

PLANS BOARD

Minutes of a meeting of the Plans Board held on Wednesday, 22 July, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), J.A. Francis, R.G. Chaplin, V.A. Fletcher (substitute for Councillor N.A. Dugmore), G.M. Green, F.R. Picken, H. Rhodes and M.J. Smith

PB-17 MINUTES

RESOLVED – that the minutes of the meeting of the Plans Board held on 1 July, 2009 be confirmed and signed by the Chairman subject to minute number PB-8 being amended to read PB-16.

PB-18 APOLOGY FOR ABSENCE

Councillor N.A. Dugmore

PB-19 DECLARATIONS OF INTEREST

PB-20 PLANNING APPLICATIONS FOR DETERMINATION

(a) W2009/0337 – The Stores, Shop Lane, High Ercall, Shropshire

This application sought permission for the erection of an extension to the rear of the first floor flat above the existing shop which, together with the surrounding buildings, had been rebuilt recently (W2007/9651). A similar application (W2008/1365) had been refused, as detailed in the report. Ercall Magna Parish Council had requested that the current application be considered by the Plans Board as it was of the opinion that there was no issue of overlooking and that the design was acceptable. The Plans Board at its meeting on 1 July, 2009 had deferred determination of the application to enable a Site Visit to be undertaken.

The report drew Members' attention to the relevant planning policies. Policy UD2 expected development proposals to be of an appropriate design quality which related positively to its context and respected and related to any adjacent buildings and Policy CS15 required development to positively influence the appearance of the local environment. In addition, guidance contained in PPS1 stated that good design should contribute positively to making places better for people; design which was inappropriate in its context should not be accepted.

This proposal was for a first floor rear extension to provide extended bedrooms. It differed from the application refused in February 2009 by showing an amended roofline and an obscured window at the rear. The extension would result in the first floor rear elevation of the building being 2.1m closer to the rear elevation of no.4 Park Lane. This was similar to the

situation which had been considered unacceptable in the previously withdrawn application (W2007/0024) which the Local Planning Authority had not supported. The resultant separation distance from the first floor habitable room windows of 16.9m was considered inadequate, failed to respect or relate positively to the neighbouring dwelling and, as such, would have a detrimental impact upon mutual privacy. Since submission of the application the rear window had been amended to be obscurely glazed, so as to overcome the issues of overlooking. However, as it would be an escape window under building regulations, it was required to be opened which would not, therefore, mitigate against the detrimental effects of overlooking. In addition, as this room was a large double bedroom, the need for an outlook was considered necessary for the amenity of the occupant. Accordingly, the proposal was deemed contrary to Policy UD2 of the Wrekin Local Plan and guidance contained in PPS1.

The proposed rear extension itself was also considered unacceptable. It would introduce a hipped roof onto a building which was characterised by gable and parapet walls between each unit and the width of the extension at 9.1m, would be 0.3m wider than the existing gables. As the existing roof was finished with a parapet wall, the proposal would not respect this and would be an uncharacteristic addition and, therefore, of an inappropriate design. In addition, the brick to void ratio was considered unacceptable. Although, this had been broken up by some brick detailing since the previous application, it would not significantly alter the design to break up the brick to void ratio.

Furthermore, the proposal immediately backed on to the rear elevation of no. 4 Park Lane and would have an impact on the residential amenities by virtue of their outlook. Therefore, the proposal failed to relate positively to its context or positively influence the appearance of the locality. Accordingly, the proposal was deemed contrary to Policy UD2 of the Wrekin Local Plan, CS15 of the Local Development Framework and guidance contained in PPS1.

It was also recognised that the proposal abutted the extended Conservation Area and, as such, should not only respect and reinforce this setting, but preserve and enhance it; thus providing a greater emphasis on the need for high quality developments than previously required. Consequently, as the quality of proposals must be increased to address this, it was considered that the proposal failed to meet Policy HE3 which sought to respect and reinforce the context of the adjacent Conservation Area.

The Council's ecologist had raised no objections to the proposal but had requested an informative be attached to any approval with regards to the potential for bats. Three letters of objection had been received from two of the neighbouring properties to the rear, as outlined in the report.

Councillors V.A. Fletcher, J.A. Francis and R.G. Chaplin having visited the site were of the view that the application should be approved. Councillor V.A. Fletcher said that the impact of the proposed extension on numbers 4 and 4a Park Lane would not be any greater than the existing properties opposite to them and that they were already overlooked by an existing window. In

response the Planning Officer clarified that this was a bathroom window and, thus, not deemed to be a habitable room, whilst the proposed extension to the bedrooms would be habitable. In addition, Councillor V.A. Fletcher said that she was of the view that an extension to the rear of the shop would not have an adverse effect upon the Conservation Area to the front.

On being put to the vote the officer recommendation to refuse the application was not approved and on being put to a second vote it was:

RESOLVED – that with respect to planning application W2009/0337 delegated authority be granted to the Head of Planning & Environment to approve the application subject to appropriate conditions being negotiated with the applicant.

(Councillor G.M. Green abstained from both votes as she had not been able to attend the Site Visit.)

Reason for Approval

The proposed extension would have no adverse effects upon the amenities of the adjacent residents and the design was considered to be compatible with that of adjacent properties.

(b) W2009/0435 – Trench Lock Interchange, Trench Lock, Trench, Telford, Shropshire

This application by Telford & Wrekin Council sought advertisement consent to display seven non-illuminated advertisement signs to replace those currently displayed at various locations on the three islands at Trench Lock Interchange. The proposed signs would be 1200mm across and with an overall height of 900mm when displayed on their metal posts. This size had been agreed with the Council's Highways Officer as being an acceptable size which would not detract from highway safety or result in an unacceptable amount of visual clutter. The proposed signs were, therefore, considered acceptable in this urban location and would not detract from the amenity and character of the surrounding area. Similar sized signs to promote local businesses were already a feature on many roundabouts in Telford as part of the Telford & Wrekin Community Sponsorship scheme.

The Planning Officer reported at the meeting that the Council's Highways Engineer had expressed concern no details of the content of signs had been received and that the letters and numbers on the proposed signs could be too small. It was, therefore, agreed that he be requested to advise of a suitable condition that could deal with the size of text and that could be added to any approval. In addition, it was requested that the Council's Policy, Performance & Partnership Unit be notified of these concerns about the text when submitting any future applications for sponsored signs.

RESOLVED – that with respect to planning application W2009/0435 delegated authority be granted to the Head of Planning & Environment

to grant advertisement consent following the end of the consultation period subject to:

- (i) The Council's Highways Engineer advising of a condition to deal with the size of letters and numbers for this and any future advertisement signs on roundabouts;**
 - (ii) The conditions set out in the report with the addition of an extra condition relating to the size of letters and numbers for signs as advised by the Council's Highways Engineer.**
- (c) W2009/0457 – St. Lawrence C of E School, Preston, Shropshire

This application by Telford & Wrekin Council requested permission to extend the existing demountable classroom situated on the school site. The existing timber demountable classroom building was an established structure on the school site and, although quite a large building, the nearest boundary with the adjoining dwelling was well-screened and the demountable, with a low-pitched roof, would not be visually intrusive. It was, therefore, considered that the proposal to extend 5.5 metres on the rear of the demountable was acceptable. The resultant extended classroom would have little additional effect on the amenities of the surrounding area and would match the external appearance of the existing demountable building.

RESOLVED – that with respect to planning application W2009/0457 planning permission be granted subject to the conditions as set out in the report.

- (d) W2009/0488 – John Randall Primary School, Queen Street, Madeley, Telford, Shropshire

This detailed application by Telford & Wrekin Council requested permission for the erection of a timber shelter to provide a cover for the existing outdoor classroom located adjacent to the existing demountable classrooms. As set out in the report, the Early Years Foundation Strategy curriculum required schools to be able to teach indoor activities outdoors, a requirement which was met by the provision of an outside designated learning area. However, weather constraints meant that the School was not able to take full advantage of this amenity and, therefore, submitted this proposal for covered area.

The proposed timber materials would be sympathetic to the adjacent classroom and would have a tanalised finish. Furthermore, the structure would not be visible within the streetscene or the wider landscape and would not result in any loss of play area or parking. In addition, there were no nearby neighbours. As the number of pupils at the school would not be increased as a result of this development, a Travel Plan was not required. Accordingly, it was considered that the proposed development was compliant with both local and national guidance.

The Council's Engineer had recommended an informative in relation to land stability due to the previous mining operations in the locality.

RESOLVED –that with respect to planning application W2009/0488 planning permission be granted subject to the conditions as set out in the report.

- (e) W2009/0517 – Burton Borough School. Audley Avenue, Newport, Shropshire

This application sought planning permission for an extension of the existing car park to add a further 24 spaces at the front of the School together with a new exit point onto Audley Avenue to enable vehicles to use a one-way system through the car parking area. The application was part-retrospective with an aggregate track running through the centre of the site.

There were no Parking Standards for Schools in PPG13 (Transport) but those identified in the Wrekin Local Plan had been used as a guide to parking provision in this instance. There were currently 104 full-time members of staff with on-site parking provision of 89 spaces, a shortfall of 23 spaces. The proposed extension would provide an additional 24 spaces for staff and visitors thereby formalising an area that was already used as informal parking space.

The report originally submitted in respect of this application was amended by an update tabled at the meeting following submission by the Agent of an amended plan and revised Design & Access Statement. The original proposal had comprised the use of grasscrete for the car parking and turning area because of the high water table at the site; however it had since been established that the grasscrete cells would move due to the high groundwater. It was, therefore, now proposed to use tarmac with a French drain system (gravel filled trench) adjacent to the track to allow percolation of surface water. The turning area had been reduced, minimising any impact on the existing landscaping. The amended plan was principally the same as the original submission apart from the use of tarmac and the reduced turning area. The proposed materials were in keeping with existing development at the School and surrounding area and the amendment was, therefore, considered acceptable. In the DAS, Sport England had confirmed that the grassed area did not serve any sporting purpose and, as detailed in the report, the development would maintain the existing amenity provided by the trees and boundary hedge.

The proposed one-way system and access point for exit of vehicles was considered acceptable, as the junction is located close to the blocked off point of Audley Avenue, and would not create new access on to the main road. The development would continue the existing track through to the junction and utilise an existing gated entrance, thus not significantly altering the character of the site or the area.

The Council's Highways Engineer had confirmed that he had no objection to the scheme but, after speaking to the Council's School Travel Plan Co-ordinator, had requested that a condition be imposed on any consent to read:

'Within 6 months of the date of this permission, details shall be submitted of an updated School Travel Plan for the approval of the Local Planning Authority, in consultation with the Council's School Travel Plan Co-ordinator.'

The Highways Engineer's comments had been noted and the case officer reiterated that the conditions already proposed that a School Travel Plan should be submitted to the Local Planning Authority for approval. The suggested wording above was considered suitable and it would not be necessary to impose a pre-commencement condition as in the original report. The officer recommendation, therefore, remained one of approval, with the addition of a further condition that the development should be carried out in accordance with the amended plans received on 21st July 2009.

Councillor V.A. Fletcher expressed concern at the adequacy of the French drain system proposed as part of the amended plans. The Planning Officer confirmed that no such concerns had been raised by the Council's Drainage Engineers but agreed that further investigation of the drainage arrangements could be requested prior to approval of the application.

RESOLVED – that with respect to planning application W2009/0517 delegated authority be granted to the Head of Planning & Environment to approve the application subject to an additional condition stating 'C120 Development to be carried out in accordance with amended plan', the amendment of condition 2 to read 'Within 6 months of date of permission, submission of updated School Travel Plan', and to further satisfactory investigations being undertaken of the proposed French drain system.

(f) W2009/0528 – Priorslee Primary School Priorslee Avenue, Priorslee, Telford, Shropshire

The Chairman informed Members that, since the consultation period for this application did not end until 28 July 2009, he wished to propose that the application be deferred until the next meeting of the Board.

RESOLVED – that determination of planning application W2009/0528 be deferred to the meeting of the Plans Board on 12 August 2009.

PB-21 **SITE VISITS**

None.

PB-22 **PLANNING APPLICATIONS DEALT WITH UNDER DELEGATED POWERS**

The Board received for information details of planning applications that had been determined under delegated powers.

The meeting ended at 6.30 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

PLANS BOARD – 12TH AUGUST 2009

Schedule 1 : Planning Applications for determination by Board

`A' List : Major developments and/or cases in conflict with policy

W2008/1308 Erection of a detached retail unit Centre, Stafford Road, Newport, Shropshire. Ward: Newport South	Land at, Mere Park Garden Recommendation Code: FR -	1
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) Parkland House &, Classic Furniture, Audley Avenue, Newport, Shropshire. Recommendation Code: OLG		14
W2009/0506 Erection of 4 replacement free standing signs measuring 1200mm by 500mm Lawley Common Roundabout, Lawley Drive, Lawley, Telford, Shropshire. Recommendation Code: ADG - Ward: Horsehay & Lightmoor		32
W2009/0528 Erection of a single storey extension and canopy to existing school building Priorslee Primary School, Priorslee Avenue, Priorslee, Telford, Shropshire. Recommendation Code: FG - Ward: Priorslee.....		34

Agenda Type : A

W2008/1308 Erection of a detached retail unit
Land at, Mere Park Garden Centre, Stafford Road, Newport, Shropshire.
Recommendation Code: FR
Ward: Newport South

APPLICANT:
Growing Enterprises Ltd

RECEIVED ON:
20/11/08

PARISH
Newport

WARD
Newport South

CASE OFFICER:
Phil Baker

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Need for comparison retail, location of development, impact on Newport, sustainability of the proposal.

PROPOSAL:

This is a full application for a retail building for comparison retail with cafe at the Mere Park Garden Centre north east of Newport adjacent to the A41(T) and A518. The building would have a gross floor space of 932sqm, of which 500sqm net would be for comparison goods retail, 300sqm for a Use Class A3 (café/restaurant), 90sqm of extended covered walkway and about 42sqm for storage/administration. The building is not a simple square/rectangular footprint, but at its largest dimensions would measure some 32.5m x 25m. The applicant has not indicated whether there is an end user nor the types of goods intended to be sold, but comparison goods would be items such as clothing, footwear, household and other items which are not bought on a frequent basis, but which one would expect to find on any high street.

BACKGROUND:

Members will recall at Plans Board on 1st July 2009 resolving to grant outline planning permission for a mixed retail/employment application (W2009/0312) at the Classic Furniture/Parkland House site on Audley Avenue, Newport. Following demolition of all of the existing employment buildings on both parts of the site, the application would comprise two main components:

- i) On the Classic Furniture part of the site provide a total of 3,252sqm gross of comparison retail (restricted to bulky goods) by erecting two new retail buildings (1 building of 1,393sqm gross floor space and 1 larger building 1,858sqm gross floor space also shown potentially subdivided into 4 equally sized retail units, each approx 465sqm), and
- ii) On the Parkland House part of the site erect a new industrial building to provide a total of 3,344sqm gross of employment floor space. The industrial building is shown subdivided into 8 units. Units 1-7 (totalling 2,931sqm gross) would be for Class B1(c) and B2 uses and unit 8 (413sqm gross) at the far end of the building would be for the relocated car auction business.

Officers recommended the grant of outline planning permission for the Audley Avenue proposal on condition that the retail goods that could be sold be restricted to

“bulky comparison” goods only and that there was no subdivision of the units or installation of mezzanine floors, so as not to adversely impact on Newport town centre. Members agreed with the officer recommendation, resolved to grant outline planning permission and gave delegated authority to the Head of Planning to grant outline planning permission subject to conditions, and to there being no new issues raised during the departure consultation period. The applicant of this Mere Park application (Growing Enterprises) submitted a letter of objection to the Audley Avenue application and this was summarised in the committee report.

However, during that departure period the applicant of this Mere Park application submitted a letter threatening to take the Council to Judicial Review (this is a new issue) claiming the Council had acted unfairly and unlawfully in determining the Audley Avenue application before his own retail application at Mere Park, which had been submitted first, and that in doing so the Council has prejudiced the success of his own application. He claims that officers failed to advise members of his own retail planning application on his own site at Mere Park Garden Centre that is awaiting determination. He considers that his application has been prejudiced by Members’ decision to grant planning permission for the Audley Avenue application. He considers that his site could meet the same need for comparison retail goods, but in a location that offers access by sustainable modes of transport, but that by approving the Audley Avenue application the need argument and sequential search has been compromised for his site.

He has requested that the decision on the Audley Avenue application (W2009/0312) not be issued and that both his application and the Audley Avenue application, and any other relevant applications, be taken to the same Plans Board meeting.

Therefore, the Council is now bringing both the Mere Park (W2008/1308) and Audley Avenue (W2009/0312) retail applications to the same committee meeting so that members are fully aware of each application, the merits and issues of each and can make an informed decision on both applications in the full knowledge of the other application. As a result of this course of action, the outline planning permission for the Audley Avenue application W2009/0312 has not yet been issued.

With regards the timing of the applications, this Mere Park application (W2008/1308) was submitted in October 2008. The Audley Avenue application (W2009/0312) that members resolved to grant at Plans Board on 1st July was submitted in April 2009. However, the Audley Avenue application was in fact a revised resubmission of the previously refused application at Audley Avenue (W2008/0885) that had been submitted in June 2008, and which is now the subject of an impending appeal and Public Inquiry. The previously refused Audley Avenue application was similar in all respects to the revised 2009 application that members resolved to grant, apart from one of the retail buildings was intended for convenience retail (i.e. everyday essential items including food, drink, newspapers/magazines and confectionary and could include a supermarket). The previously refused application was submitted in the before the Mere Park application was submitted and was refused by officers in November 2008 on the grounds that i) there was no need for comparison or convenience retail by reason of the size, and location of the development and that it would undermine Newport’s town centre, and ii) the loss of employment would undermine Core Strategy to increase amount of employment land within Newport.

An appeal against that refusal has been lodged and is due to be heard by Public Inquiry on 2nd September 2009. In light of the Council's resolution to grant outline planning permission for the revised Audley Avenue application W2009/0312 (which no longer includes the convenience retail elements and is now only for comparison bulky good retail) the Council will only be contesting the need for "convenience" goods retail and the sequential approach at the Public Inquiry.

The resubmitted and revised Audley Avenue application (W2009/0312) was able to be dealt with more quickly as it was a resubmission with revisions and so not all of the issues needed to be rehearsed again. In addition, the Audley Avenue applicant had advised officers that if planning permission were forthcoming for the revised resubmission (which no longer included the convenience retail) he would withdraw the appeal and Public Inquiry on the previously refused Audley Avenue application (W2008/0885). White Young Green retail consultants, acting for the Council, and Counsel advised the Council that the 'need' argument for comparison retail was more marginal and that a successful appeal would be unlikely. The revised Audley Avenue application had been submitted with a full and detailed Retail Statement and sequential site search, whereas the Mere Park application was not initially supported by a sequential site search and then further sequential search work was requested as well as work on the retail tests set out in PPS6 to justify the proposed development. This was submitted on 10th June, after the applicant had corresponded and met with officers on several occasions. Officers acknowledge that there has been some delay in bringing the application to decision, but this has not in any way been done to give favour to the Audley Avenue application, as the applicant has suggested.

Members' attention is brought to the other impending retail applications at Mere Park. A new application for an open retail building with store (950sqm of retail with 320sqm of storage) located at the other end of the Garden Centre complex adjacent to the site entry/exit onto the A41(T) was submitted on 14th July 2009, at about the same time as sending the Council the letter threatening Judicial Review (dated 15th July). At the present time it is not known whether this retail proposal is intended for comparison or convenience retail (which could include a supermarket). In any event, this application has not been registered as a transport assessment is required. The applicant has agreed that this application is a separate matter that does not require consideration now. The applicant has also submitted application (W2009/0601) that was registered in early June to vary the range of goods sold from one of the retail units that already has permission but is not yet built, to include pet products and a veterinary surgery. Officers do not consider that the issues that this raises affect the outcome of any decision on this application and again the applicant has agreed that consideration of it need not occur now.

THE SITE:

Mere Park Garden Centre is located east of Newport, approx 1.3kms from the centre of Newport. It lies at the junction of and immediately adjacent to the A41(T) and A518. The Garden Centre lies outside of the built up area of Newport as shown on the Wrekin Local Plan proposals map. The proposed building will lie within the

overall Mere Park Garden Centre complex, but would be sited along its northern boundary adjacent to one of the Garden Centres entry/exit points onto the A518. Mere Park Garden Centre and hence this retail site both lie outside the built up area of Newport, and beyond the A41(T) and hence would be considered to lie in an “out-of-town” location in retail planning terms.

By contrast the Audley Avenue site lies within the built up area of Newport approx 1.3kms from the centre of Newport and within an existing employment/industrial estate. Therefore, it is considered to represent an “out-of-centre” location in retail planning terms. Whilst the retail proposal on the Classic Furniture part of the site would also involve the loss of some 6,317sqm of employment floor space, the Parkland House part of the proposal would involve the erection of new modern industrial buildings to replace the semi vacant and derelict buildings and would increase the employment floor space on Parkland House by 2,415sqm gross (although across the two parts of the site there would be a net loss of some 4000sqm of industrial floor space).

The Mere Park Garden Centre currently comprises the Garden Centre itself (with the range of goods sold restricted to those being related to garden centres), a building that sells aquatic creatures and products and a retail building that sells outdoor clothing/tents/climbing equipment (and which is conditioned to only be able to sell these types of goods) and craft workshops.

Planning permission also exists for a retail unit to sell farm shop/garden centre related products, but which has not yet been built. A new application (W2009/0601) Has been submitted to vary the condition that limits the goods to be sold at the farm shop/retail unit in order to widen the range of goods to be sold to include pet products and a veterinary practice, but this application has not yet been determined. There is also full planning permission for a 50 bed hotel and a restaurant (W2008/0413) to the south of the Garden Centre building.

PLANNING HISTORY:

W2002/0715 Erection of a Garden Centre and ancillary outbuildings with adjacent car park. Granted 28.8.02

W2002/1125 Erection of Farm Shop (651sqm) with associated car parking. Granted 13.5.03

Condition 3 restricted use to a farm shop and for no other Class A1 retail use.

Condition 4 advised that the farm shop shall not be subdivided, sold, or let separately from the Garden Centre.

Condition 5 restricts goods sold to generally farm shop type products.

W2003/1403 Erection of 9 craft workshops. Granted 21.1.04

W2003/1515 Erection of a retail unit. Granted 11.8.04

Condition 10 restricts goods for sale to outdoor pursuits (as per agreed list) and not for any other Class A1 retail use.

W2005/1497 Erection of new retail unit amalgamating previous approval for farm shop (W2002/1125) and ancillary retail (W2002/0715). Granted 6.3.08

Condition 3 restricts goods sold to those previously agreed by exchange of letters and on W2002/1125 to farm shop/garden centre type goods.

W2005/1234 Erection of 50-60 bed hotel with ancillary restaurant and bar use with associated parking and landscaping (Outline). Granted 23.1.07

W2008/0413 Erection of a 50-bed hotel, pub/restaurant with access road, car parking and associated landscaping. Granted 27.6.08

W2009/0601 Variation of condition 3 to allow the sale of pet related products and use as veterinary surgery. Undetermined.

New application (unregistered) for retail unit.

PLANNING POLICY CONTEXT:

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement: Planning and Climate Change supplement to PPS1

Planning Policy Guidance Note 4: Industrial, Commercial and Small Firms (PPG4)

PPS4 Draft Consultation: Planning for Prosperous Economies (PPS4)

Planning Policy Statement 6: Planning for Town Centres (PPS6)

Planning Policy Guidance Note 13: Transport (PPG13)

Regional Spatial Strategy for the West Midlands (January 2008)

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 (Planning Policy Statement 6)

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 (Planning Policy Guidance Note 13)

Telford & Wrekin Local Development Framework Core Strategy DPD (adopted December 2007)

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 CS9 Accessibility and social inclusion

Locate development in centres. Promote sustainable forms modes of travel.

Wrekin Local Plan 1995-2006 (adopted February 2000)

Policy S1 Service centre hierarchy

Newport identified at Level 2 in hierarchy, behind Telford Town Centre. More recent Development Plan policy (RR3 and CS6) and national policy (Planning Policy Statement 6) need to be considered alongside policy S1.

PLANNING CONSIDERATIONS:

Newport is market town to the north east of the Borough very close to the Staffordshire border. In line with the RSS, the Council wishes to strengthen Newport and its market town role and development should support the town's regeneration (Policy CS6). Newport is identified as a level 2 centre after Telford in the hierarchy of retail centres set out in the Wrekin Local Plan (policy S1).

Retail advice contained in national guidance in PPS6 seeks to promote the vitality and viability of town centres and adopts a 'centre-first' approach to retail development by seeking to focus development in such existing centres to strengthen (and where appropriate regenerate them), as well as encouraging a range of services in a good environment accessible to all. PPS6 requires developers to demonstrate a qualitative and quantitative 'need' for their development; that the development is of an 'appropriate scale', that there are no more central sites (sequential approach); that there are no 'unacceptable impacts' on existing centre; and that the location is accessible. As a general rule, developments should satisfy these considerations. PPS6 also enables retail proposals outside centres to demonstrate that such proposals would be appropriate to local circumstances.

a) Need

The Council commissioned retail consultants White Young Green (WYG) to undertake the Telford & Wrekin Retail Leisure Study (TWRLS) to inform the Core Strategy. This study (updated April 2009) identifies a capacity need of 501 – 538sqm of comparison retail floorspace up until 2011. The Mere Park proposal for 500 sqm comparison retail would meet this capacity. In addition capacity based on current market shares has been identified to be approx £3.7m (up to 2014). The floorspace proposed is identified to have a comparison goods turnover of approx £2.5m and it is accepted that there is a quantitative need for the level of floor space proposed.

Whilst PPS6 places greater weight on the quantitative need of a retail development, it does also require Local Planning Authorities to take into account both the quantitative and qualitative need for retail development. Both the Mere Park and Audley Avenue retail proposals will improve the retail provision on offer in Newport providing new modern retail floor space that is currently lacking. The study also identifies that people are going elsewhere to shop and that some expenditure and spend is being directed elsewhere, and so it is considered there is scope to improve Newport's share of the market facilities by improving retail facilities on offer.

This was a material consideration when assessing the recent Audley Avenue application for bulky good comparison retail goods. Whilst the Audley Avenue

proposal exceeds the quantitative need for comparison retail floorspace identified in the TWRLS, the applicant submitted evidence to show that comparison bulky goods retail would help claw back some retail spending that is currently directed to competing centres elsewhere outside the Newport area. This will help promote sustainable shopping patterns by reducing the need for Newport residents to travel to competing destinations elsewhere, which is a sustainable benefit that lies at the heart of the Core Strategy (policy CS6) and PPS1.

The Mere Park retail proposal could also offer improved retail choice. The applicant considers a different catchment for spending should be applied and identifies that only 45% of available spending power for comparison goods within the Newport zone is retained. The Council turns to the advice by WYG, who undertook the TWRLS, who consider that the applicant has overestimated the potential market share of Newport and considers the market share to be approx 22% (within the Newport and Rural North West Zone). However, the Council would conclude and concur with the applicant that there is a qualitative need for improved retail provision in Newport in order to claw back expenditure currently directed elsewhere.

b) Scale

PPS6 advises that retail development should be of a scale directly related to the role and function of the centre and catchment it is intended to serve. This is to ensure that it relates to the wider hierarchy and that it fits into that centre and complements its role and function. It is accepted that the level of floorspace proposed is appropriate to the role and function of Newport Town Centre.

c) Sequential sites

PPS6 requires a sequential approach for all town centre uses and that the applicant looks at other sites closer to the town centre. The applicant has looked at a number of alternative sites, some of which were the same as those looked at by the Audley Avenue application. There is a general requirement for developers to be flexible and to break down their proposals to consider those more central sites capable of accommodating the smaller constituent units, in this case the 500sqm of comparison retail and the 300sqm of Class A3. The applicant has done a sequential search on sites capable of accommodating a 700sqm sized retail unit but excluding the café (to take account of some servicing) within a 300m distance of the Primary Shopping frontage in Newport town centre. Recent advice from WYG advises that the 300 sqm café use should also be subject to a sequential search, as cafes are considered a town centre use. Whilst this has not been undertaken, officers consider that this late request need not be actioned in this instance if the range of goods to be sold is restricted (see under section e below) and the café use is ancillary to the use in the proposed unit.

Some of the sites already have a valid planning permission granted for other uses or Council resolutions to grant other uses but are awaiting S106 agreements and are generally regarded as unavailable, although the Council would not object to retail uses on some of the sites should circumstances change. Also some sites would necessitate the loss of community facilities or introduce amenity issues being in very close proximity to residential areas, and hence would not be considered suitable.

The Stafford Street site (18) is not fully available because it includes the Council's public car park behind Waitrose, which the Council has no current plans to dispose of. Part of the site also includes land that McCarthy & Stone intend for a residential care home and who have submitted an application as recently as 17th July 2009. Part of the site also has an outline residential permission. However, there have also been expressions of interest in part of the site from a national convenience retailer and if it did become available it would be preferable for convenience and general retail.

The land along Water Lane (site 22) does in fact have scope for some retail development. Whilst the Council has intentions to re-develop this area for mainly residential, and there are some multiple land ownerships that could make land assembly more difficult, some retail development would be considered appropriate being close to the town centre and could well serve to kick-start regeneration of this part of Newport. Obviously land ownership is more complicated, although part of the site closest to the town centre has a much simpler land ownership and would be locationally preferable for convenience and general retail.

The three sites off Avenue Road that formed the former Newport Business Park (sites 4, 5 and 19) have a Council resolution to grant outline residential permission and a S106 is waiting signing. However, site 5 and part of site 19 would be considered suitable for retail if opportunities arose with the land owner, and indeed there have been expressions of interest from a national convenience retailer .

The applicant's sequential test takes a study area extending 300m from the primary shopping frontage (shown on the Wrekin Local Plan Proposals Map) which would include what are typically defined as "edge-of-centre" sites as they would generally be within walking of the primary shopping area. However, the applicant has dismissed sites beyond this area as he considers them all "sequentially equal" as they would be defined as "out-of-centre" in retail planning terms and has deemed them unsuitable, unavailable or unavailable to accommodate the proposed development. There are potentially other sites that could be considered within this range. The applicant concludes that his "out-of-town" site at Mere Park is the only available, suitable and viable site to accommodate the type of development proposed.

Officers contend that the location of the site at Mere Park Garden Centre is "out-of-town" (as PPS6 defines out-of-town sites as those being "outside the existing urban area") and with its distance from Newport Town Centre, its location outside the built up area of Newport and beyond the A41 (T) together with poor pedestrian linkages would make it inferior to a number of edge-of-centre sites and out-of-centre sites. Officers would also consider that as out-of-town locations were not refereed to in PPS6 order of sequential sites, that generally out-of-town sites are not usually considered appropriate. The Council considers that out-of-centre sites should be considered before allowing further out-of-town sites to come forward, as currently proposed. Whilst the Audley Avenue and Mere Park sites are located relatively equidistant from the town centre, in PPS6 terms one site is considered out-of-centre (Audley Avenue) whereas the other is considered out-of-town (Mere Park). Even if there was not the current Audley Avenue application, the fact that there was a previous retail application (W2008/0885) that came in before Mere Park, officers

would consider that Audley Avenue is sequentially preferable to Mere Park to accommodate further retail floorspace, subject to the relevant tests of need and impact.

d) Access

It is worth also assessing accessibility of the site when considering sequentially preferable sites. The applicant considers the site at Mere Park to be more accessible by a mode of transports. Apart from being adjacent to both the A41(T) and the A518 for easy motorist access, Mere Park does benefit from a regular bus service No.481 that runs between Newport and Stafford and passes immediately adjacent to the Mere Park site with bus stops on the A518 within 50m of the access to the Garden Centre. The applicant advises that he also operates an unofficial 'Park & Ride' bus scheme whereby he has an arrangement with the bus company that visitors who park at Mere Park Garden Centre can travel free into Newport town centre on the bus between 9.30am and 3.30pm to ensure links to the town centre and encourage environmentally friendly transport. Mere Park also apparently operates a delivery van service to customers' homes to help encourage those customers who walk or cycle. The proximity of a bus service to and from Newport town centre past the Mere Park site, as well as the unofficial 'park & ride' type link during off-peak hours that the applicant has arranged, are significant factors and help provide a sustainable facility, which does help off-set the 'out-of-town' location of the site.

In comparison, there is no bus service directly past the Audley Avenue site and the nearest bus stop is at the far end of Audley Avenue with the junction with Granville Ave, which is approx 800m (about a 10 minute walk), which reduces the site's accessibility by public transport. Due to bollards along Audley Avenue (erected to stop HGV's to the industrial estate cutting down through the residential roads) motorists cannot drive directly from the town centre along Audley Avenue – they must exit Newport by other roads and come round on the by-pass (A518), probably passing the Mere Park Garden Centre site. Whilst there are no known end users of the retail units proposed at Audley Avenue, it is likely however that some retailers would also operate a delivery van service to customers' homes to help encourage those customers who walk or cycle.

However, for pedestrians and cyclists getting to Mere Park is not so easy. Cyclists would need to negotiate and cross the A518 and A41(T) roads whichever entrance to Mere Park they used and in some instances would need to negotiate the roundabout at the end of Stafford Road that junctions with the A518 and A41(T), even with its small refuge. However, the new site access onto the A41(T) for the pub/hotel at Mere Park has now resulted in a footpath that leads from the new entrance, alongside the A41(T) and round to the other exit/entrance to Mere Park.

The Audley Avenue site is, however, better accessed on foot and by bike than the Mere Park site. Cyclists and pedestrians can use the quieter residential approach streets and Audley Avenue itself, and walk along pavements all the way from the centre of Newport to the site, without needing to cross or pass along the A518 and A41(T).

However, both sites would probably attract a fair share of car borne customers and generally for the purchase of “bulky goods” bus travel may not always be the most appropriate means to travel to such a site for the purchase of large goods. In considering accessibility to the site, it is important to note that PPS6 states that in assessing new development, local planning authorities should consider whether the proposal would have an impact on the overall distance travelled. With the single comparison retail unit set within the Garden Centre complex officers consider it unlikely that customers would not travel elsewhere for comparison goods and hence would not significantly reduce the need for local residents to travel elsewhere. In contrast, officers consider that the Audley Avenue proposal will help reduce the need for local residents to travel significant distances for comparison bulky retail goods to competing facilities elsewhere (such as in Telford) and will therefore reduce the overall distance travelled.

e) Impact

It is also significant to note that draft Planning Policy Statement 4 ‘Planning for Prosperous Economies’ has recently been published for consultation. In this respect, in terms of ‘decision-making policies’, the biggest change promoted by PPS4 is that there will be no requirement for the applicant to demonstrate ‘need’ for main town centre uses. Instead, the new guidance requires applicants to provide evidence on the sequential approach and the impact of the proposed development.

Although PPS4 is not yet adopted planning policy and limited weight should be attached to it, the proposed changes in national planning policy is an important consideration given the clear change in emphasis from the Government in considering need for planning applications. Indeed, the proposed removal of the needs test has already been through consultation following the publication of Draft PPS6 in 2008. Although the Government are now seeking to combine a number of national planning statements and policies as part of the new PPS4 rather than proceeding with a new PPS6 the fact that the Government continue to propose to remove the needs test following previous consultation on this issue, suggests that some weight should be given to this significant change in policy.

PPS6 advises ‘The identification of need does not necessarily indicate that there will be no negative impact.’ Even if ‘need’ and the ‘sequential test’ are satisfied, the proposed development could still be refused if there are reasonable grounds to suggest that it would materially harm the vitality and viability of any defined centre nearby.

In considering impact, the applicant highlights that there is currently a lack of mid-range sized shops in Newport and that the proposal will divert limited trade from the town centre, and that the proposal would have the positive effect of clawing back expenditure currently being directed to facilities outside the area.

The Council accepts that there is a lack of larger retail units within Newport and that a significant level of comparison goods expenditure generated in the local area is currently being directed to competing facilities elsewhere. However, in considering the potential impact of the proposal on the town centre, the retail consultants consider that the level of impact has been understated by the applicant, due to his estimated turnover of the town centre being overstated at £60m. The TWRLS

identified a retail turnover of Newport (both convenience and comparison goods) of approximately £39m, which is lower than the applicant's estimated turnover of Newport Town Centre. Consequently, this lower turnover would mean that the potential impact on the town centre will be higher than that identified by the applicant.

The applicant also considers that the existing operation of the Mere Park Garden Centre and its various retail units has not adversely impacted on Newport town centre. Officers would contend that this may well be due to the fact that the various existing retail units at Mere Park have conditions limiting the goods that can be sold to either garden related products, farm shop products and outdoor pursuit/camping goods only, and that there are no general or comparison retail units currently operating from the site to compete or take trade from the town centre. Mere Park Garden Centre would have originally been an open countryside site outside the urban area of Newport and out-of-town and would have been allowed as a retail exception because it was a Garden Centre. Officers do have concerns that selling unrestricted comparison goods at Mere Park will have an adverse impact on Newport town centre and consider that the principle purpose of Mere Park is as a Garden Centre and that any retail units should be associated with that primary use. Hence officers consider that any new retail units at Mere Park should also be restricted in what they can sell.

There were similar concerns that the Audley Avenue application would impact on the town centre. However, to mitigate against further impact on Newport town centre, planning conditions would be imposed to limit the retail part of the proposal to "bulky goods only comparison retail" and restrict subdivisions of any of the retail units from that shown on the submitted plans. Whilst national planning policy (PPS6) does not define what constitutes bulky comparison goods floorspace, the range of goods proposed to be sold and conditioned at the Audley Avenue site such as carpets, furniture, electrical goods, DIY etc are commonly accepted as being bulky goods and generally provided at retail warehouse parks. It is also not uncommon for such retail premises to sell some goods that are not bulky – for example in a retail outlet such as Currys selling electrical equipment, some products will not be "bulky", such as gadgets and accessories, or transistor radios. However, this can be controlled by limiting that the majority of the floorspace shall be dedicated to the sales of bulky goods.

Officers consider that unrestricted comparison goods retail consent in an 'out-of-town' location at Mere Park, which is an Garden Centre complex, is likely to compete with existing businesses within the town centre, and as such the development would undermine the continued vitality and viability of the centre. In a similar manner as with Audley Avenue, the range of goods that can be sold should be restricted in order to off-set the potential impact on Newport town centre. Officers therefore consider that the goods sold should be limited to those typically sold from garden centres and similar to the range of goods already conditioned to be sold at the site. Such a goods restriction would ensure that the retail unit complemented the town centre retail provision, not competed with it, and retained a range of units at Mere Park that related to its primary purpose as a Garden Centre and did not create effectively an 'out-of-town' retail park. Without such a goods conditions restricting goods to garden centre type products officers consider the retail unit should be

refused. The applicant does not want such a restriction, although is prepared not to sell certain items. Members will be advised of any updates regarding the nature of goods to be sold.

f) Other material considerations

One notable difference between the Mere Park and Audley Avenue applications is that the Mere Park proposal does not involve the loss of employment buildings/land. The applicant considers that as the Audley Avenue site is within an existing industrial estate and will involve the loss of employment land it is an inappropriate location for retail development. By contrast the applicant contends that the Mere Park site is within an existing retail site. However officers would contend that an out-of-centre site (such as Audley Avenue) compared to an 'out-of-town' site such as Mere Park, makes such comparison less straightforward and is a matter of balance and accorded weight.

In considering the suitability of the Audley Avenue site for retail, officers and members did weigh up the issues of loss of employment floorspace, with the material considerations of the current non take-up of the 3.5ha allocated employment site nearby, the gain of modern employment premises that would be provided and the possibility of more jobs being created than currently exist and the Council's indicated intention to further increase employment land provision in Newport (Land Allocations Preferred Options Report, September 2005). In addition, the provisions of improved quality employment facilities and net increase of quantity of new and modern employment floorspace that would be provided at Parkland House accords with the aims of enhancing the employment opportunities within Newport. These material considerations, together with the other benefits that include the highway improvements to Audley Avenue and users of the industrial park in general with proposed improvements to the mini roundabout and the revised access to Parkland House with improved visibility serve to off set the loss of employment floorspace from the Classic Furniture part of the site.

Whilst job creation from retail uses should not be considered an important criterion upon which to judge retail proposals both applications will see a potential increase in jobs.

CONCLUSION:

In conclusion, officers consider that whilst there is a quantitative and qualitative need for such a comparison retail unit, officers consider that there are potentially more locationally preferable sites within the built up area of Newport for comparison retail. Officers also consider that a retail unit in an 'out-of-town' location selling unrestricted comparison goods will have an adverse impact on Newport town centre. Officers also have concerns that without restrictions on the range of goods that can be sold, that this will set a precedent and that an 'out-of-town' retail park will develop that will harm and adversely impact on Newport town centre as well as affecting the potential to strengthen Newport's role as a market town and encourage its regeneration. However, this can be mitigated against by imposing planning conditions to limit the range of goods sold to those typically sold at a garden centre/farm shop, as has been done with the other retail units at Mere Park, to make this retail proposal

acceptable. However, the applicant is not prepared to accept a condition requesting goods to garden centre type goods.

RECOMMENDATION: REFUSAL OF PLANNING PERMISSION for the following reason:

Although there is a quantitative and qualitative need for comparison retail and the proposal will improve the retail provision on offer in Newport providing new modern retail floor space that is currently lacking, and the site is accessible by public transport, its out-of-town location and without a restriction on the goods to be sold to the range typically sold at garden centres, the proposal will compete with the retail provision of Newport and adversely impact on the town centre, hence the proposal is contrary to Core Strategy Policy CS6 and advice in PPS 6: Planning for Town Centres.

Notes

Agenda Type : A

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) Parkland House &, Classic Furniture, Audley Avenue, Newport, Shropshire.
Recommendation Code: OLG
Ward: Church Aston & Lilleshall

APPLICANT:
Classic Developments

RECEIVED ON:
17/04/09

PARISH
Newport

WARD
Church Aston & Lilleshall

CASE OFFICER:
Kate Stephens

MEMBERS WILL RECALL AT PLANS BOARD ON 1ST JULY 2009 RESOLVING TO GRANT OUTLINE PLANNING PERMISSION FOR THIS APPLICATION. HOWEVER, THIS APPLICATION HAS BEEN BROUGHT BACK TO PLANS BOARD FOR MEMBERS TO CONSIDER IT AT THE SAME TIME AS BEING AWARE OF ANOTHER RETAIL APPLICATION ALSO ON THIS AGENDA. THE FULL REASONING IS SET OUT BELOW.

PURPOSE OF THE REPORT:

Members will recall at Plans Board on 1st July 2009 resolving to grant outline planning permission for this development proposal. However, there has been a threat of Judicial Review from a third party (who has a retail planning application at Mere Park Garden Centre) claiming the Council's decision to grant planning permission is unlawful. As a result no decision has been issued on this application.

The application is being brought back to members as an amended report that cross references with the Mere Park application to advise members of the issues between the two applications. The claimant's own application for a retail unit at Mere Park Garden Centre in Newport (W2008/1308) is also on this agenda.

The recommendation is that Members endorse their previous decision to grant outline planning permission by granting outline planning permission, subject to the conditions suggested.

BACKGROUND:

Members gave delegated authority to the Head of Planning to grant outline planning permission for the above development proposal subject to conditions, and to there being no new issues raised during the departure consultation period. Growing Enterprises submitted a letter of objection to the Audley Avenue application and this was summarised in the committee report. Growing Enterprises is the applicant of a retail proposal at Mere Park Garden Centre (W2008/1308) that was submitted to the Council in October 2008, but to date remains undetermined.

During that departure period the applicant of the Mere Park application submitted a letter threatening to take the Council to Judicial Review (this is a new issue) claiming the Council had acted unfairly and unlawfully in determining this application before

his own retail application at Mere Park, which had been submitted first, and that in doing so this had prejudiced the success of his own application. He claims that officers failed to advise members of his own planning application on his own site at Mere Park Garden Centre for a proposed retail development, which is awaiting determination. He considers that his application has been prejudiced by Members' decision to grant planning permission for this Audley Avenue application. He considers that his site could meet the same need for comparison retail goods, but in a location that offers access by sustainable modes of transport, but that by approving the Audley Avenue application the need argument and sequential search has been compromised for his site.

He has requested that the decision on this Audley Avenue application not be issued and that both his application and Audley Avenue application, and other relevant applications, be taken to the same Plans Board meeting. Hence both applications have been brought back to this Plans Board and the Mere Park application is also on this agenda.

Having taken Counsel's advice, the Council is now bringing this Audley Avenue application back to Plans Board together with the Mere Park retail application (W2008/1308), so that members are fully aware of each application, the merits and issues of each and can make a fully informed decision on both applications in the full knowledge of the other application. As a result of this course of action, the outline planning permission for the Audley Avenue application W2009/0312 has not yet been issued.

With regards the timing of the applications, the Mere Park application (W2008/1308) was submitted in October 2008. The Audley Avenue application (W2009/0312) that members resolved to grant at plans Board on 1st July was submitted in April 2009. However, this Audley Avenue application (W2009/0312) is in fact a revised resubmission of the previously refused application at Audley Avenue (W2008/0885), which is now the subject of an impending Public Inquiry.

The previously refused Audley Avenue application (W2008/1308) was similar in all respects to this current application that members were resolved to grant, apart from one of the retail buildings being intended for convenience retail (i.e. goods for everyday essential including food and could include a supermarket). The previously refused application was submitted in the summer of 2008 (before the Mere Park application) and was refused by officers in November 2008 on the grounds that i) there was no need for comparison or convenience retail by reason of the size, and location of the development and that it would undermine Newport's town centre, and ii) the loss of employment would undermine Core Strategy to increase amount of employment land within Newport.

An appeal against that refusal has been lodged and is due to be heard by Public Inquiry on 2nd September 2009. In light of the Council's resolution to grant outline planning permission for this current revised Audley Avenue application (which no longer includes the convenience retail elements and is now only for comparison bulky good retail) the Council will only be contesting the need for "convenience" goods retail at the Public Inquiry.

This resubmitted and revised Audley Avenue application (W2009/0312) was able to be dealt with more quickly as it was a resubmission with revisions and so not all of the issues needed to be rehearsed again. In addition, the applicant had advised officers that if planning permission were forthcoming for the revised resubmission (which no longer included the convenience retail) he would withdraw the appeal and Public Inquiry on the previously refused Audley Avenue application (W2008/0885). White Young Green retail consultants, acting for the Council, and Counsel advised the Council that the 'need' argument for comparison retail was more marginal and that a successful appeal would be unlikely. This revised Audley Avenue application was submitted with a full and detailed Retail Statement and sequential site search, whereas the Mere Park application was not initially supported by a sequential site search. Further sequential search work was requested as well as work on the retail tests set out in PPS6 to justify the proposed development, and the latest retail document for the Mere Park application was submitted on 10th June, after the applicant had corresponded and met with the Council on several occasions. Officers acknowledge that there has been some delay in bringing the Mere Park application to decision, but this has not in any way been done to give favour to the Audley Avenue application, as the Mere Park applicant has suggested.

Of further note is that at about the same time as sending the Council the letter threatening Judicial Review (dated 15th July), the Claimants also submitted on 14th July yet another application for another building for open retail (950sqm of retail with 320sqm of storage) located at the other end of the Garden Centre complex adjacent to the site entry/exit onto the A41(T). At the present time it is not known whether that retail proposal is intended for comparison or convenience retail (which could include a supermarket). In any event, that application has not been registered as a Transport Assessment is required and the hence is not ready for determination. The applicant has agreed that that application is a separate matter that does not require consideration now. The Mere Park applicant has also submitted an application (W2009/0601) to vary the range of goods sold from one of the retail units that already has permission to include pet products and a veterinary surgery. Officers do not consider that the issues this raises affect the outcome of any decision on either the Mere park application or this current Audley Avenue and again the claimant has agreed that consideration of it need not occur now.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Need for bulky goods comparison retail, loss of employment, impact on Newport, highways, sustainability of the proposals.

PROPOSAL:

This is an outline application (to include access, landscaping, layout and scale) for a mixed retail/employment development involving the erection of buildings for 3,252sqm gross of comparison retail on the Classic Furniture part of the site and erection of buildings to provide 3,344sqm gross industrial/employment floorspace on Parkland House 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. There would

be a net loss of some 4000sqm of industrial floorspace, some of which is of poor quality, across the whole site.

On the Classic Furniture site the proposal involves the erection of 2 buildings to provide total 3,252sqm gross of comparison retail (restricted to bulky goods) that comprises 1 stand alone building (1,393sqm gross) and 1 larger building (1,858sqm gross) shown subdivided into 4 equally sized retail units (each approx 465sqm). The existing main site access off Audley Avenue would be modified, leading to forecourt parking for 104 customer car spaces. Servicing would be off the existing access road that leads to other existing business units.

On the Parkland House site the proposal would involve the erection of a building measuring 143m x 24m and 9m high to the top of roof to provide total of 3,344sqm gross of employment floorspace. The building is shown subdivided into 8 units, which the applicant suggests can be amended as market demand dictates. Units 1-7 (totalling 2,931sqm gross) would be for Class B1(c) and B2 uses. Unit 8 (413sqm gross) at the far end of the building would be for the car auction site with its own compound area. The applicant states that the car auction will relocate from the other side of the Parkland House site. Vehicular access will still be off Audley Avenue but moved further towards the Classic Furniture side of the site. A total of 117 car parking spaces are to be provided as well as cycle parking.

The retail element of the application comprises comparison goods floorspace that the applicant is content to have restricted to "bulky comparison goods". Comparison retail goods are typically items that are not obtained on a frequent basis and would include clothing, footwear, household and recreational items. Whilst national planning policy (PPS6) does not define what constitutes bulky comparison goods floorspace, the range of goods proposed to be sold and conditioned at the Audley Avenue site such as carpets, furniture, electrical goods, DIY etc are commonly accepted as being bulky goods and generally provided at retail warehouse parks. It is also not uncommon for such retail premises to sell some goods that are not bulky – for example in a retail outlet such as Currys selling electrical equipment, some products will not be "bulky", such as gadgets and accessories, or transistor radios. The ranges of goods proposed to be sold and conditioned (excluding sports goods and equipment, which are not permitted to be sold from the proposal) are commonly accepted as being bulky

The application at Mere Park Garden Centre on the northern outskirts of Newport adjacent to the A41(T) and A518, is a full application (W2008/1308) for a much smaller retail development for comparison retail with café. The building would have a gross floor space of 932sqm, of which 500sqm net would be for comparison goods retail, 300sqm for a Use Class A3 (café/restaurant), 90sqm of extended covered walkway and about 42sqm for storage/administration. The building is not a simple square/rectangular footprint, but at its largest dimensions would measure some 32.5m x 25m. There is no identified end user nor the types of goods intended to be sold specified, but comparison goods would be items such as clothing, footwear, household and other items which are not bought on a frequent basis

THE SITE:

The application site is a brownfield site located on the eastern edge of Newport within the built up area (as defined on the Wrekin Local Plan Proposals Map). The site lies approx 1.3kms south east of Newport town centre and approximately 0.5kms from the roundabout junction of A518/A41(T).

The Classic Furniture site comprises a mix of buildings with some 6,317sqm of floorspace for the assembly, storage and delivery of furniture with ancillary office and retail showroom open to the public. The applicant states that the company currently employs about 40 people, although sadly the number of people employed has reduced since the last application was considered, and some 10 jobs have been lost as the company has had to make some reductions in the current economic climate.

The Parkland House site comprises vacant office buildings to the front of site (which were previously occupied by a call centre company Yell.com) and vacant warehousing offering a total of some 929sqm of employment floorspace. The buildings are unattractive, in general need of some repair and renovation and detract from the area. The site access is off Audley Avenue.

It has been stated by the applicant that the car auction business is to be incorporated into the redevelopment of the Parkland House part of the site. They also state that Classic Furniture have a lease agreement with the applicant and site owner until September 2009, after which time the company will be required to re-locate to alternative premises as the land owner will not be renewing the lease. The applicant also states that Classic Furniture can be retained and incorporated into the new business building should they have difficulties finding alternative premises.

The existing buildings have a combined floor area of some 7,246sqm but the area includes an element of retail floorspace at Classic Furniture and the Car Auction is not an employment use in policy terms. Neither of the sites is allocated for employment nor have any other Development Plan policy designation although it is a policy objective to retain and increase employment land in Newport.

In contrast Mere Park Garden Centre and hence the site lie approx 1.3kms east of Newport town centre outside the built up area of Newport, as shown on the Wrekin Local Plan proposals map, and beyond the A41(T) and hence would be considered to lie in an "out-of-town" location on the north eastern outskirts of Newport. The proposed building itself at Mere Park lies within the overall Mere Park Garden Centre complex, but would be sited along its northern boundary adjacent to one of the Garden Centres entry/exit points onto the A518. The applicant of Mere Park considers his site to be in an existing retail location and will not involve the loss of employment land.

PLANNING HISTORY:

W2000/0716 – Change of use to car auction. Granted

Various warehouse applications (Classic Furniture site).

W2008/0885 – Outline application for mixed retail (comparison and convenience) and employment at Classic Furniture and Parkland House sites. Refused 4.11.08 and appeal lodged, due to be heard by Public Inquiry on 2nd September 2009.

W2008/0886 – Full application for erection of business units following demolition of existing buildings on Parkland House site. Granted 4.11.08

CONSULTATION RESPONSES:

Highways: No objection in principle, but recommend several pre-commencement conditions.

Drainage Engineers: Details of foul and surface water to be submitted with reserved matters application. There should be 30% reduction in surface water discharge from site, and any surface water produced by development up to and including the 1 in 100 year event should be attenuated within the site.

Environmental Health Pollution Control: As site on former foundry suggest contaminated land investigation conditions and if required the remediation of the site.

Nature Conservation: Bat Survey done. Agree with recommendations in bat survey that demolition should take place between late October and early March to avoid bird breeding season and disturbing transient bat roost sites. If demolition occurs outside these times, then removal of roofs etc should be supervised by licensed ecologist. New bat boxes should be installed. A condition is proposed to secure the benefits. (This will enhance albeit to a modest degree biodiversity in the site).

Tree Officer: Protect TPO groups on site with protective fencing

Newport Town Council:

- Concern development will have direct detrimental impact on retail outlets in Newport High Street.
- Proposal will provide different type of employment to existing manufacturing. Whilst not preferring one type over the other important that there is widest range of job opportunities within and around Newport – little evidence that proposals will bring more (or less) jobs.

1 letter objection from Growing Enterprises Ltd summarised below:-

- Conflicts with provisions of the Development Plan.
- Flies in face of recommendations made by LDF Inspectors that employment land should be increased in Newport.
- Does not comply with national planning policy.
- Would result in loss of employment land.
- Would be harmful to the town's economic base and future regeneration.
- Inappropriately located for retail development where large numbers of the public might be attracted.
- Inappropriately located in terms of accessibility.

PLANNING POLICY CONTEXT:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement: Planning and Climate Change supplement to PPS1
Planning Policy Guidance Note 4: Industrial, Commercial and Small Firms (PPG4)
Draft PPS4: Planning for Prosperous Economies (PPS4)
Planning Policy Statement 6: Planning for Town Centres (PPS6)
Planning Policy Statement 9: Biodiversity
Planning Policy Guidance Note 13: Transport (PPG13)
Planning Policy Statement 25: Flood Risk

Regional Spatial Strategy for the West Midlands (January 2008)

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 (Planning Policy Statement 6)

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 (Planning Policy Guidance Note 13)

Core Strategy DPD

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 and increase amount of available employment land.

Policy CS9 Accessibility and social inclusion

Locate development in centres. Promote sustainable forms modes of travel.

Wrekin Local Plan

Policy E2 Employment Land Allocations:

This shows land to south of Audley Avenue for employment use.

Policy E4 Development on Unallocated Employment Sites in the Urban Area:

Travel intensive development, employing more than 5 people, permissible on brownfield sites / previously-development land.

Policy S1 Service centre hierarchy

Newport identified at Level 2 in hierarchy, behind Telford Town Centre. More recent Development Plan policy (RR3 and CS6) and national policy (Planning Policy Statement 6) need to be considered alongside policy S1.

Policy S9 Retailing from Employment Areas

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

PLANNING CONSIDERATIONS:

Proposed employment on Parkland House

This element of the proposal is effectively a redevelopment of the existing employment buildings on site (929sqm) resulting in an overall increase in the employment floorspace of some 2,415 sqm on this part of the site, to which there is no objection in principle and planning permission has in any event already been granted for this as a under a separate full application W2008/0886.

The proposed new building will provide total 3,344 sqm floorspace of which 7 units would provide 2,931sqm for Class B1(c) and B2 light and general industry and the end unit 413sqm for the relocated the car auction.

The proposal is on an established privately owned industrial estate on Audley Avenue. The application site looks underused, neglected with a variety of outdated office buildings and warehouses, some of which are vacant. The proposal offers an opportunity to increase and enhance the quality and amount of the employment facilities on this site and to re-house the existing car auction.

The proposed building is to be located on the opposite side of the site to the existing buildings. Although siting the building here would present a harder edge to the site, the appearance and materials for the building can be controlled by and considered under subsequent Reserved Matters application and with the use of appropriate colour on the exterior of the building there is no reason why the new structure cannot be perceived as a relatively neutral structure in the location and a real improvement compared to the existing structures Moreover the new buildings and removal of the existing outdated buildings by enhancing the visual appearance and character of this part of Audley Avenue may help to boost economic development in Newport.

Of further material significance is that if the new building was erected over the existing building footprint, it would not be possible to achieve the desired access visibility. Highway Officers would prefer the new access and its improved visibility. In addition the proposed improvements to the mini roundabout on Audley Avenue for both parts of the site are also supported by Highway Officers. The current roundabout is flat and is generally ignored by vehicle drivers and vehicle speeds are higher than is desirable. Accordingly, the siting of the new building is considered acceptable as the new access position together with proposed mini roundabout improvements, represents an overall highway benefit and is a material consideration.

PPG13 advises on maximum parking standards for Use Class B1 developments. For Class B1 development with floor areas over 2,500sqm maximum parking provision is cited as 1 space per 30sqm gross floorspace. The proposals will provide 117 spaces (including 9 disabled which are currently not provided for and represent a benefit- see policy CS 9 of the Core Strategy) for the combined B1(c) and B2 uses and car auction. Whilst there appears to be more spaces than set out in the

somewhat limited advice given in PPG13, this is explained by the needs of the car auction use and hence there is no over provision of parking.

The annotated hatched "Lorry Turning Area" area is about 1300sqm. Highway officers consider this is adequate for the development including for any 12 car transporter that may bring cars to auction. This area should be conditioned to be kept clear at all times.

The applicants have carried out a Flood Risk Assessment. Both sites lie in Flood Zone 1 and outside the Environment Agency's floodplains where there is little or no risk from flooding associated with fluvial flooding. The site is at low risk from off-site surface run-off as there is no history of the site having been flooded by surface runoff in the past. . To ensure the development will not increase flooding risk to neighbouring properties of land, sustainable drainage should be incorporated. This approach is consistent with the objective of reducing the impact of development on the aquatic environment set out in PPS 25. Risk from rising water levels is moderate and can be further assessed as part of ground investigations.

The redevelopment of this site offers material benefits of increased and improved quality employment facilities (and relocated car auction) along with betterment in terms of highway safety, surface water runoff and in a modest way ecological enhancement and benefits for cyclists and the disabled. Planning permission has already been granted planning permission under a separate application and officers maintain the view that the proposals on the Parkland House part of the site are acceptable in policy terms.

Proposed retail on Classic Furniture site

The proposal on this part of the site is to demolish the existing assembly, storage, ancillary office and retail showroom buildings and then erect two buildings to provide 3,252sqm gross of comparison retail (restricted to bulky goods) that comprises one stand alone building (1,393sqm gross) and one building (1,858sqm gross) shown subdivided into 4 equally sized retail units (each approx 465sqm).

The owner and applicant of Mere Park submitted an objection to the Audley Avenue scheme arguing that the proposal is inconsistent with policy S9, which states that *"retail from employment areas will only be permitted where it is for small scale convenience retail (no greater than 300 sqm gross floorspace) or A3 uses aimed at satisfying the immediate day to day needs of the workforce and which are some distance (in excess of ten minutes walking) from existing facilities"*. Whilst policy S9 is part of the Development Plan, national planning policy in PPS6, published after policy S9 was adopted, represents more recent policy position on town centre uses and retailing/shopping and advises that *"local planning authorities should also consider relevant local issues and other material considerations"* when assessing retail planning applications. Whilst PPS6 does not supersede policy S9 it does represent a material position that needs to be considered.

By contrast the Mere Park application proposal does not involve the loss of employment buildings/land. The applicant considers that the site also is an existing retail site, which the applicant considers an advantage and that consolidating retail functions here is preferable to introducing retail functions within an industrial estate.

This he considers makes his site a preferable location over the Audley Avenue and hence the Audley Avenue proposal inappropriate.

Whilst PPS6 adopts a 'centre-first' approach to retail development, it also enables retail proposals outside centres to demonstrate that such proposals would be appropriate to local circumstances. PPS6 requires developers to demonstrate a qualitative and quantitative 'need' for the development; that the development is of an 'appropriate scale', that there are no more central sites (sequential approach); that there are no 'unacceptable impacts' on existing centres; and that the location is accessible. As a general rule, developments should satisfy these considerations. Consistent with this national policy, the applicant has addressed the requirements of PPS6 in relation to the out-of-centre retailing element of the proposal.

a) Need

Whilst the proposal exceeds the quantitative need for comparison retail floorspace identified in the Telford & Wrekin Retail and Leisure Study 2009 (TWRLS) update (501 – 538sqm of comparison retail floorspace up until 2011) the applicants' retail analysis demonstrates that comparison bulky goods retail would partly claw back some retail spending that is currently leaking to centres outside Newport. The TWRLS identifies that 31% of comparison bulky goods expenditure generated within the part of the study area which Newport falls within (Zone 2) is retained within the study area, with the remainder leaking to destinations outside Newport. Following further consultation with White Young Green WYG (who have provided retail advice to the Council) and Counsel, it is considered that the proposal would be likely to claw back some of the expenditure currently leaking from Newport to other centres. Therefore it is meeting a qualitative need to improve the bulky goods comparison offer in Newport and PPS6 identifies qualitative need as a material consideration. It is not easy to identify with precision the level of claw back but it is likely to be significant and bring about material sustainability benefits.

In contrast the Mere Park proposal for 500 sqm comparison retail is a much smaller proposals that would meet this capacity need identified in the TWRLS (updated April 2009) capacity of 501 – 538sqm of comparison retail floorspace up until 2011. In addition capacity based on current market shares has been identified to be approx £3.7m (up to 2014). The floorspace proposed is identified to have a comparison goods turnover of approx £2.5m and it is accepted that there is a quantitative need for the level of floor space proposed at Mere Park.

The need argument that was used as part of the reasons for refusal of the previous Audley Avenue application is now considered more marginal in the light of the claw back issue, and the fact that the scheme no longer comprises convenience goods floorspace and in the light of draft PPS4 which suggests the removal of the "need" test for applicants and which represents a significant change in the emphasis from government's approach to considering 'need'. Whilst the needs test in PPS6 is still relevant current policy to be accorded full weight, draft PPS4 does suggest that impact is an especially important consideration. There will be a degree of impact on Newport town centre of just under 3% or about 6 months trading but there will be no appreciable harm to the vitality and viability of Newport and impacts on other centres are more limited still.

However, to reduce the impact on Newport town centre, the proposal will be limited to comparison bulky goods by condition and there will be a restriction against the installation of mezzanine floors and the further subdivision of the all of the units, in particular the 4 smaller units which if made smaller would be of a size more commensurate with town centre units. Officers now consider that greater weight should be attached to the potential for claw back, as it would have a sustainable benefit by helping keep trade in Newport and be likely to reduce the length of vehicle miles travelled, meeting local need and benefitting the town's economy, which are some of the spatial development objectives of the Core Strategy and Policy CS7, as well as the principles underpinning PPS1.

The Mere Park retail proposal could also offer improved retail choice. Whilst the applicant considers a different catchment for spending should be applied and identifies that only 45% of available spending power for comparison goods within the Newport zone is retained, the Council turns to the advice by WYG, who undertook the TWRLS, who consider that the applicant has overestimated the potential market share of Newport and considers the market share to be approx 22% (within the Newport and Rural North West Zone). However, the Council would conclude and concur with the applicant that there is a qualitative need for improved retail provision in Newport in order to claw back expenditure currently directed elsewhere, and hence there is a qualitative need for both retail schemes in Newport.

b) Scale

PPS6 advises that retail development should be of a scale directly related to the role and function of the centre and catchment it is intended to serve. This is to ensure that it relates to the wider hierarchy and that it fits into that centre and complements its role and function. The level of floorspace proposed (3,252 sq m gross) is considered appropriate to the role and function of Newport Town Centre. A need has been demonstrated for the level of retail floorspace proposed by this application.

c) Sequential sites

With regards alternative more central sites on which to locate the proposed development, officers would expect the applicant to have broken down its assessment to consider those more central sites capable of accommodating the smaller constituent units of the proposal such as the 465 sqm floorspace retail units. Whilst one building is shown potentially subdivided into smaller units, the proposal is effectively for a warehouse type building. However sites 1, 4 & 5 and 7 either already have a valid planning permission granted for other uses or Council resolutions to grant other uses but are awaiting S106 agreements and are unavailable, although the Council would not object to retail uses on some of the sites should circumstances change. Site 2 is not available because it includes the Council's public car park behind Waitrose which is a town centre car park, as well as the site intended by McCarthy & Stone for residential care home (they have now submitted an application as recently as 17th July 2009) and part of site 2 does already have an outline residential permission. But in any event this site were it to be released would be preferable for convenience and general retail before considering bulky comparison goods retail (as proposed), and there have been an expression of interest in it from a national convenience retailer.

Site 3 Water Lane is in multiple land ownerships that would make land acquisition more difficult, although parts of the site are in simpler ownerships. Whilst the Council has intentions to re-develop this area for mainly residential, and there are some multiple land ownerships that could make land assembly more difficult, some retail development would be considered appropriate being close to the town centre and could well serve to kick-start regeneration of this part of Newport. But in any event this site would be locationally preferable for convenience and general retail in order to improve the town centre 'high street' offer rather than bulky comparison goods as proposed. Site 6 (Scout & Guide) would not be big enough to take even a disaggregated part of the proposal when servicing requirements etc are taken into account. The site is within a residential area where there would be issues of amenity and the loss of a community facility, both of which are material issues. Hence officers consider that even with disaggregation of the retail proposal, there are no sequentially preferable sites in appropriate locations that could accommodate bulky goods comparison retail floorspace.

The Mere Park application has done a sequential search on sites capable of accommodating a 700sqm sized retail unit (to take account of some servicing) within a 300m distance of the Primary Shopping frontage in Newport town centre. The latest advice from WYG advises that the 300 sqm café use should also be subject to a sequential search for sites, as cafes are considered a town centre use. This assessment has not been undertaken by the applicant. The Mere Park sequential test takes a study area extending 300m from the primary shopping frontage (shown on the Wrekin Local Plan Proposals Map) which would include what are generally defined as "edge-of-centre" sites as they would generally be within walking of the primary shopping area. The applicant has then dismissed sites beyond this area considering them all "sequentially equal" as they would be defined as "out-of-centre" in retail planning terms and has deemed them unsuitable, unavailable or unavailable to accommodate the proposed development, and concludes that the "out-of-town" site at Mere Park is locationally preferable.

Officers consider that the location of the site at Mere Park Garden Centre is "out-of-town" (as PPS6 defines out-of-town sites as those being "outside the existing urban area") and with its distance from Newport town centre, its location outside the built up area of Newport and beyond the A41(T) together with poor pedestrian linkages would be inferior to edge-of-centre sites and out-of-centre sites, such as Audley Avenue. The Council considers that out-of-centre sites should be considered before further out-of-town sites. The Audley Avenue application site is beyond the 300m edge-of-centre range in an out-of-centre location, but still lies within the built up area of Newport and within the physical boundary of the A41(T) and hence is sequentially locationally preferable. Whilst the two sites may be located relatively equidistant from the town centre, in PPS6 terms Audley Avenue is considered out-of-centre whereas Mere Park is considered out-of-town and locationally less preferable.

d) Access

Whilst Audley Avenue site is located within the built up area of Newport there is no bus service directly past the site and the nearest bus stop is at the far end of Audley Avenue with the junction with Granville Ave, which is approx 800m (about a 10 minute walk), and this is a negative factor for accessibility to Audley Avenue. Due to bollards along Audley Avenue (erected to stop HGV's to the industrial estate cutting

down through the residential roads) motorists cannot drive directly from the town centre along Audley Avenue – they must exit Newport by other roads and come round on the by-pass (A518), probably passing the Mere Park Garden Centre site. Whilst there are no known end users of the retail units proposed at Audley Avenue, it is likely however that some retailers would also operate a delivery van service to customers' homes to help encourage those customers who walk or cycle.

In contrast Mere park benefits from a regular bus service No.481 (that runs between Newport and Stafford) that passes immediately adjacent to the Mere Park site with bus stops on the A518 within 50m of the access to the Garden Centre. The applicant advises that he operates an unofficial 'Park & Ride' bus scheme whereby he has an arrangement with the bus company that visitors who park at the Garden Centre can travel free into Newport town centre on the bus between 9.30am and 3.30pm to ensure links to the town centre and encourage environmentally friendly transport. Mere Park also operates a delivery van service to customers' homes to help encourage those customers who walk or cycle. The proximity of a bus service to and from Newport town centre past the Mere Park site, as well as the free 'park & ride' type link during off-peak hours that the applicant has arranged is a significant and sustainable factor, which does help off-set the 'out-of-town' location of the site.

However, the Audley Avenue site is better accessed on foot and by bike than the Mere Park site. Cyclists and pedestrians can use the quieter residential approach streets and Audley Avenue itself, and walk along pavements all the way from the centre of Newport to the site, without needing to cross or pass along the A518 and A41(T).

For pedestrians and cyclists getting to Mere Park is not so easy. They would need to negotiate and cross the A518 and A41(T) roads whichever entrance to Mere Park they used and in some instances would need to negotiate the roundabout at the end of Stafford Road that junctions with the A518 and A41(T). For pedestrians, once at the end of Audley Avenue or Stafford Street, there are no footpaths to Mere Park - only grass highway verges along these heavily trafficked roads.

However, both sites would probably attract a fair share of car borne customers and generally for the purchase of "bulky goods" bus travel may not always be the most appropriate means to travel to such a site for the purchase of large goods.

In considering accessibility to the site, it is important to note that PPS6 states that in assessing new development, local planning authorities should consider whether the proposal would have an impact on the overall distance travelled. With the single comparison retail unit proposed at Mere Park, it is unlikely that customers would not travel elsewhere for comparison goods. Hence officers do not consider that this retail proposal, set amongst a Garden Centre with retail units restricted to selling garden, outdoor and farm shop products, would significantly reduce the need for local residents to travel elsewhere. In contrast, the Audley Avenue proposal will help reduce the need for local residents to travel significant distances for comparison bulky retail goods to competing facilities elsewhere (such as in Telford) and will therefore reduce the overall distance travelled.

e) Impact

It is also significant to note that draft Planning Policy Statement 4 'Planning for Prosperous Economies' has recently been published for consultation. In this respect, in terms of 'decision-making policies', the biggest change promoted by PPS4 is that there will be no requirement for the applicant to demonstrate 'need' for main town centre uses. Instead, the new guidance requires applicants to provide evidence on the sequential approach and the impact of the proposed development.

Although PPS4 is not yet adopted planning policy, the proposed changes in national planning policy is an important consideration given the clear change in emphasis from the Government in considering need for planning applications. Indeed, the proposed removal of the needs test has already been through consultation following the publication of Draft PPS6 in 2008. Although the Government are now seeking to combine a number of national planning statements and policies as part of the new PPS4 rather than proceeding with a new PPS6, the fact that the Government continue to propose to remove the needs test following previous consultation on this issue, suggests that some weight should be given to this significant change in policy. PPS6 advises 'The identification of need does not necessarily indicate that there will be no negative impact.' Even if 'need' and the 'sequential test' are satisfied, the proposed development could still be refused if there are reasonable grounds to suggest that it would materially harm the vitality and viability of any defined centre nearby.

The proposed retail aspect of this application and the qualitative need for comparison retail will have a more limited impact on Newport town centre than the convenience and comparison retail application previously refused as the retail is now for bulky goods comparison retail. To mitigate against further impact to the town centre, planning conditions should be imposed to limit the retail part of the proposal to "bulky goods only comparison retail" and restrict subdivisions of any of the retail units from that shown on the submitted plans.

At Mere Park unrestricted comparison retail is proposed, albeit on a much smaller floorspace than any of the retail proposals at Audley Avenue, so in some ways there would be less impact on Newport town centre. The applicant considers that the existing operation of the Mere Park Garden Centre and its various retail units has not adversely impacted on Newport town centre. Officers would contend that this may well be due to the fact that the various units at Mere Park have restrictions on the goods that can be sold, and are all restricted to garden related products, farm shop products and outdoor pursuit/camping goods only, and that there are no general or comparison retail units currently operating from the site to compete or take trade from the town centre. To this end officers will be recommending that the range of goods sold from the Mere Park retail unit should also be restricted, but to those typically sold from garden centres/farm shop as is the case for the other retail units at the Garden Centre, as well as similar restrictions to limit further subdivision or expansion of the retail floorspace of the unit.

f) Other material considerations

The proposed retail development will involve the loss of employment floorspace from the Classic Furniture part of the site, which the Mere park application will not. Development Plan policy CS6 states that "*the amount of available employment land within the borough will be increased, in order to provide new local employment*

opportunities". This wording came directly from the independent Planning Inspector's Report into the Core Strategy DPD (paragraph 3.57), which required reference to be made to "*the strategic intention to improve the employment base of Newport by the allocation of land and by other means.*" This related to the existing high level of out-commuting from Newport, and the balance between housing and employment required by Development Plan policy on market towns (RR3). Whilst there is no quantum identified in policy CS6, specific employment policies for Newport may come forward as part of future DPD's.

In addition, there is some 3.5 hectares of employment land south of Audley Avenue that is allocated for employment development, although there has been no take up of land here. In addition, the Council has indicated its intention to further increase employment land provision in Newport (Land Allocations Preferred Options Report, September 2005). The proposed development will involve a net increase of some 2,000sqm in employment floorspace in the form of improved quality and quantity of new modern building/units, which will enhanced the appearance of the area and may well serve to boost economic activity here. Further, by relocating the car auction unit to the new improved facilities, a local business continues to operate.

The applicant states that Classic Furniture currently employs 40 people and the car auction an average of 5 – the rest of Parkland House is vacant. Based on accepted methodology for calculating employment, the applicant advises that the Parkland House site could employ some 92 people in units 1-7 (based on 1 person per 32 sqm gross) and that the comparison retail could employ 38 people (based on 1 person per 90 sqm gross). Even if Classic Furniture relocated to a unit within the redeveloped site, which the applicant states is an option, there could still be an increase in over 40 jobs created. Whilst job creation from retail uses should not be considered an important criterion upon which to judge retail proposals officers consider that both the Audley Avenue and Mere Park applications will see a potential increase in jobs.

With no current take up of the identified employment site, the Council's intention to further increase employment floorspace and the current downturn in the economic climate, officers consider that in this instance at this current time the opportunity to provide "new local employment opportunities" with a net increase in the quality and quantity of employment floorspace at the Parkland House part of the site are material considerations that officers consider help off-set the loss of employment from the Classic Furniture part of the application site.

In respect of policy E4, the proposal is likely to employ more than five people and is located on previously-developed land (brownfield site) and therefore poses no policy conflict in that regard.

CONCLUSION:

Whilst there is limited 'quantitative' need for comparison retail in Newport, there is a 'qualitative' need for comparison retail and with its scope to help claw back some retail spending that is currently directed to competing centres elsewhere outside the Newport area and the resulting sustainable benefits, officers consider this is a significant material consideration. Whilst there are more central sites in the town that could accommodate the smaller units of bulky goods comparison retail, not all of

these are available or of sufficient size to accommodate the proposals even in their disaggregated form and some may be better suited for non-bulky comparison or convenience goods retail and hence there are no sequentially preferable sites in appropriate locations. The proposed retail development, which is for a restricted range of goods means that the proposal will have a more limited impact on Newport town centre than the convenience and comparison retail application previously refused as the retail is now for bulky goods comparison retail. To mitigate against further impact, planning conditions should be imposed to limit the retail part of the proposal to "bulky goods only comparison retail" and restrict subdivisions of any of the retail units from that shown on the submitted plans. In addition, the provisions of improved quality employment facilities and the net increase of quantity of new and modern employment floorspace at Parkland House accords with the aims of enhancing the employment opportunities within Newport, and together with the 3.5ha of allocated employment land that is still available and the Council's intention to further increase employment land provision in Newport and are material considerations that will serve to off set the loss of employment floorspace from the Classic Furniture part of the site. There are also the other benefits referred to earlier in this report including the highway improvements to Audley Avenue and users of the industrial park in general with proposed improvements to the mini roundabout and the revised access to Parkland House with improved visibility.

Therefore whilst Section 38 of the 2004 Planning Act requires development to be in accordance with the Development Plan, officers consider that there are material considerations in this instance that serve to justify the development even with some conflict with policy S9 of the Wrekin Local Plan. The application has been advertised as a departure.

RECOMMENDATION: to GRANT OUTLINE PLANNING PERMISSION subject to the following conditions, and any other conditions officers subsequently deem necessary:

1. A1 - Submission of Reserved Matters
2. A8 - Commencement of development
3. B10 - Standard Outline
4. B11 - General details required
5. B15 - Samples of materials
6. B34 – Mud on road during construction
7. B44d – Land contamination
8. B50 – Sustainable Foul and surface water drainage
9. C2 – Tree protection during construction
10. B30 – Road Design
- 11 non standard - Travel Plan
12. C86 – Access/parking area formed before use
13. non standard – Hatched turning area kept free
14. non standard – detail of all boundary treatments
15. non standard - Retail units 1-4 shall not be subdivided into units of less than 465sqm.
16. non standard - Retail unit 5 shall not be subdivided into smaller units.

17. non standard - Remove permitted development for any internal mezzanine floor in any unit.
18. non standard - 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; Electrical Goods; Pet Food and Products; and Office Equipment.
19. D138 - Business units 1-7 for Class B1(c) and B2 uses only.
20. D142 – Open storage restriction outside business units 1-7.
21. non standard – bat boxes
22. non standard – timing of demolition in relation to bats

REASON FOR APPROVAL:

The principle of redeveloping the existing employment facilities at the Parkland House site to provide improved quality and increased new and modern employment floorspace has already been established by the granting of a full planning permission W2008/0886 and accords with the aims of enhancing the employment opportunities within Newport [see policy CS6 of the Core Strategy].

Whilst there is limited quantitative need for comparison retail in Newport, there is a qualitative need for comparison retail and with its scope to claw back trade leaking out of the town, which brings sustainable benefits that underlies the Core Strategy, the qualitative need for bulky goods comparison retail will have a limited impact on Newport town centre of less than 3% and the vitality and viability of Newport and other centres will not be materially harmed. The net increase in new improved employment floorspace and facilities at Parkland House will serve to off set the loss of employment from the Classic Furniture part of the site.

Section 38 of the 2004 Planning Act requires development to be in accordance with the Development Plan. The proposal is contrary to policy S9 of the Wrekin Local Plan. However there are material benefits to the proposals particularly the absence of material harm to any town or local centre, likely reduction in car miles travelled, the clawing back of trade lost to outside Newport thereby meeting the need that Newport has for the bulky goods aspect of the comparison goods need for floorspace, as well as the more limited benefits in terms of highway safety, surface water runoff, ecological benefits disabled provision. It is therefore considered that there are material considerations in this instance that serve to justify the development, notwithstanding that there is some policy conflict.

Notes

Agenda Type : A

W2009/0506 Erection of 4 replacement free standing signs measuring 1200mm by 500mm

Lawley Common Roundabout, Lawley Drive, Lawley, Telford, Shropshire.

Recommendation Code: ADG

Ward: Horsehay & Lightmoor

APPLICANT:

Telford & Wrekin Council

RECEIVED ON:

24/06/09

PARISH

Lawley & Overdale

WARD

Horsehay & Lightmoor

CASE OFFICER:

Andrew Mackriell

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Highway/public safety and visual amenity.

THE PROPOSALS:

It is proposed to display four non-illuminated advertisement signs on the central island of the roundabout.

SITE AND SURROUNDING AREA:

The roundabout is situated in an urban area.

PLANNING POLICY CONTEXT:

Wrekin Local Plan 'saved' Policy S31: Shopfronts, Advertisements and Hoardings.

CONSULTATION RESPONSES:

The Council's Highways Officer has not reported on this application to date and any recommendations will be reported to Plans Board in an update.

Lawley & Overdale Parish Council object to the proposals on the grounds that the signs pose a distraction to motorists and therefore pose a safety issue.

PLANNING CONSIDERATIONS:

The proposed signs would be 1200mm across with a total height of 900mm, and this size has been agreed with the Council's Highways Officer as an acceptable size which would not detract from highway safety.

Similar sized signs to promote local businesses, are already a feature on many roundabouts in Telford as part of the Telford & Wrekin Community Sponsorship scheme.

The four proposed signs are to replace the existing advertisements on the roundabout and would not result in an unacceptable amount of visual clutter. The proposed signs are therefore considered acceptable in this urban location and would not detract from the amenity and character of the surrounding area.

RECOMMENDATION: GRANT ADVERTISEMENT CONSENT subject to the following conditions:

- 1-5. Standard advertisement consent conditions
6. Signs to be set back a minimum distance of 500mm from the carriageway edge.
7. Total height of signs not to exceed 900mm
8. Details of the content of the signs to include lettering/font size shall be submitted to and approved in writing by the Local Planning Authority before the sponsor's advertisement is displayed.

Notes

Agenda Type : A

W2009/0528 Erection of a single storey extension and canopy to existing school building

Priorslee Primary School, Priorslee Avenue, Priorslee, Telford, Shropshire.

Recommendation Code: FG

Ward: Priorslee

APPLICANT:

Telford & Wrekin Council

RECEIVED ON:

01/07/09

PARISH

St. Georges & Priorslee

WARD

Priorslee

CASE OFFICER:

Andrew Mackriell

THIS APPLICATION WAS DEFERRED BY PLANS BOARD ON THE 22 JULY 2009 IN ORDER FOR CONSULTATIONS TO BE CONFIRMED.

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Design and appearance of the additions and likely impact on the amenities of the surrounding area.

THE PROPOSALS:

The application is for a single storey extension to part of the school main building and also the installation of a glazed canopy. The proposed extension is for general purpose use and is required due to internal reorganisation of administrative accommodation within the school.

SITE AND SURROUNDING AREA:

The school is situated adjoining a predominantly residential area, close to the local district centre of Priorslee. The school site is generally on a lower ground level than the surrounding development and the main road.

PLANNING POLICY CONTEXT:

LDF Core Strategy DPD Policy CS15 Urban Design

Wrekin Local Plan 'saved' Policy UD2

CONSULTATION RESPONSES:

This application has been brought to Plans Board early to enable work to commence during the school holiday, if the application is approved.

St Georges & Priorslee Parish Council and also the adjoining Priorslee Community Centre were both consulted originally, and no comments have been received.

PLANNING CONSIDERATIONS:

The single storey extension would be built on a small area of incidental grass adjoining the main school building and would not result in loss of play areas. The extension will be finished with brickwork and tiles to match the existing building therefore the appearance would be satisfactory.

The proposed external canopy will cover part of the small courtyard area created by the new extension. The canopy will feature a curved roof and the metal framework would be powder coat finished to match existing metalwork on the school building. The school site is largely screened from the surrounding area by verdant landscaping and a mature hedge adjoins the boundary with Priorslee Avenue. In addition, the main school building is situated on a lower land level relative to the surrounding area therefore the proposed extension and canopy would not be visually intrusive and would have little impact on the street scene.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 Standard time limit.
2. C68 External materials to match existing building

REASONS FOR APPROVAL:

The proposed extension and canopy represent relatively minor additions to the main school building which would be of a satisfactory design and appearance and would not have a significant detrimental impact on the street scene or the amenities of the surrounding area.

Notes