000, and had an end date of 2006. In September 2007 certain policies were formally "saved", recognising that they were consistent with national policy and up-to-date. Whilst not part of the LDF these policies remain in force and form part of the development plan (all other Local Plan policies were discontinued at this date).

The relevant policies have been identified in the preceding section. Regional planning policy acknowledges that market towns, such as Newport, have an important role and that new shopping development should be located within their centres, but if no sites exist then advice in national guidance should apply (i.e. NPPF). At the local level, the Council's adopted Core Strategy also seeks to support the regeneration of Newport and its role as a market town with specific policies CS6 (Newport) and CS8 (Regeneration). Newport is identified as a level 2 retail centre after Telford in the hierarchy of retail centres set out in the Wrekin Local Plan (policy S1). In relation to the Wrekin Local Plan, the site is within the settlement limits but is not allocated for specific development. Policy E4 addresses development on unallocated employment sites and requires employment sites should be adequately served in terms of car parking and public utilities, should not impact adversely on adjacent land uses or the character of the area and, inter alia, should be close to an existing public transport route with regular service or be on Brownfield land. There are no retail policies that are relevant to this proposal. There is an argument to suggest that the site would lift the character of this employment area, which because of the demise of the adjoining Focus premises, is taking on an air of neglect.

Chapter 9 of the Core Strategy sets a detailed consideration of the future strategic development of Newport. Policy CS 6 states that:

*'Development in Newport will support its role as a market town. The amount of available employment land within the town will be increased, in order to provide new local employment opportunities. Development will be limited to that required to meet local needs, including those of its rural hinterland, and to support the town's regeneration. New housing development will be expected to deliver affordable housing to the level of 35% of all such development. Newport's spatial development will include:*

- *development that directly benefits the town's economy;*
- *increasing the accessibility to key services and facilities;*
- *Meeting the local need for new homes and related facilities.*

*All development will respect and enhance the quality of the town's built and natural environments, including its townscape and impact on surrounding countryside.'*

In addition, Policy CS8 indicates that development associated with regeneration initiatives will be supported where, inter alia, assists the creation of job opportunities, strengthens the market town role of Newport and the services it provides, and demonstrably meets identified rural regeneration needs.

The long term development vision of the Core Strategy up to 2016 therefore views Newport performing the role of a market town, acting as a service centre for the town and its rural hinterland. Development in Newport is anticipated to support this role by strengthening its provision of services and facilities, whether in the town centre or elsewhere, meet local housing and employment needs and reduce the need to travel. The Core Strategy is not yet accompanied by a spatial plan that identifies how the development strategy is to be accommodated. The Inspector into the CS found that insufficient emphasis had been given to employment in the Strategy; this was partially addressed in changes to Policy CS6 to provide the impetus for employment opportunities in Newport.

The Inspector also noted in her Report on the Examination of the Core Strategy DPD issued November 2007 that development of housing would "ultimately entail extensive use of Greenfield sites." This is relevant to this application because the proposal is directly competing against the application proposal for retail development at Station Road and because the applicants to this proposal contend that their site is preferable as it involves development on a 'Brownfield' site rather than on 'Greenfield' land. Given that the Core Strategy ambitions for Newport suggest that the town should expand to fulfil its role as a market town serving the needs of its rural hinterland, and that such expansion for housing at least would need to occur on 'Greenfield' sites, most probably on the edge of Newport, it would also be realistic to suggest that employment and commercial opportunities would also expand into these

sites, particularly if the Council is satisfied that no other suitable sites exist elsewhere within the town.

#### Retail Planning Considerations:

The applicants have submitted a Retail Assessment. This has been examined in detail. In order to best assist the Council in its consideration of this application (as well as others), retail planning consultants have been commissioned to undertake a Retail Study of applications coming forward at Newport. This Study prepared by White Young Green (WYG) is attached to this report. It not only provides an assessment of the Retail Impact Assessment(s) (RIA) submitted with this (and the competing application at Station Road before the Council) but also assesses the relative retail planning merits of both schemes. It is a standalone document and has been used as supporting information to officers in reaching their conclusions and the Head of Housing & Planning's recommendation to Board.

The applications at Audley Avenue raises issues relating to retail planning policy and the need to promote and support the town centre as the heart of the community. It is important to note that some of the objectors to the Audley Avenue scheme involve retailers in the town, including the two national food retailers. The stance adopted by these particular objectors is an important consideration for the Council as they represent important stakeholders in the economy of the town centre despite both national retailers enjoying edge of centre locations (secondary shopping area). Waitrose in particular claim that they represent the 'anchor store' within the town centre and perform an important underpinning role for Newport's retail sector.

The main retail objections can be summarised as follows:

- The Council's Retail Study 2009 does not identify a need for a store of the size proposed;
- Compliance with the sequential test has not been demonstrated;
- The combined effects of other food store schemes has not been assessed;
- The proposed food store will result in significant adverse impact on Newport town centre;
- The food store is not accessible by a choice of transport modes.

The site enjoys planning permission for retailing purposes although this is restricted to non-food retail activities associated with retail warehousing (normally bulky goods). Indeed the planning permission comprises 3252 sq m of floor space divided into one retail warehouse building of 1393 sq m gross and one retail building of 1858 sq m gross, which is also permitted to be subdivided into four smaller units of 465 sq m each. Thus five non-food retail units can be constructed at this location.

The location of the application site however is out-of-centre. Accordingly, the proposal has been assessed on this basis. The NPPF is a particularly important consideration as it represents Government's latest planning guidance and indeed is a later document and definitive policy for economic development proposals when set alongside the Council's suite of

Development Plans. The Council will need to attach considerable weight to this document and recognise its significance to retail proposals.

The NPPF requires the development plan process to recognise town centres as the heart of their communities and pursue policies that support their vitality and viability. LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The NPPF requires the application of two tests – town centres impact assessment and the sequential analysis. LPAs need to be satisfied through impact assessments lodged with relevant applications that :

1. the impacts of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal is acceptable; and, ;
2. the impacts of the proposal on town centre vitality and viability, including local consumer choice and trade in the particular town centre and wider area are acceptable.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, LPAs should refuse permission. Although strict quantum of 'need' for retail development no longer features in the NPPF (and didn't in fact in PPS4 either as opposed to its predecessor PPS6), it is important to note that the sequential test is linked to the scale and type of need for additional retail facilities and that these should be met in full, not compromised by limited site availability. NPPF retains the commitment to supporting town centres and one clear means of ensuring this is to locate new town centre uses within or accessible to existing centres through the application of the 'Sequential Test'.

This application has been promoted on the basis that it will provide a retail offer that currently does not exist in Newport and that it will reduce the need for Newport residents to travel further afield to satisfy their shopping needs, while the town's attractiveness as a shopping destination will increase as a consequence of this development and draw people who shop elsewhere.

Officers agree with the applicant that there is a quantitative need for a store of the size proposed. This has been identified in the Retail Assessment accompanying the application and has been verified by our retail planning consultants. The impact on trade draw from Waitrose and the Co-op is a consideration as they both perform a role as town centre shops despite both being edge of centre stores. The impact on these stores is not considered

sufficient to result in those stores closing. WYG maintain that the health of the town centre in Newport remains strong with low vacancy rates and a good mix of retailers. Critically there is considerable leakage of retail expenditure to other retail centres. In accepting the need for a further store of the size proposed, the Council's consultant also acknowledges that the proposed foodstore would address the qualitative deficiencies in Newport's retail offer and would reduce the need to travel further afield to source these items. However there is also the argument that in order to encourage local residents in the local area to alter their existing shopping patterns, a store of the size found in other competing centres will be necessary. If a "step change" in shopping patterns is considered to be required, then the size of store and the range of goods that can be sold is an important consideration. The size of store proposed is not very much larger than the existing Waitrose store in terms of net floor space. The retail offer from the proposed food store is therefore comparative to that currently found in the town. The "step change" is therefore unlikely to be achieved and shoppers will continue to shop elsewhere where the choice is pronounced.

#### RETAIL TEST 1: THE SEQUENTIAL TEST:

NPPF includes a strong commitment to supporting town centres and promoting sustainable economic growth. Investment shouldn't be overburdened by the combined requirements of planning policy expectations. One clear means of ensuring this is to locate new town centre uses – shops, entertainment facilities, offices etc. – within the existing centres. If this is not possible then edge of centre locations are the next best and only if no suitable sites can be found should out of centre locations be considered. However the NPPF point to the need for out of centre locations if considered to be accessible and be well connected to the town centre.

The proposal seeks to meet local needs of Newport and its rural hinterland. It is appropriate therefore for a sequential test to be one of the pre-determining factors to be considered. The applicants have demonstrated that Newport loses trade to centres and stores located elsewhere, including subordinate centres in the hierarchy (eg Donnington Asda) with shoppers being attracted to stores that offer a wider range and choice of goods. Officers accept this and it is considered appropriate for the applicants to limit their area of sequential search to Newport as the principal service centre. The following summarises the sequential assessment undertaken:

The starting point for the applicants is to undertake a sequential assessment having identified what they believe to be their baseline size of store that will meet the needs of Newport as it strives to act as a service centre for the wider rural hinterland. A sequential assessment should consider whether there are sites more accessible and well connected to the town centre that would be capable of providing the same retail offer or opportunity. The applicants argue that in order to provide the qualitative benefits and sustainability benefits that Newport needs as it performs its role, the site should be capable of delivering a superstore of approximately 2,787 sq.m net (5085 sq m gross) with 319 car parking spaces and the necessary access arrangements,

landscaping and servicing arrangements. This equates to 2.6 ha; however for the purposes of site selection, the applicants have considered sites of over 1.5 ha – anything less being unable to provide the size of retail store and retail offer range considered necessary to satisfy the needs of Newport.

The applicants have drawn officers' attention to the fact that planning permission had previously been granted consent for non-food retailing (W2009/0312) at this site and a sequential assessment undertaken at that time was accepted by the Council, which revealed that there were no sequentially preferable sites in Newport capable of accommodating 1,400 sq m of comparison retail floor space.

Two sites are identified for further consideration by the applicants, these being:

- a) Site 1: Former Concrete Batching Plant, Avenue Road, Newport; and
- b) Site 2: Land between St Mary's Street and Water Lane, Newport.

In addition, given the apparent desire to redevelop the Station Road site, it is appropriate for the Council to explore whether that site would be sequentially preferable.

#### Site 1: Former Concrete Batching Plant, Avenue Road

The Council has resolved to grant outline permission subject to a s106 agreement (planning application reference W2008/0626) for the redevelopment of this site for residential development. Moreover, a full planning application (reference TWC/2011/0334), which seeks permission for the development of the site for 61 dwellings, was submitted in March 2011. A resolution to approve has been made by the Council subject to completion of a section 106 Obligation. The site is some 1.5ha in size but is irregular in shape which would affect delivery of a superstore, although probably not a discount retail scheme. This site can reasonably be discounted due to the landowner's intention to deliver housing and the Council's advice that there is a need for additional and greater retail floorspace than what could be accommodated at this location to effect clawback of leaked expenditure. In addition, the Council is faced with an application for a store that can provide a broad type of food retail development and if it accepts there to be benefits arising from such a store, then this site is much too small and thus unsuitable and should be discounted.

#### Site 2: Land between St Mary's Street and Water Lane

Site 2 comprises approximately 1.24 hectares and is in a variety of ownerships. The Royal Victoria Hotel which is owned by Marstons however effectively splits the site into two. The availability of the wider Water Lane site was considered at an appeal against the non-determination of an application to develop land adjacent to Mere Park Garden Centre for a discount foodstore (planning application reference W2009/1023). Whilst the Inspector found that the site was available in part and suitable to accommodate a discount foodstore, the Royal Victoria Hotel element of the site is not available and that

this landholding is critical in assembling a site of sufficient size to accommodate development of the broad type proposed. The Council's officers conclude that this site at best is only partially available and could only at best provide the opportunity for a discount retail store, which would neither address the qualitative need nor stop leakage of retail expenditure..

### Station Road Site and its comparative relationship with the Audley Avenue Site

The applicants have not assessed the Station Road site but as the site is subject to a planning application, the Council must include this site in any sequential assessment.

Plans Board's at its meeting held on 7<sup>th</sup> March 2012 resolved to oppose the identical Audley Avenue proposal the subject of appeal on the basis of the information available at that meeting. Members indicated that the Station Road site is sequentially preferable and that the Audley Avenue site is situated in a relatively inaccessible (unsustainable) location. Officers will be presenting the Station Road proposals in full at this meeting, alongside this later near-identical application at Audley Avenue. At the time of writing this report, officers are confident that the outstanding technical planning constraints to developing the Station Road site can be overcome sufficient to enable a positive recommendation to be given in relation to Station Road.

Both the Station Road and the Audley Avenue sites are out-of-centre for the purposes of NPPF; but the Station Road site is located significantly closer to the defined Newport Primary Shopping Frontage boundary. It is estimated that the Audley Avenue site is located approximately 1,500m on foot from the Primary Shopping Frontage, with the Station Road site being approximately 1,000m away. Audley Avenue is a 15 minute walk away while Station Road is a ten minute walk.

The Audley Avenue site is not easily accessed by car by a significant proportion of residents living in the north and east of the town by the presence of the bus gate opposite the Burton Borough School. This gate prevents cars and other traffic from travelling up and down Audley Avenue and would of course prevent customers of any store here taking the most direct route. Customers from parts of the town would pass the Station Road site and then onto the by-pass before reaching Audley Avenue.

Furthermore, the number of people within 5, 10 and 15 minutes walk from each site has been assessed. This indicates that just four people currently reside within a five minute walk of the proposed Audley Avenue store, compared to 1,161 people residing within five minutes of the Station Road store. Similarly, 474 people reside within a ten minute walk of the Audley Avenue store, compared to 3,889 people residing within ten minutes of the Station Road proposal and 3,340 people residing within 15 minute walk of Audley Avenue and 7,524 from Station Road.

The NPPF considers that preference will be given to sites that are accessible (i.e. by a choice of means of transport) and well connected to the town centre and thus have a higher likelihood of forming links with the centre. Officers believe that the application site at Station Road, when compared to the Audley Avenue proposal, offers the best opportunity to maximise use of alternative means of travel, whether by foot or cycle. Furthermore in practice, the Station Road site offers a better chance of linked shopping trips with the town centre. Although the Station Road site is a 10 minute walk from the town centre, it is along a convenient, direct and pleasant footway. The Audley Avenue route is by comparison more circuitous and passes the industrial area of the town and is less pleasant for this. Officers conclude that Audley Avenue is not sequentially preferable to the Station Road site as it is not within reasonable walking distance from the town centre. It is therefore considered that the application site will become a destination in its own right, which is made worse by the fact that people will travel to the store mainly by car. If customers of the store were to visit the town centre, it is considered that such trips would be likely to be undertaken by separate car trips, which would be even more unsustainable.

Having assessed the above alternative sites, the Council must be satisfied that the “preferred” site (Station Road) is capable of accommodating the size of store as proposed. It must also be satisfied that there are no outstanding planning constraints to developing that site so that Plans Board can be confident that the site is available, suitable and viable for development for food retail purposes within a reasonable timescale.

Members will need to carefully balance whether the benefits derived from supporting the Station Road site should outweigh the presumption in favour of developing the Audley Avenue Brownfield site. Your officers consider that the sequential assessment proved that the planning and sustainable transportation arguments in favour of the Station Road site were conclusive. Furthermore, the intrinsic qualities of this urban fringe albeit Greenfield land in terms of landscape quality, ecological significance and recreational value would also suggest that the Station Road site should not be dismissed in favour of the Brownfield site on this basis alone. The location of this relatively flat and fairly featureless area of highly grazed farmland on the very edge of the built-up area of Newport within the confines of the by-pass means that it is at best of relatively moderate landscape quality. The report on the Station Road proposal confirms its low ecological significance with ecological mitigation and enhancement opportunities offered as part of the development. While objectors suggest otherwise, the site the subject of the Station Road application has modest recreational value, which can be enhanced through those proposals. Accordingly, officers are satisfied that this balance can be made in favour of the Station Road site.

As previously explained, it is your Officers’ opinion that it would be appropriate to allow the Station Road site to come forward as a suitable site to meet the needs of Newport and its rural hinterland as envisaged in CS6 of the Core Strategy. If this is a correct interpretation, then Station Road can reasonably be considered for the purposes of the sequential test alongside the application

site at Audley Avenue. Given that Station Road is suitable and available, officers, in comparing the two sites have concluded that the Audley Avenue site does not meet the Sequential Test as Station Road performs substantially better in planning terms.

Given this, the requirement for Members now is to carefully balance all remaining planning considerations, including the size of store proposed at Station Road and town centre impacts, which are considered in the next section and, the remaining technical planning considerations, which are considered later in this report.

## RETAIL TEST 2 – THE TOWN CENTRE IMPACTS

The NPPF sets out a requirement that when assessing planning applications for retail and other town centre uses where they either fall outside town centres or are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment to include an assessment of:

- the impact of the proposal on existing, committed or planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

Attention is drawn to WYG's analysis of quantitative need for a store of this size and the "qualitative" benefits that could accrue from a proposal of this kind and size. In so doing they have reviewed the retail assessment information on the store's catchment, population growth over a 5 year period, expenditure growth rates in both convenience and comparison retailing and turnover of existing stores within the catchment (to ascertain whether they are trading over/under/at benchmark rates i.e. company averages) - most notably Co-op and Waitrose stores within Newport. The conclusion is that there is a shortfall of expenditure capacity within the catchment of Newport at the point of store opening of some £0.95m and that there will be a 18% trade draw from existing convenience stores, albeit that both the Co-op and Waitrose are located outside the town centre. The advice from WYG is that both the edge of centre stores will continue to trade and that neither store will close.

The NPPF continues with PPS4's removal of the requirement for applicants to satisfy a direct test of 'need' in justifying proposals for town centre uses. This means that the Council cannot refuse applications purely on grounds of need. But having said that, it is evident that need still informs the conclusions reached in terms of the town centre impacts test.

WYG prepared a comprehensive analysis of the impact tests that featured in PPS4 as can be seen from their Study attached to this report. The analysis not only remains highly relevant in covering the impact tests required in the NPPF but also assists in considering development management issues that Members will need to consider. The results are summarised in the following paragraphs.

The applicants maintain that the health of the town centre is good with low vacancy rates (8.8%) and a good mix of retailers including multiples including Boots, B&M, M&Co, the Co-op, Waitrose, Clarks and Subway. The centre too has an unique and historic character with a good quality environment. WYG also believe that the centre is performing strongly and given the town's wide rural hinterland, it fulfils its role as a market town well. But leakage of retail expenditure does occur and the applicants maintain that the new food store will claw back this expenditure by delivering a modern food store that can meet the needs of shoppers closer to their home.

WYG then go on to assess the likely future impact should permission be granted for this development in isolation. WYG believes that 18% of the store's turnover will be diverted from within the catchment area comprising 15% from Waitrose, 2.25% from Co-op and 0.7% from other (smaller) stores. Both principal stores would trade below benchmark rates post-development of the Audley Avenue store. WYG has also undertaken a cumulative impact analysis on the basis that both the Audley Avenue and Station Road proposals were built. A third retail opportunity may now also be available at Mere Park following a successful appeal against the decision of the Council to refuse a Certificate of Lawfulness. This appeal decision if not challenged would permit the Mere Park Garden Centre to operate as an open ended A1 retailer. The garden centre provides slightly in excess of 2000 sq m (plus 1000 sq m of warehouse – back storage) of convenience floor space, albeit in an unsatisfactory store format.

Whilst it is not seen as likely that all three proposals - Audley Avenue/Station Road/Mere Park Garden centre - proceed, nevertheless, in terms of trade draw, this would equate to just over 22% impact on the Co-op, over 39% impact on Waitrose and over 20% on other convenience stores in the town. WYG advise and officers agree that three additional food stores would in combination represent an unacceptable trade draw and impact on the town centre. The same would be true if Audley Avenue and Station Road are approved although it must be considered unlikely in market terms for a food store to be built at Audley Avenue if a larger, more accessible (by car and other means) store is implemented at Station Road. This is given weight by the existence of a retailer contracted to the Station Road scheme compared to the lack of such firm support at the application site.

Now that the Mere Park appeal is successful (subject to any challenge), the remaining question arises whether, in combination, the Mere Park open-ended A1 scheme, together with the Audley Avenue proposal would lead to unacceptable levels of trade draw. However as WYG advise, the Mere Park building would offer compromised premises which would not be particularly well suited to the needs of the big four supermarket operators or their customers. There is a likelihood that with a conforming larger store at Station Road, no operator would take these premises. Notwithstanding that it can't be ignored as a commitment under such a scenario, the likely trade draw from Newport's existing stores would equate to just under 15% impact on the Co-op, over 28% on Waitrose and just under 15% on other stores in Newport.

WYG advise that the identified level of cumulative trade draw resulting from a larger store at Mere Park alongside the Audley Avenue proposal would be acceptable. In order for the LPA to be in a position to refuse permission, the impact would need to be of such a scale that it would have a significantly adverse impact on the vitality and viability of the town centre. This position will not be reached even if Audley Avenue and Mere Park each develop as food stores.

In conclusion, officers believe that in terms of retail policy, the scheme proposals cannot be supported on the basis that the competing Station Road food store proposal is sequentially preferable and demonstrably so. The application site is clearly out-of-centre for the purposes of NPPF and the applicants have failed to demonstrate that no sequentially preferable sites are available to accommodate the store of the size of this proposal.

In terms of the town centre impacts test advocated in NPPF, the combinations of potentially three stores coming forward would represent an unacceptable significant impact on Newport Town Centre's vitality and viability. The same would be true if the Audley Avenue and Station Road schemes proceed. However, although at the upper end of what would be reasonable, officers conclude that the application proposal combined with the Mere Park site (which becomes the worst case scenario if Members accept that all three cannot be supported) can be supported on the basis of the Town Centre Impact Test.

#### HIGHWAY AND TRANSPORT CONSIDERATIONS:

The site enjoys a frontage onto Audley Avenue which links the A518 into the centre of Newport. The A518 together with the A41 forms a by-pass around the southern and eastern sides of Newport. The A518 provides a connection south-west to Telford and to the east to Stafford, while the A41 provides a connection south towards Wolverhampton and north to Market Drayton. The proposed highway arrangements would allow for a new mini roundabout onto Audley Avenue, which will serve the proposed parking area to the store. A dedicated access is proposed directly to the service yard from the new roundabout at the site entrance. The development will connect to the by-pass via a new roundabout that will replace the existing priority junction.

A new 3m wide footway/cycleway is proposed along the western edge of the site providing connection to the proposed extension of the Way for the Millennium cycle route and Newport town centre. Improvements are offered by the applicants to the footway and cycle ways into town from the site.

A full Transport Assessment (TA) has been submitted with the application. Existing traffic conditions were assessed together with an assessment of the capacity of various existing highways and junctions and provision of public transport. The proposal includes provision for on-site and immediate off-site highway works contained in the application description. These do not raise any objections in principle.

The TA has been fully assessed by the Council's Highway Team at TWC along with a number of other schemes currently under consideration by the Council in Newport. The Highways Team have concerns about the capacity of the wider local highway network to accommodate all developments currently in the pipeline. Without prejudice, it has undertaken its own assessment of highway works that would be necessary to allay concerns of capacity and highway safety. It has provided preliminary designs for highway network improvements, costed these improvements and apportioned these costs pro rata to each of the developments in the pipeline. This approach has been used in Telford Town Centre and it is considered that this is the most appropriate approach incorporating the *developer-pays* principle. Clearly as Newport expands, if only to accommodate the development growth anticipated in the adopted Core Strategy, there will be a need for highway improvements.

The plans attached to this report depict the level of improvements that will be necessary. The costs have been apportioned between the developments based on the level of impact derived from the trip distribution put forward in the TAs prepared for each application. The trigger points for both implementation of the highways scheme together with payment of monies will be dependent on how quickly development comes forward in Newport. It is anticipated that developments will be phased and/or limited to accord with Core Strategy housing delivery rates. For the purposes of this application however, a sum of money has been identified and is detailed in the section on Planning Obligations later in the report.

For the purposes of assessment, it is advised that the scheme is acceptable in terms of highway including public rights of way and traffic impacts and subject to appropriate conditions and section 106 contributions towards strategic highway improvements and provision of financial contribution to the provision of public transport facilities, the scheme represents an acceptable development in highway terms.

#### ECOLOGICAL CONSIDERATIONS:

The applicant's environmental and planning submissions made great play at the initial proposals to link the retail proposal with the adjoining land to the north, which would have provided opportunity to not only provide flood risk mitigation in a more natural way rather than relying on underground tank systems of flood water retention and management but would also have provided real opportunities to enhance biodiversity. This proposal has withered for a variety of reasons requiring the applicants to promote a different flood risk management strategy. However it has removed the opportunity for positive ecological enhancement and mitigation. The proposal has very limited opportunities with the retention of a few trees and a within-site landscaping scheme now representing the applicants' proposals.

That said, the application site is a Brownfield site containing large factory premises. The Planning Ecology Team is satisfied that the surveys provided on these buildings are robust and do not offer bat roost potential. The small area of vegetation on the site's northern boundary (proposed originally to provide a wildlife corridor link with the allotment/wildlife area) will be removed

as part of the proposal. This is regrettable but is not sufficient to warrant a refusal of planning permission. Officers conclude that as a Brownfield site, the landscaping proposals will provide enhancement opportunities, although limited in scale.

#### FLOOD RISK AND DRAINAGE CONSIDERATIONS:

The application site is within Flood Zone 1 which means that the flood risk is minimal. As a site of over 1 ha, a Flood Risk Assessment (FRA) has been undertaken in accordance with the requirements of national policy as set out in PPS25. The original drainage strategy and FRA was predicated on both the application site and the adjoining proposed allotment/wildlife application going ahead together. This is no longer the case and the applicants have had to demonstrate that the site can be effectively drained without reliance on the adjoining land.

#### PLANNING OBLIGATIONS REQUIREMENTS:

The applicant has not provided the Council with Heads of Terms for any section 106 Obligation and the applicant is being pressed for this in time for the public inquiry on the earlier application.

Planning Obligations are secured by Agreement between the parties; they are required to secure community infrastructure to mitigate the impacts of new developments upon community facilities. They must also meet the tests set out in Part 11 of the Community Infrastructure Levy Regulations 2010:

- d) Necessary to make the development acceptable in planning terms
- e) Directly related to the development; and,
- f) Fairly and reasonably related in scale and kind to the development

There have been only limited discussions between the Council and the developer over the nature and monetary value of any obligation. Because of this, officers will be inviting Plans Board to delegate authority to the Assistant Director – Planning Specialist in consultation with the Chairman to finalise the precise sums of money to be negotiated. This is particularly important in relation to the highways contributions as the applicants have not yet fully agreed the methodology that was used by the Council's highways consultants in respect of the highway improvements.

1. Highway Matters: The Council as both local planning authority and local highway authority intend to adopt a strategic approach to planning contributions towards highway infrastructure provision and this is considered to follow the Government's Community Infrastructure Levy approach. As described elsewhere, the approach that the Council would adopt in the event of permission is to apportion the costs of highway improvements required to the strategic network to each development coming forward over the forthcoming 5-year period (and beyond). The highway and transport infrastructure would also comprise provision of bus subsidies and public transport infrastructure. The Local Highway Authority has identified the following necessary contributions:

- a) Off site highway infrastructure - £240,831.

- b) Public transport service enhancements - £600,000.
  - c) Public transport infrastructure - £10,000 (unless delivered through the S278 works).
  - d) Travel Plan monitoring - £5,000.
2. Planning & Financial monitoring. A sum of £15,000 is recommended.
3. Town Centre Impacts: While this development has been fully assessed against the “impacts tests” contained in NPPF and found to be policy compliant, it is clear that the proposals will have some impact on Newport Town Centre. However, as described above, the proposals will not have a significant adverse impact that would warrant a refusal of permission. To help off-set the impacts, broad discussions have taken place with the developer who would be required to contribute towards two initiatives detailed below.
- a) Financial contribution to be determined so that the Council can operate a shop front enhancement scheme to help further upgrade the physical environment of Newport Town Centre. The amounts sought will be £300,000 including administration costs; and,
  - b) Financial contribution to be determined for the employment of a Town Centre Manager to assist in the promotion of Newport as a shopping destination and to work with town centre operators to achieve this objective. The amount sought is £100,000.

As described above, should members wish to grant planning permission for this application, delegation will need to be given to the Assistant Director - Planning Specialist in consultation with the Chairman of Plans Board to negotiate the level of planning and other contributions detailed above.

#### CONCLUSIONS:

It is considered that the applicant has failed to demonstrate compliance with the requirements of the sequential approach on the basis that there appears to be distinct prospect of a food store being delivered on the sequentially preferable Station Road site that would increase consumer choice and competition for convenience shopping in Newport and its surrounding hinterland. The size and nature of this store means that the offer in terms of types of goods will be very similar to that currently found in the town. There will be a marginal level of claw back of leaked expenditure but this will fall short of addressing the level of out flow that currently exists. It is considered that the sequentially preferable store proposal at Station Road would offer a better choice and a wider range of convenience goods as well as the availability of everyday comparison goods.

Moreover the location of the application site and existing public transport provision are such that the proposal would not provide an adequate choice of modes of transport and would place greater reliance on the use of the private motor car. The application site is considered to be located in an unsustainable location on the edge of the town and detached from the resident population of Newport. Consequently, the proposal would not allow linked trips to the town centre to take place as pedestrian access is not convenient. Even those residents living in the closest parts of Newport to the

application site would need to travel further than they would to the store at the sequentially preferable site or the two stores in the town. It is likely that even the most local of residents would undertake their bulk food shopping by car. Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded a reasonable opportunity to access food shops. It also seeks to locate such facilities in existing centres in order to minimise the distance people travel and to make them accessible by public transport.

There is potential for the site to secure necessary improvements to the local highway network, subject to off-site highway provision and improvements while the applicants are willing to make financial contribution towards public transport provision. However this does not overcome the planning policy objections to the proposal.

#### RECOMMENDATION:

That outline planning permission be refused for the following Reasons:

1. It is considered that there is a sequentially preferable location which could accommodate the proposed development. The development would therefore be contrary to the Spatial Development Strategy for the Borough as set out in the Core Strategy. The proposal conflicts with Policies CS6 and CS9 of the adopted Core Strategy and with the sequential assessment requirements of paragraph 24 of the National Planning Policy Framework.
2. In the opinion of the local planning authority the proposal involves development that cannot be reconciled with the National Planning Policy Framework, Regional Spatial Strategy Policy T2 and Core Strategy Policy CS 9 in that the site is located in a relatively inaccessible out-of-centre location and fails to make the best possible use of opportunities to reduce reliance on the private car.

TWC/2012/0109 The Swan, A442, Waters Upton, Shropshire, TF6 6NP  
Outline application for residential development (up to 5 houses) on part of pub car park and beer garden, with amended access off River Lane

**APPLICANT**

Simon Davis

**RECEIVED**

19/03/2012

**PARISH**

Waters Upton

**WARD**

Ercall Magna

WATERS UPTON PARISH COUNCIL HAVE REQUESTED THAT THE APPLICATION IS CONSIDERED BY MEMBERS AT PLANS BOARD.

OBJECTIONS: Yes

MAIN ISSUES: Principle of Development, Retention of Community Facility, Scale and Design, Character and Appearance, Impact on Adjoining Residential Amenity, Highway Safety

**PROPOSAL:**

This application seeks outline planning permission for residential development within the rear of an existing public house car park. This is an outline application with all matters reserved. The indicative layout indicates a development of 6 two-storey detached houses. As part of the planning application it is intended to close the existing access into the pub and provide a new access further along River Lane to serve the houses and remaining pub car park.

The existing access into the pub car park will be taken from River Lane, however its position will be altered and set approximately 17m back from the A442. This would involve the closure of an existing access and the removal of landscaping. The retained pub will have 20 parking spaces (including 1 disabled space and a beer garden approximately 129sq.m).

Originally the indicative layout showed a development of 6 houses and 12 pub parking spaces, however subsequent to highway concerns with a lack of pub car parking, the layout and proposed have been amended to allow parking for 20 cars, an improved access with plot 6 omitted from the plan.

**SITE AND SURROUNDINGS:**

The application site is the car park to the Swans Inn public house, adjacent to the Cemetery off River Lane in Waters Upton. The Swan is a mainly two-storey 19<sup>th</sup> Century building with more modern alterations and extensions.

The Swan Inn is an established white-rendered and red brick Public House located in to the south west of Waters Upton Village with access on to River Lane. The main façade of the Swans Inn fronts the A442 and is bound with a metre high red brick wall. Parking is located to the side and rear of the pub, which is bound by trees and hedgerows and access into the car park is off River Lane. The car park varies in ground level and the area immediately

adjacent the pub is flat and level with the main road; however the eastern area of the car park slopes upwards and is, in total about 2 - 2.5m higher than the main road (A442). The eastern side of the car park lies adjacent Pinfold Croft which is a cul de sac of residential two-storey properties.

The pub is served by a beer garden that adjoins the southern and eastern boundaries of the site with a hedge and boundary fence. Part of the beer garden contains Leylandii trees that currently screen some views of the beer garden from the car park.

Waters Upton is located in the rural area of Telford, approximately 10 miles north of the centre and around 8 miles west of Newport. The site is within the village of Waters Upton and to the south of the Severn Trent Water Sewage Works which is adjacent the A442. To the north east is the Old Rectory, open fields and a site that has outline permission for residential development along with associated parking facilities and provision of a recycling area.

The village has two pubs, The Lion and The Swan Inn. The Lion lies at the southern edge of the village, around 0.2 miles south of the application site. The Lion is adjacent Waters Upton Parish Centre which includes a community shop, post office and parish offices. Directly adjacent to the site is an allocated pedestrian and cycle path.

#### RELEVANT HISTORY:

W2005/1376, erection of single-storey extension and new steps to garden area, granted 17/01/2006.

W2004/1052, erection of 11 dwellings comprising of 4no. 3 bedroom, 2no. 2 bedroom and 1no, 4 bedroom dwellings with estate road and vehicle/pedestrian accesses, granted.

#### BACKGROUND HISTORY – NEARBY SITE:

W2008/0619, residential development including affordable housing provision, cemetery extension, car parking for cemetery visitors and recycling area to serve village community (outline application) at land adjacent to The Old Rectory, Waters Upton approved January 2011.

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework – published 27<sup>th</sup> March 2012

#### Local Development Core Strategy

CS1 Homes

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS15 Urban Design

#### Saved Local Plan Policies

UD2 Urban Design

H9 Location of Housing

H10 Scale of Development

H22 Community Facilities  
H24 Affordable Housing in the rural area  
LR1 Provision of Community Facilities

#### CONSULTATION REPOSESES:

Waters Upton Parish Council: The Parish Council cannot support this application and have requested that, if the planning officer is recommending approval, the application should be green-carded to allow it to be determined by Plans Board. The position of the properties is detrimental to existing dwellings. The new entrance is from a narrow lane opposite the entrance to a new development site. Is there sufficient need for further housing as we have a number of properties awaiting construction where planning approval has already been granted? The entrance is situated on top of the treatment works. The treatment works was inadequate for the pub alone; it will not cope with a pub and 6 properties. There will be insufficient car parking spaces for customers to the pub. There will be insufficient space for adequate parking and gardens for the proposed properties.

Shropshire Fire Service: Supports subject to informatives

#### Highways:

Supports the application subject to a number of conditions. The highways officer states that it is likely the development will involve providing a reduced number of residential units to that shown on the indicative plan. In light of these comments the plan has been amended and highways have been consulted to provide further comments, therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

#### Drainage:

The outline principal of development is acceptable; however the reserved matters application must provide the following information:  
Standard condition B62 Condition: the site covers both greenfield (beer garden) and brownfield (car park) land. The rate of surface water discharge for each part of the site should reflect conditions B75 and B74 respectively. Details on how this will be achieved should be submitted.

#### Arboriculture:

The proposed planning site layout Ref: 7431/004, shows that the applicants are intending to retain the existing trees on site. Recommends that the Sycamore tree growing adjacent to the proposed Plot 1 is removed as the current location of the plot does not account for the future growth of the tree. If the tree is to be removed there is a need for replacement planting in mitigation for its loss.

There are three Ash trees growing in the north east corner of the proposal, at this time the root protection area of the trees is covered by tarmac. If consent is afforded to the application further detail is required as to the removal of the hard standing and how this can be achieved whilst not damaging the roots of the existing trees.

Plot 1 is within 10 metres of the three Ash trees, no information has been provided as to the soil underfoot which in turn will dictate the depth of foundation required with regard to NHBC Chapter 4.2 "Building near Trees." If consent is approved then the following conditions should be imposed;

B14, Landscaping Design.  
B14a, Tree Survey.  
B73, Tree Protective Fencing.  
B74, Trees Roots & Services.  
B75, Trees No Dig Method  
B76, Tree replacements  
C70, No burning  
C71, Soil levels  
C72, Storage of Materials  
C76 Landscape Implementation Hard & Soft.

Ecology: supports subject to a bat box condition and informatives

Severn Trent Water:

Raise no objections however advise that there is a public sewer located very close to the application site.

1 local representation has been received which raises objection on the grounds of the swan has been a big part of this village and what made it what it is. We understand that it is not doing well as a public house but that's no reason to build on part of it. We have a great view over the car park of the river and fields whenever coming home or going out it reminds us how lucky we are to live in the countryside now they want to take that from us and give it someone else. One concern is whether there would still be a public right of way from pinfold croft across the now car park as it is very popular for walkers, cyclists, and horse riders as it is a lot safer than trying to walk down river lane or having to walk through village to The lion and along narrow footpath next to main road. Would the 2 proposed houses at the top of car park block out what bit of sun we do get in our back garden as this is only time we do catch the sun when it is over the car park?

#### ADDITIONAL RE-CONSULTATION:

Consultees have been notified of the amended plan therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

#### PLANNING CONSIDERATION

The National Planning Policy Framework asserts proposals which deliver sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors should be supported by Local Planning Authorities. It also states that LPA's should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. Housing applications should be considered in the context of the

presumption in favour of sustainable development. It also states that LPA's should promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities.

Public houses are listed as community facilities along with churches, schools and village halls. Such community facilities in rural areas often form a focus for community life. Policy CS10 of the Core Strategy outlines the provision of new or improved community facilities to meet the needs of local residents will be supported; furthermore the loss of such facilities will be resisted. Therefore local planning authorities should take a positive and constructive approach towards planning applications that contribute towards economic development. LPA's support development which enhances the vitality and viability of rural centres and considering this is a pub located within the village of Waters Upton planning applications for residential development that may contribute to securing sustainable economic growth therefore should be treated favourably.

The Swan Inn is the one of two Public Houses in the Village of Waters Upton and is important for the village as there are limited other community facilities. Furthermore there is a duty to support such facilities to prevent its loss. There must also be regard to the current economic climate and the closure of many Public Houses and other facilities like village shops within the rural area which are sometimes the sole facility in villages. The retention of the Swan Inn is considered to be a benefit to the local community and the revenue from the proposed dwellings may help to sustain the business.

Policy CS7 states that development within the rural area should be limited to meet the needs of the area, and be focussed on the 3 key settlements of High Ercall, Tibberton and Waters Upton. Outside these settlements development will be limited and within the open countryside strictly controlled. This is supported by national policy which outlines new development shall be located in or on the edge of existing settlements and service areas where housing, employment, services and other facilities are provided close together, in order to create sustainable communities.

The proposal is for outline planning permission for residential development; Waters Upton is one of the three settlements within the rural area where new development is to be focused; whilst there is no identified settlement boundary for Waters Upton the site appears to lie within the developed area of the village which is enclosed at the north by the River Lane and the A442 along the west; hence this proposal accords with Policy CS7 of the Core Strategy.

Core Strategy Policy CS1 states that housing needs in the rural area will be met by approximately 170 new dwellings over the period from 2006 – 2016. At the current time, the threshold has been met from dwellings already built or having received planning permission. The number of dwellings has exceeded the provision of 170 dwellings over the plan period however the housing officer has stated that there is still a parish need for house types in this area. The proposed 40% affordable housing is in line with policy requirements for 40%. The Waters Upton Parish Housing Needs Survey Report published in

March 2011 identifies a current affordable housing need and in addition to this the Housing Officer supports development at this site. Furthermore it is deemed that the issues of community benefit also need to be taken into consideration when assessing the principle of development as well as the fact that the plot itself is surrounded by residential development. In this case the proposal would incorporate 40% affordable housing provision, which is in line with the Core Strategy advice. Additionally dwellings within this location would support the viability of the adjacent public house which serves as a community facility. In addition the proposed development site is considered to be an infill and a settlement plot therefore any new development would not encroach into the open countryside or extend the rural boundary.

The applicant has agreed to enter into a Section 106 agreement for the whole site in relation to affordable housing in accordance with policies H24 of the Wrekin Local Plan and CS7 of the Core Strategy. The housing officer has confirmed that she supports housing at this site, however regard needs to be taken to the development approved on the adjacent the Old Rectory Site (W2008/0619) and the requirements of the parish household needs survey, recommending that 'three are adapted bungalows, subject to verifying these, household needs are still the same'. The break down of affordable homes will therefore need to be discussed and agreed prior to the submission of the reserve matters application.

A contribution towards off site leisure and play facilities or primary education is not required due to the number of housing below the threshold of 10 units.

The site approved for residential dwellings, a recycling area and cemetery extension is located north of the public house. Between that site and the application site retains an adequate separation distance and between properties located within Pinfold Croft. It is therefore believed that the area proposed for residential dwellings is acceptable that would not adversely impact on neighbouring properties amenities. The amended indicative layout shows adequate sized gardens, parking spaces and separation distances between surrounding properties.

The concern that the development of dwellings in the car park would introduce a conflict of uses and adverse impact on future occupants' amenities is noted; however occupants renting or buying these properties will be aware of the location adjacent to the PH prior to moving in (a case of 'Buyer Beware'), however it is considered that there will be limited harm to the amenities of the proposed dwellings. Concerns regarding access and highway safety are acknowledged however the highways officer has said that he supports the application subject to conditions. In addition whilst neighbours may be concerned with a loss of light, the LPA emphasises that this application is for outline permission only and the plan submitted is an indicative plan. This permission does not purport to grant consent for the layout shown on the deposited plan. The number, type and design of houses will be agreed within a later application where issues of levels, orientation, design and scale of dwellings will be discussed.

In reference to the desire path located to rear of the beer garden, adjacent Pinfold Croft, I can confirm it is shown free of development on the indicative layout plan to allow continued pedestrian access.

The LPA have acknowledged concerns with the loss of pub car parking spaces, therefore the plan has recently been amended to reduce the number of houses shown on the indicative layout and increase the spaces to 20. Despite a reduction in spaces it should be noted that the development would generate construction jobs, bring about additional custom to the village as well as the local public houses and hopefully bring this vacant pub back and open to business. With regard to the access for the site, this is still retained within the site edged blue, however as this is within the applicants control can be suitable conditioned. Subsequently the proposed development will not prejudice highway safety.

Having regard to local objections and planning guidance officers consider that on balance the principle of redeveloping some of the site for residential use is acceptable subject to conditions, mitigation works and affordable housing provision. The proposal will reintroduce and support a valuable community facility to the settlement, helping to sustain its survival. The Local Planning Authority considers the principle of the development considered acceptable and in keeping with the character and context of the site and area, with sufficient parking provision and amenity space to the dwellings. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

**RECOMMENDATION:** to grant delegated authority to the Assistant Director: Planning Specialist to GRANT OUTLINE PLANNING PERMISSION subject to the Applicant entering into a Section 106 Agreement for the provision of 40% affordable housing and the following conditions:

(Conditions to be provided at update to board)

**REASON FOR APPROVAL:**

The Local Planning Authority considers the principle of the development has been adequately demonstrated to ensure the long term survival of the Public House. The scale, design and form of the development is considered acceptable and in keeping with the character and appearance of the existing Public House and context of the site and area, with sufficient parking provision, amenity space to the dwellings and retention of landscaping. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

TWC/2012/0128 16 Frame Lane, Doseley, Telford, Shropshire, TF4 3BQ  
Alterations to garden boundary (amendment to Planning Permission  
W2007/0773)

**APPLICANT**

Simon & Elisabeth Hancock

**RECEIVED**

17/02/2012

**PARISH**

Dawley Hamlets

**WARD**

Horsehay and Lightmoor

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Amenity space; adjacent residential amenity

**THE PROPOSAL:**

Following planning approval for a three bedroom dwelling recently constructed it has emerged that a section of the rear garden at the time of submission was not owned by the applicant although the certificate of ownership declared this. The land is now owned by the adjacent neighbouring property no. 16a Frame Lane; subsequently this application seeks to amend the garden boundary to reflect this.

**SITE AND SURROUNDINGS:**

The property is a modern detached house with a gable roof line over the main element of the house and a hipped wing housing an attached garage and bedroom above. The frontage which faces the highway has an opening in the existing boundary wall to provide a hardstanding and vehicular access to the attached single garage. The site is level and was originally the garden land of the adjacent property no. 16 Frame Lane. A path at the side leads to the rear which is bounded by 1.8m high fencing and has several trees within the immediate surrounding area. No. 16 is a semi-detached property, slightly forward of the new dwelling, approximately 4.2m to the south east. 16a Frame Lane is located approximately 4.6m north west of the site.

The site is within a predominantly residential area with properties of different ages, design and appearances. Opposite to the site is an established industrial estate. Telford Town centre and local services are within a short driving distance with access to transport links in and around Telford.

**PLANNING HISTORY:**

W2005/0548 – Erection of a three-bedroom dwelling - outline granted 4<sup>th</sup> July, 2005

W2007/0773 – Erection of a detached dwelling – full granted 12<sup>th</sup> June, 2007

**PLANNING POLICY CONTEXT:**

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 – Design Criteria

H6 – Windfall development in Telford & Newport

LDF Core Strategy  
CS15 – Urban Design  
CS1 - Homes

#### CONSULTATION RESPONSES:

Dawley Hamlets have made no comments.

Geotechs support subject to informatives regarding minerals and landfill gas.

One letter of objection received with the following concerns;

- Conflict of interest due to the applicant being an employee of Telford & Wrekin Council where he can influence decisions.
- The boundary is closer to their property than shown on the plans.
- Whole application is vague and misleading.
- Overlooking.
- Light is restricted
- Original application says water surface to go to soakaways, there are none and the garden of no. 16A has been flooded.
- There are numerous inaccuracies throughout the stages of this development and the application should be dealt with by an independent body due to complexity and history.

#### PLANNING CONSIDERATIONS:

For reference purposes, Mr Hancock (the applicant) owns both 16 Frame Lane and the unoccupied dwelling in question; Mr Humphreys is the owner of 16a Frame Lane.

Outline planning approval W2005/0548 was given for a three bedroom dwelling on land adjacent to 16 Frame Lane, Doseley on 4<sup>th</sup> July, 2005. A full application W2007/0773 was subsequently submitted for a detached dwelling which was approved on 21<sup>st</sup> September, 2007. There was no reason for the LPA to question the land ownership at that time as during the site visit the case officer noted that that the site appeared to form part of the garden area of no. 16 Frame Lane.

The house was subsequently built but remains unoccupied due to a dispute between the applicant and No. 16A Frame Lane over land ownership. On the 26<sup>th</sup> October, 2010 the LPA received correspondence from No. 16A Frame Lane stating land had been purchased from David McClean Homes on the 21<sup>st</sup> October 2010 which was a section of rear garden land of planning permission W2007/0773 and was not owned by the applicant as suggested on the planning file. For members' information, the site boundary of planning permission approval W2007/0773 can be viewed on a plan attached to the end of the report.

The LPA responded on the 1<sup>st</sup> November, 2010 stating that ownership issues and boundary disputes are private matters between landowners, the LPA act on good faith as they do on all planning applications and declarations on

ownership certificates, and any subsequent disputes over ownership are civil matters between disputing parties.

At the end of 2011 discussions were held between the applicant and officers to ascertain a way forward as the land could not be purchased. It was suggested that a planning application be submitted changing the existing eastern boundary by encroaching into the existing garden area of No. 16 Frame Lane offsetting the loss of garden to the north west of the site. Whilst the rear windows of the dwelling would fall only 2.5m from the rear boundary the use of obscure glazing would alleviate concerns with overlooking and privacy.

Whilst this is not an ideal situation, consideration needs to be given to any appeal and its likely outcome. Further consideration should also be given to the recent application of No. 16A Frame Lane and the desire to erect a detached garage to the rear of this boundary; however no approval of this garage has been given and as such can be afforded limited weight.

The garden land approved on W2007/07 was rectangular shaped providing approximately 104m<sup>2</sup>. The resultant boundary dispute has reduced this by approximately 30m<sup>2</sup>. The proposed amended boundary will result in an L-shaped garden with a small strip of land approximately 2.5m deep from the rear elevation leading to a strip of land approximately 12.5 long by 5m wide and will provide an additional 26m<sup>2</sup> of garden land off setting the loss. Subsequently the proposed amendments provides sufficient amenity for the new dwelling and retains sufficient for No.16 Frame Lane.

With regard to other material considerations made by the objector, In response to the objection received; drawing no. M706-03 indicates the western shared boundary to be 1.05m from the new property and 4.7m from No. 16a Frame Lane. The issues with light and overlooking was considered with the original application and considered acceptable. This application is for a change of boundary treatment on the opposite boundary and therefore is not considered to be detrimental in this case. In relation to soakaways, condition no. 6 of W2007/0773 states that a scheme for foul drainage and surface water drainage shall be approved before development commenced and completed before the property is occupied. As this property has not yet been occupied, the drainage scheme does not need to be completed. Once occupied this condition can be enforced.

The LPA considers that the proposed change of boundary will not have a detrimental impact on the amenity space of No. 16 as the existing parking area will remain unchanged and the garden area will still be of an acceptable size at approximately 12m x 9m.

In relation to No. 16a Frame Lane, the additional land purchased by the adjacent owner is bounded by high fencing and has several trees within the site providing privacy. In addition the first floor windows on the new property can be conditioned to be obscure to alleviated concerns with overlooking. Subsequently it is considered the proposal complies with both local and national planning policy.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time limit
2. Ccustom Before occupation 1st floor windows shall be obscured glazed to level agreed by LPA, and thereafter retained.
3. Ccustom Prior to occupation the boundary fence will be moved and thereafter retained.

Informatives:

I17 Minerals Area

I18 Landfill Gases

I20 Contaminated Land

REASON FOR APPROVAL:

The proposal is a minor amendment as the principle has previously been accepted. The proposed amended boundary will provide additional garden land offsetting the loss. Concerns with overlooking will be offset by obscure glazing.

TWC/2012/0203 The Rose & Crown PH, Stirchley, Telford, Shropshire, TF3  
1DY  
Change of use from car park to car wash facility

**APPLICANT**

Mr Martyn Brookes

**RECEIVED**

05/03/2012

**PARISH**

Stirchley and Brookside

**WARD**

The Nedge

OBJECTIONS RECEIVED: NO

MAIN ISSUES: Impact on residential amenity, and environment; loss of parking

**THE PROPOSAL:**

This is a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at 'The Rose & Crown' public house off Stirchley Road in Stirchley. It is proposed that two employees will operate this business, seven days a week.

**SITE AND SURROUNDINGS:**

'The Rose & Crown' public house is situated within the urban area of Telford, in one of its original villages known as Stirchley. The public house has two separate access points, both directly off Stirchley Road. The first access leads to a small car park which is situated on the west side of the building and has approximately 8 car parking spaces whilst the larger main car park sits to the east of the public house with roughly 40 parking spaces.

The building itself is a two storey premise, constructed around the mid 1800s and has over the years seen various extensions and alterations. The property sits in its own extensive curtilage. To the north of the site is vacant land, to the west a wooded area, to the south Stirchley Road and to the east is the domestic cartilage belonging to No.1 Grange Farm View.

The site has boundary treatments which comprise 2m high close board timber fencing along the northern and eastern boundaries.

**PLANNING HISTORY:**

None

**PLANNING POLICY CONTEXT:**

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria

LDF Core Strategy  
Policy CS2 – Jobs

National Planning Policy Framework

## CONSULTATION RESPONSES:

Stirchley & Brookside Parish Council: No response yet received

Drainage: Support subject to condition B61

Geotechs: No comments

Highways: No Objection

Severn Trent: Comment - *As the site is to be used as a Car Wash, we would strongly recommend the applicant speaks to the Trade Effluent Support Desk before requesting a discharge of the drainage related condition*

Contaminated Land: No response yet received

A site notice and 20 direct neighbour letters have publicised this application; Three representations from 2 properties have been received which raise objections on the grounds of:

- Activity out of keeping with the quiet residential area; more appropriate on a commercial site.
- Access from a steep slope, which already suffers from drainage problems. This will cause problems in frosty weather exacerbated by additional water and traffic being carried off the site
- Concern over access to the public house from Northwood Terrace, using as an alternative parking area, blocking resident's driveways and restricting access. Also noting that this is an emergency access to the South of the Town Park. Proposal would worsen the situation
- Object to the use of hours 9am -6pm 7 days per week which would attract a large amount of traffic; also exacerbated by advertisements and discounts to taxi firms and fleet cars.
- Would be more appropriate next to a second hand car lot or other commercial / industrial areas, ie Halesfield and Stafford Park.
- No formal drainage on the site, resulting in contaminated runoff reaching the nearby water course; polluting Mad Brook or the pool at Grange Farm View; may reduce oxygen and ultimately fish stock levels
- Contaminated runoff may also pollute the groundwater if allowed to soak away.
- Noise generated by jet wash and vacuuming will be statutory nuisance to local residents in a quiet village location.
- Noise also from traffic, in addition to slamming doors and car radios.
- Issues of taxis then using this as a base.
- No application for advert consent
- At a time of water shortage in the UK, we should not be encouraging such use of water.

## PLANNING CONSIDERATIONS:

This is a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at 'The Rose & Crown' public house off Stirchley Road in Stirchley. It is proposed that two employees will operate this business, seven days a week.

It is proposed that the car wash facility will operate from no more than five of the approximately 40 car parking spaces located to the rear of the public house. Three of these spaces will be along the northern boundary and will be used for the car washing and drying area and a further two spaces will be along the southern boundary which will be used as a customer waiting area. The business will require the use of a jet wash and a vacuum cleaner, however both pieces of equipment shall be of a domestic nature and will not therefore produce a level of noise that commercial equipment may produce and will not therefore be detrimental to residential amenity. Both water and electricity supply will be direct from the public house.

The washing of the vehicles will take place immediately adjacent to the rear of the public house which is approximately 30m away from the closest neighbouring property, No.1 Grange Farm View and officers therefore consider that over this distance any increase in the level noise will not be significantly detrimental to the amenities of nearby neighbours. It is also worth noting that no objections have been received by neighbouring properties. Furthermore, the existing 2m high close boarded fencing which sits along the boundary between the public house car park and the adjacent residential property (No. 1 Grange Farm View) will help to obscure any views that may be deemed detrimental to the amenity of this dwelling.

The applicants propose to tarmac the ground from which they will be operating, which is currently uneven concrete and at the same time a small gully will be created leading directly to the existing sewer. The car park slopes slightly from west to east which will help encourage the water to the drain. All drains exist within the curtilage of the public house and it is proposed to provide a grease and sediment trap to allow any waste water to be discharged to the foul sewer. A condition will be applied to the decision notice to ensure that this is installed prior to commencement of this facility.

The proposed hours of operation will be 9am – 6pm Mondays to Saturdays and 10am – 4pm on Sundays and Bank Holidays. Officers consider that these hours are not excessive, especially when considering the nature of the public house business on site and the general comings and goings to the pub car park that could continue irrespective of this application. There will be a restriction to the potential size of this business as only two employees are proposed. Officers are informed that a maximum of 15 - 20 cars will be cleaned on a day-to-day basis and are therefore satisfied that there will be no significant detrimental impact on nearby residential amenities, given the business will be operating from a distance of approximately 30m to the nearest residential property.

The allocated spaces for the proposed car wash facility have been chosen as to not restrict visibility from existing entrance points. The proposed location

means that the business will not have an impact on existing highway safety. Despite the loss of 5 car parking spaces, officers consider that there will be ample car parking space remaining for the use of customers to the public house. Officers consider it appropriate to restrict the car wash facility to only five car parking spaces, as shown on the plans, in order to control any expansion on pub car park. In addition officers consider it appropriate to grant a temporary 1 year permission in order to fully assess the impact the proposal will have on the operation and function of the pub car park and residential amenity.

For the above reasons, it is considered that the application is acceptable for an initial temporary period of 1 year. Due to the relatively small nature of the proposed business and given its location, there will be no significant detrimental impact on nearby residential dwellings. The proposed drainage and sediment trap will ensure that there is no adverse environmental impact and its location will not have a detrimental impact on existing highway safety. Furthermore, the business will provide employment opportunity, albeit minor, which is supported under Policy CS2 of the Core Strategy.

**RECOMMENDATION: GRANT TEMPORARY PLANNING PERMISSION FOR ONE YEAR** subject to the following conditions:

Conditions

A07	Time Limit – Temporary, Uses of Land
C38	Development in accordance with plan Nos.
B33	Foul & Surface water
D11	The hours of operation shall be restricted to Mon – Sat 9am – 6pm and Sun & Bank Holidays 10am – 4pm
Drainage	The drainage sediment trap will be installed prior to the business commencing and will remain in place and will be emptied on a daily basis and disposed of to a suitably licensed waste facility.
Operation	Operations to be kept within the designated area as shown on the submitted plans

Informatives

I40	Conditions
I41	Reasons for Grant of Permission

**REASON FOR APPROVAL:**

It is considered that the application is acceptable. Due to the relatively small nature of the proposed business and given its location, there will be no significant detrimental impact on nearby residential dwellings. The proposed drainage and sediment trap will ensure that there is no adverse environmental impact and its location will not have a detrimental impact on existing highway safety. Furthermore, the business will provide employment opportunity, albeit minor, which is supported under Policy CS2 of the Core Strategy.

TWC/2012/0228 Highway Verge, St Georges Square, Gower Street, St Georges, Telford, Shropshire,  
Determination under part 24 of the GPDO for the erection of a 15m high telecommunications mast with 6no. antennas, installation of 1no. equipment cabinet and associated works

**APPLICANT**

Telefonica UK Ltd

**RECEIVED**

15/03/2012

**PARISH**

St. Georges and Priorslee

**WARD**

St. Georges

ST GEORGES & PRIORSLEE PARISH COUNCIL HAVE REQUESTED THE APPLICATION BE DETERMINED AT PLANS BOARD.

OBJECTIONS RECEIVED: YES

MAIN ISSUES: The siting and appearance of the telecommunications installation and its visual impact on the surrounding area.

**THE PROPOSAL:**

This application relates to an application that members will recall was withdrawn from Plans Board on 18<sup>th</sup> January 2012 due to the presence of underground services and was never determined. The presence of such services would have impacted on the root foundation of the proposed column. Since then the applicants have had discussions with the LPA to find an alternative location.

The previous application positioned the 15metre high monopole 9metres west of the existing lamppost. This application shows the monopole to be positioned 6.5metres west of the lamppost, therefore closer to the lamppost and further away from the nearest building (L Tranter & Son).

In order to accommodate the development in this location works would include re-positioning a public bench approximately 6metres westwards. The applicant has confirmed that as a Statutory Undertaker they have the powers to maintain public highways and public land in relation to telecommunication installations and this includes re-positioning the bench.

This is an application for a determination as to whether prior approval will be required in relation to the siting and appearance of a 15 metre high slim-line telecommunications monopole on the northwest corner of the mini-roundabout in the centre of St Georges, with a new equipment cabinet at its base. It has sought to find an alternative location, following the refusal of a 15 metre high monopole in Gower Street (ref: TWC/2011/0158) in April 2011 and the most recent withdrawn application in January 2012.

This is a site sharing facility for Vodafone and O2. Both companies have entered into a network sharing agreement in order to share equipment on sites across the country, thereby reducing the overall number of installations

required, and significantly reducing the environmental impact of network development. The applicants have stated that the proposal is required in order to provide 3G coverage and improve the level of service it provides to customers for this part of St Georges.

The 15metre monopole would house two sets of three antennas mounted together at the top of the structure. The stem of the column will measure 324mm in diameter in which towards the top it will taper to a 490mm diameter. All the antennae are contained within a smooth circular sheath. The 15 metre high, slimline monopole and equipment cabinet would be situated within a pedestrian/paved area, adjacent to an existing 500mm high brick wall with an area of soft landscaping between the installation and the tarmaced highway.

There would also be a ground equipment cabinet at the base of the pole measuring around 2.25metres in length, about 0.93metres in width and 1.65 metres in height. The monopole would be coloured grey and the equipment housing would be coloured green. The cabinet when closed would retain a pavement width of 3.10m and 2m when open.

#### SITE AND SURROUNDINGS

The application site lies immediately adjacent the main road, opposite a traffic island that offers access onto Church Street, Stafford Street, West Street and Gower Street. The application site itself will be located on the corner of Gower Street and West Street on a paved access route that connects the two aforementioned roads. There is a low level landscaped bed which contains shrubbery and dense foliage that fronts the roundabout and is defined along the pavement edge by a dwarf wall.

Within the verge positions a lamppost, two sign posts and street name sign.. To the north-west the application site is a car park and a funeral directors called L Tranter & Son. There are buildings on each of the other three corners of the roundabout which include a convenience store and take-away. The closest residential property is found to the east on the corner of Gower Street and Church Street.

Within the immediate locality there is a variety of linear structures including metre high lighting columns and telegraph poles. Other types of street furniture include a bench, utility cabinets and road signage.

#### PLANNING HISTORY:

TWC/2011/1087, a Determination under Part 24 of the GPDO to erect a 12.1metre high monopole in Trench was withdrawn in January 2012 before being determined. It was withdrawn mainly because of land condition issues.

Background History – A site nearby in Gower Street approximately 250 metres from the current application site

TWC/2011/0158, a Determination under Part 24 of the GPDO to erect a 15 metre high monopole in Gower Street – (was refused by Plans Board in April

2011 on the grounds of being visually intrusive in this location due to its height and siting.

Since then the applicants have been endeavouring to find an alternative location within the required target coverage area.

#### PLANNING POLICY CONTEXT:

##### Wrekin Local Plan Policy T21: Telecommunications

This policy emphasises the requirement to balance the need for telecommunication systems with the need to minimise the proposals visual impact on the surrounding area. Evidence should be provided to show that every effort has been made to erect the apparatus on existing buildings masts and other structures and to share apparatus with other operators.

In May 2009 the Council adopted a Supplementary Planning Document titled 'Telecommunications Development' which provides guidelines relating to the Council's planning approach towards telecommunications development in the Borough. The key points of this document are as follows:-

- The Council should not question the need for the telecommunications system which the proposed development is to support.
- Operators are expected to undertake pre-submission discussions with the Council, Parish Councils, and other residential groups to discuss service objectives, technical constraints, and environmental implications. Discussions should also be held with schools and nurseries if they are within 200 metres of the proposed development.
- Mast sharing is encouraged and full consideration should be given to using existing buildings and structures.
- Telecommunications development should take into account the height of the site in relation to surrounding land, the existence of topographical features and vegetation, and the effect on the skyline or horizon.
- Monopoles and their associated ground equipment should be painted in an appropriate colour to mitigate the visual impact of the installation.
- All applications must include an ICNIRP Declaration that the electromagnetic emissions from a mast or monopole will be in compliance with the ICNIRP guidelines for public exposure.
- 'Slimline' monopoles may be acceptable in residential areas, provided they are not unduly prominent in the street scene and are in keeping with the scale and appearance of the existing street furniture. The installation should not add significantly to the existing street 'clutter'.
- Operators will be expected to examine alternatives to establishing new masts, including the use of existing buildings.
- The proximity of telecommunications installations to residential property is not a material planning consideration unless it would have a significant impact, due to its siting and appearance, on visual amenity.

The National Planning Policy Framework – published 27<sup>th</sup> March 2012 states that advanced, high quality communications infrastructure is essential for

sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
- for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

It states that Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

ODPM: Code of Best Practice on Mobile Phone Network Development. The Code provides practical advice on the siting and design of telecommunications development in order to minimise the environmental impact of installations.

#### CONSULTATION RESPONSES

509 Neighbours have been notified and a site notice has publicised the application. The consultation period has not expired therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

#### AGENTS SUBMISSION: SUPPORTING INFORMATION

The applicants have submitted the following additional information in support of their application:-

- NPPF clearly states that local authorities should not question the need for telecommunications installations.
- The site is required to provide new 3G coverage for 02 and Vodafone. The apple i-phone and the widespread use of 'dongles', which provide a mobile broadband service for laptops, means that there is a huge need for further 3G capacity across the whole country. In addition, people are increasingly using mobile operators to provide their only home phone line and broadband connection. This increases the demand for base stations within residential areas. Mobile phone base

stations operate on low power and, accordingly, base stations therefore need to be located in the areas they are required to serve.

- The cell search areas for 3G are extremely constrained, with a typical cell radius of 250 metres, meaning it would not be feasible to site the monopoles outside these areas.

Following the refusal of the application for a monopole in Gower Street in April 2011 the applicants began thoroughly searching for an alternative location. They also contacted the local Ward Councillors and the Parish Council for their views and opinions.

- Ward and Parish Councillors viewed the chosen location as preferable to the previous proposal on Gower Street.
- Several alternative locations were investigated but had to be discounted for various reasons. These included:
  - (a) St Georges Sports and Social Club in Church Street – too far away from the target coverage area, too close to existing base stations operated by Vodafone and 02, and in close proximity to a children's play area.
  - (b) St Georges Parish Church in Church Street – same reasons as (a),
  - (c) TAFS Garden Centre in Gower Street – too close to an existing 02 installation, and the owner showed no interest in the proposal,
  - (d) Gower Street Trading Estate in Gower Street – the potential for a rooftop installation on the buildings was discounted due to the lack of height that could be achieved, and
  - (e) L Tranter & Sons in West Street – too close to existing base stations operated by 02 and Vodafone, and the owner had his own future plans for the land.
- There are no other suitable buildings or other structures within the cell search area which could be used.
- There is no existing telecommunications apparatus within the target coverage area which is available for sharing.
- This site is the most suitable option available that balances operational need with local planning policies and national policy guidance. Within a cell search area the following parameters influence the locations of proposed telecommunications installations:-
  - (a) the agreement of the land owner,
  - (b) the avoidance of underground services,
  - (c) having no adverse impact on pedestrian movement,
  - (d) ensuring no obstructions to driveways, cycle lanes or pedestrian crossings, and
  - (e) ensuring no adverse effect on road traffic safety.The proposed site meets all these criteria.
- The mast is a slim-line monopole, a type that has been used across the whole country.
- The chosen location will have less visual impact on the surrounding area than a similar structure in any other location within the required cell search area.
- The proposed monopole would stand at a height taller than the existing street lighting columns in order for the pole to accommodate the

required antennae, plus amplifiers, which enable the installation to provide the required coverage to the target area. Without these amplifiers the installation would not provide the required level of coverage, and could result in the need for an additional installation in the surrounding area.

- In order to minimise interference within its own network and with other radio networks, O2 and Vodafone operate their networks in such a way that the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision.
- The monopole would not dominate or be anomalous, and its impact would remain minimal and much localised.
- The monopole would be seen in the context of the considerable amount of existing street furniture in this area in the form of street lighting columns, signage, and other forms of low level street furniture along Gower Street and around the mini-roundabout, all of which help to ensure that the proposed development would not dominate the skyline.
- The proposed monopole has been designed and sited to minimise its visual impact. No satisfactory alternative and less harmful means of meeting the network coverage deficiency is available. The development complies with both Central Government and local planning policy guidance, where the underlying aim is to provide an efficient and competitive telecommunications system for the benefit of the whole community, whilst minimising visual impact and intrusion.

#### PLANNING CONSIDERATIONS:

This is a telecommunications determination application and therefore the decision to grant to refuse prior approval must only be based on the siting and appearance of the installation. Factors to be considered concerning the appearance of the mast and ancillary apparatus include materials, colour and design. The use of appropriate materials and colour may allow a mast to blend more easily into its surroundings. Features of design which an authority may wish to consider include dimensions; overall shape; and whether the construction is solid or forms an open framework. They should also consider with the developer the availability of alternative designs which might be more suited to the local environment.

Factors concerning siting may involve the height of the site in relation to surrounding land;

- the existence of topographical features and natural vegetation; the effect on the skyline or horizon;
- the site when observed from any side, including from outside the authority's own area
- the site in relation to areas designated for their scenic or conservation value
- the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character;
- the site in relation to residential property; and any other relevant considerations.

In considering the siting and appearance of a mast together with its associated development, the scope for landscaping and screening to reduce the impact of the development on its surroundings will be an important consideration.

The applicants have undertaken a thorough and extensive search within the cell search area for a suitable site for the monopole. There are no existing telecommunications apparatus which is available for sharing, and no other buildings or structures within the required coverage area which could be used.

The applicants believe that the chosen site is the most suitable option that balances technical and operational requirements with local planning policies and national planning policy guidance, and also the need to minimise the environmental impact of the development.

The proposed monopole and its associated cabinet would be situated within a pedestrian area adjacent to the mini-roundabout in the centre of St Georges. This is a densely built-up area, with tall buildings on all 4 sides of the roundabout, and it is felt that the monopole would successfully merge in to this urban environment.

The area already contains an element of vertical clutter by way of existing street furniture and a number of lamp posts, and traffic and highway signs, and it is therefore considered that this will help to assimilate the proposed monopole into its urban surroundings. In addition, the existing wall at the rear of the area of landscaping will help to effectively screen the equipment cabinet from views from the roadside. The choice of a slim-line street-works monopole is considered to be appropriate as it would minimise the visual impact of the development within the street scene. Further to the above the Highways Officer has confirmed no objections to the siting.

In addition the proposed equipment cabinet and meter pillar has an appearance similar to existing utility cabinets found in a street scene. The proposed ground based development will be painted green, helping it to blend into its surrounding environment, reducing its prominence. The monopole would be coloured grey and the equipment housing would be coloured green, and it is considered that these colours will help the installation blend in with its context and background in this location. There is no fenced compound proposed, and it is normal to find various types of electrical equipment cabinets and relay boxes alongside urban roads all around the country.

Slimline monopoles are now relatively common in urban areas and generally fit into the roadside context. Although the proposed monopole would differ in appearance from the existing angled street lighting columns, it would be in effect an additional item of street furniture and as such it would not be an alien feature to the street scene nor significantly visually intrusive. Its location within the existing pedestrian area will not form an incongruous or unduly prominent feature on the skyline or on the street scene.

There is much public concern in regards to the possible adverse health impacts of telecommunication development. However consideration of this application should follow the advice given in the National Planning Policy Framework;

‘they should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure’.

The requisite ICNIRP certificate has been submitted with this application which confirms that the site and the proposed emissions would comply with the appropriate guidelines. Recent High Court and Court of Appeal decisions in relation to planning appeals for telecommunications equipment have established that when evidence is submitted to confirm that an installation falls within the ICNIRP guidelines, that a perception of fear or concerns about health issues does not provide justification for a Council to refuse an application

In addition the LPA can confirm that this application is in accordance with the Council’s adopted Supplementary Planning Document titled ‘Telecommunications Development’ and the Code of Best Practice on Mobile Phone Network Development. Furthermore there are no schools or colleges within the Councils 200metre consultation radius.

Therefore, the proposed monopole is considered an acceptable installation in this urban residential area, where the appearance of a slimline monopole would not detract from the character of the area. The siting and design of the proposed development will ensure that there is no adverse impact on the character and appearance of the locality and the general street scene, and the mast sharing will help reduce the need for more masts in the area. Furthermore, proximity to dwellings is not a planning issue provided that the application includes an ICNIRP Declaration regarding emissions, which this application does, and that the installation satisfies normal planning considerations regarding the siting and appearance of development.

It is considered that the proposed monopole would not appear as an intrusive or unduly prominent feature on the skyline or in the street scene. Its visual impact to both local residents and highway users will be relatively insignificant. Therefore, the overall impact of the installation on the visual amenities of the surrounding area is considered to be acceptable.

#### DETERMINATION:

The proposed 15 metre high slim line telecommunications monopole does not require a full planning application, and therefore **prior approval is given** for the siting and appearance of the telecommunications installation and its permitted development rights are hereby confirmed.