

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 12 August, 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

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

**ALSO PRESENT:** Adrian Fox (Retail Planning Consultant – White Young Green) for planning applications W2008/1308 and W2009/0313.

#### **PB-23        MINUTES**

**RESOLVED** – that the minutes of the Plans Board held on 22<sup>nd</sup> July, 2009 be confirmed and signed by the Chairman.

#### **PB-24        APOLOGIES FOR ABSENCE**

None.

#### **PB-25        DECLARATIONS OF INTEREST**

None.

#### **PB-26        PLANNING APPLICATIONS FOR DETERMINATION**

W2008/1308 - Land at, Mere Park Garden Centre, Stafford Road, Newport, Shropshire and W2009/0312 – Parkland House & Classic Furniture, Audley Avenue, Newport, Shropshire

These two applications were presented together. In considering them Members were referred to the Board's resolution at its meeting on 1<sup>st</sup> July 2009 to grant delegated authority to the Head of Planning & Environment to grant outline planning permission for a mixed retail/employment application at the Classic Furniture/Parkland House site on Audley Avenue (W2009/0312), subject to conditions and to there being no new issues raised during the departure consultation period. The Mere Park applicant had submitted a letter of objection to W2009/0312 and, subsequently, had submitted a letter during the departure period advising of his intention to take the Council to Judicial Review on the basis that it had acted unfairly and unlawfully in determining the application before his own retail application, which had been submitted first and that in doing so the Council had prejudiced the success of his application and that in resolving to grant planning permission for Audley Avenue the Board had not been advised by officers of his retail planning application for the Mere Park Garden Centre. Therefore, he had requested that the decision on the Audley Avenue application (W2009/0312) should not be issued and that both application W2008/1308 and application W2009/0312, together with any other relevant applications, should be taken to the same meeting of the Plans Board so that Members could make fully informed decisions.

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In order to facilitate the consideration of the two applications together both applications were brought before Members on the same agenda.

The officer report for Mere Park (W2008/1308) and the revised report for Audley Avenue (W2009/0312) had both been written to cross reference the issues between them. The officer presentation was also made on this basis as was the subsequent Member discussion and determination of both applications.

The Mere Park planning application was a full application for comparison retail (932 sq.m.) with café (500 sq.m.) with storage/administration and a covered walkway at the Mere Park Garden Centre located north-east of Newport adjacent to the junction with the A41(T) and A518. It had been submitted in October 2008. The Audley Avenue application had been a revised resubmission of W2008/0885 (that was submitted in June 2008 and refused by officers in November 2008). Therefore, it had been dealt with more quickly as not all of the issues needed to be revisited. 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 element, he would withdraw the appeal and Public Inquiry, scheduled for 2<sup>nd</sup> September 2009 in respect of W2008/0885. Officers had acknowledged that there had been some delay in bringing the Mere Park application to decision but refuted that this had been done to favour the Audley Avenue application. Members' attention was brought to the other impending retail applications at Mere Park, as set out in the report, and which the applicant had agreed did not require consideration at this point in time.

The Audley Avenue application was for outline permission, including access, landscaping, layout and scale, for a mixed retail/employment development involving the erection of buildings for comparison retail (3,252 sq.m. gross) on the Classic Furniture part of the site and erection of a building to provide industrial/employment floorspace (3,344 sq.m. gross) on the 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.

Mere Park Garden Centre lay outside of the built-up area of Newport, as shown on the Wrekin Local Plan proposals map and, therefore, was considered to be an "out-of-town" location in retail planning terms. Retail advice contained in national guidance PPS6 sought to promote the vitality and viability of town centres and adopted a 'centre-first' approach to retail development by seeking to focus development in existing centres. PPS6 also required retail proposals outside centres to demonstrate that such proposals would be appropriate to local circumstances. By contrast the Audley Avenue site lay within the built-up area of Newport and within an existing employment/industrial estate and was considered to represent an "out-of-centre" location in retail planning terms. Both sites were considered equidistant from the town centre.

The report attached to the agenda set out in detail for both applications the planning considerations in respect of need, scale, sequential sites, access, and impact together with other material considerations. In addition there were updated reports for both applications which included information from the Mere Park applicant relating to suggested planning conditions from the applicant (and officers) and the free bus service that the applicant provided.

With regard to need, the Telford & Wrekin Retail Leisure Study (TWRLS) commissioned from White Young Green (Consultants) had identified a capacity need of 501–538sqm of comparison retail floorspace up until 2011, which the Mere Park proposal for 500 sqm comparison retail would meet. Whilst PPS6 placed greater weight on the quantitative need of a retail development, it also required Local Planning Authorities to take into account the qualitative need for retail development, which both the Mere Park and the Audley Avenue retail proposals would meet by providing the new modern retail floor space that was currently lacking in Newport. The TWRLS had also identified that some shopping expenditure was being directed elsewhere and that there was scope to improve Newport's share of the market facilities by improving the retail facilities on offer, which had been a material consideration when assessing the Audley Avenue application for bulky good comparison retail goods. Whilst that proposal had exceeded the identified quantitative need for comparison retail floorspace, the Audley Avenue applicant had submitted evidence to show that such bulky goods retail would help claw back some spending currently being directed to competing centres elsewhere outside the Newport area. However there would be no need for the Mere Park scheme given there were sequentially preferable sites in locations that were not out-of-town, such as Audley Avenue.

As required by PPS6 the Mere Park applicant had taken a sequential approach by considering a number of alternative sites, some of which had also been considered by the Audley Avenue applicant, details of which were set out in the report. However, having undertaken a sequential test, as described in the report, the applicant had concluded that the "out-of-town" site at Mere Park was the only available, suitable and viable site to accommodate the type of development he proposed and was sequentially equal to all out-of-centre sites. On further analysis of the sequential sites, officers observed that, if realistic walking routes were taken into account, then some of the applicant's sites would be beyond the 300m distance and hence would be classed as out-of-centre sites. Therefore the applicant had considered some out-of-centre sites.

However, Mere Park Garden Centre's location outside the built-up area 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 also considered that, as out-of-town locations were not referred to in the PPS6 order of sequential sites they were not usually considered appropriate and out-of-centre sites should be considered before allowing further out-of-town sites to come forward. Whilst the Audley Avenue and Mere Park sites were located relatively equidistant from the town centre, in PPS6 terms one site was considered out-of-centre (Audley Avenue) whereas the other was

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considered out-of-town (Mere Park) and it was considered that the Audley Avenue site was sequentially preferable to the Mere Park site in terms of accommodating further retail floorspace, subject to the relevant tests of need and impact. The applicant had questioned the Council's approach to the sequential test and whether the right approach had been applied, whether out-of-centre sites should be sequentially equal to out-of-town sites and whether out-of-town was better. Even if the Council was wrong about the nature of the sequential test, officers were of the view that the balance lay in favour of Audley Avenue for the reasons set out in the reports and reiterated by the officer's presentation and included below (and the need argument mentioned previously).

With regard to access, the Mere Park applicant considered the site to be more accessible by modes of transport given its location adjacent to the A41(T) and the A518 and on a regular bus service between Newport and Stafford. In addition, the applicant provided an unofficial 'Park & Ride' bus scheme and delivery van service to customers' homes to encourage those that wished to walk or cycle to the Garden Centre. Whilst these were material factors in terms of helping to provide a sustainable facility and to off-set the 'out-of-town' location of the site, access to the site for pedestrians and cyclists was not easy. Whilst there was a footpath from Stafford Street and a refuge on the A41(T), cyclists and pedestrians would need to negotiate and cross either the A518 and A41(T) roads and, in some instances, would also need to negotiate the roundabout at the end of Stafford Road.

In comparison, there was no bus service directly past the Audley Avenue site, which reduced its accessibility by public transport and the existence of bollards meant that there was no direct route for motorists from the town centre. Whilst there were no known end users of the retail units proposed at Audley Avenue, it was likely that some retailers would also operate a delivery van service to customers' homes to help encourage those customers who walked or cycled. However, both sites would probably attract a fair share of car borne customers and, generally, for the purchase of "bulky goods" bus travel might not always be the most appropriate means of travel. The Audley Avenue site was, however, better and more safely accessed on foot and by bike than was the Mere Park site for both customer and employees. Cyclists and pedestrians could use the quieter residential approach streets and Audley Avenue itself to reach the site from the town centre with no need to cross or pass along the A518 and A41(T). In considering accessibility to the site, it was important to note that PPS6 stated 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 considered it unlikely that customers would not travel elsewhere for comparison goods thus not significantly reducing the overall need for local residents to travel. In contrast, the Audley Avenue proposal would help to reduce the need for local residents to travel significant distances for comparison bulky retail goods to competing facilities elsewhere, such as Telford, and would, therefore, reduce the overall distance travelled.

The Council accepted that there was a lack of larger retail units within Newport and that a significant level of comparison goods expenditure generated in the local area was currently being directed to competing facilities elsewhere. However, in considering the potential impact of the proposal on the town centre, the retail consultants considered that the level of impact had been understated by the applicant, due to his estimated turnover of the town centre being overstated at £60m. Consequently, this lower turnover would mean that the potential impact on the town centre would be higher than that identified by the applicant. Some garden centres were mainly retail, as was Mere Park, as they did not operate a horticultural element by growing their own plant stock on site. Local Plan Policy S5 served to acknowledge that garden centres were generally different retailing entities and allowed some retail provision in a location that otherwise would be contrary to policy, but there was no green light in Policy S5 for general retail. As the other existing retail units at Mere Park were currently restricted to selling only garden centre, farm shop or outdoor camping equipment type products, officers considered that this served to retain some connection and compatibility between the units and the Garden Centre as a whole and limited the impact on Newport town centre.

The applicant considered that the existing operation of the Mere Park Garden Centre and its various retail units had not adversely impacted on Newport town centre. However, officers contended that this may well be due to the fact that these units had conditions limiting the goods that could be sold and there were no general or comparison retail units currently operating from the site to compete or take trade from the town centre. Similar concerns had been expressed that the Audley Avenue application would impact on the town centre but this would be mitigated by the imposition of appropriate planning conditions, as described in the report. Officers considered that unrestricted comparison goods retail consent in an 'out-of-town' location such as the Mere Park Garden Centre complex, was likely to compete with existing businesses within the town centre and would undermine its continued vitality and viability. As with the Audley Avenue site, the range of goods that could be sold should be restricted in order to off-set the potential impact on Newport town centre and 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 restriction would ensure that the retail unit complemented the town centre retail provision, not competed with it and did not create effectively an 'out-of-town' retail park. Without a goods condition restricting sales to garden centre type products officers considered that the retail unit should be refused but the applicant did not want such a restriction, although he was prepared not to sell certain items, details of which were tabled at the meeting. Officers considered that the applicant's suggested condition would allow a wide range of goods to be sold that would adversely impact on Newport town centre.

One significant difference between the Mere Park and the Audley Avenue applications was that the Mere Park proposal did not involve the loss of employment buildings/land. The Mere park applicant considered that, as the Audley Avenue site was within an existing industrial estate and would involve the loss of employment land, it was an inappropriate location for retail

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development while the Mere Park site was within an existing retail site. In previously considering the suitability of the Audley Avenue site for retail, officers and Members had weighed up the loss of employment land within the material considerations of the relevant employment benefits of new improved quality employment floorspace together with the Council's indicated intention to further increase employment land provision in Newport and the 3.5ha. allocated employment site on which there had been no take-up for almost a decade. In addition, the other material considerations, such as the proposed highway and access improvements to Audley Avenue and the overall reduction in travel (itself a sustainability aim of the Core Strategy), would 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 would see a potential increase in jobs.

In conclusion, officers considered that whilst there was a quantitative and qualitative need for such a comparison unit in isolation, the identified need could be met by the Audley Avenue application hence there was no need for the Mere Park proposal especially in this out-of-town location. In addition, they considered that there were locationally preferable sites within the built up area of Newport for comparison retail, including the Audley Avenue site. The Mere Park proposal would not serve to reduce the need to travel significantly or at all and, whilst the site might be located on a bus route that served the town centre, this was unlikely to attract significant numbers of people and the A41 (T) served as a barrier to pedestrians and cyclists, both customers and workers, who had to cross it. Officers also considered that a retail unit in an 'out-of-town' location selling unrestricted or limited comparison goods would have an adverse impact on Newport town centre. Without restrictions on the range of goods that could be sold, a precedent would be set and an 'out-of-town' retail park may develop with a resulting adverse impact on Newport town centre. Whilst this could be mitigated against and brought into line with the retail nature of a garden centre complex by imposing planning conditions to limit the range of goods sold to those typically sold at a garden centre, as had been done with the other retail units at Mere Park, the applicant was unwilling to accept such a restriction.

In order to provide the Board with all relevant information in coming to a decision, officers had drawn up a condition which could be imposed so as to make any planning permission acceptable by ensuring that the retail proposal did not adversely impact upon Newport Town Centre and which had been imposed on some of the existing retail units at Mere Park. The officers' condition was tabled at the meeting. Also tabled at the meeting were details of the type of goods the applicant would agree not to sell. In officers' opinion this was not restrictive enough and so was not considered to be acceptable by officers.

In discussing the application some Members expressed concern at the impact that it could have upon retail in Newport Town Centre, the potential for Mere Park to develop into a retail park and issues with enforcement of any goods conditions. However, other Members were of the view that approval would

not have such a detrimental impact upon Newport Town Centre and could serve to attract customers from surrounding areas such as Gnosall.

The Council's Solicitor drew Members' attention to the proposed condition, which officers thought could be imposed so as to make the planning application acceptable. He asked the Board to consider whether it thought this condition to be reasonable and said that the applicant might question its reasonableness bearing in mind that the application did not mention any such restrictions. He advised the Board that, if it considered that the imposition of the proposed condition would make the proposal not worth pursuing, for example because it would be unreasonably restrictive so as to make the proposal not viable, then it should not impose the condition. That would mean that the Board could approve the officers' recommendation to refuse or approve the application without the condition. Alternatively, if they thought the condition was reasonable and appropriate, they could approve the permission with that condition. Adrian Fox of White Young Green also explained that the conditions would be complementary to the existing conditions on Mere Park and together they would provide good control over future use. If approval of an open A1(non-food) retail use were to be approved, that would set a precedent and would compete with the Newport Town Centre and it was for this reason that the Audley Avenue application would be subject to restrictive conditions on the type of goods that could be sold and why the impact upon Newport town centre would be lessened if the Mere Park application was approved subject to the officers' proposed conditions restricting goods to those typically sold at a Garden Centre.

Members determined that the officers' suggested condition tabled at the meeting restricting the types of goods to be sold was reasonable and appropriate to apply this proposal in all the circumstances.

On being put to the vote the recommendation for refusal, as set out in the report, was not approved. The Chairman then proposed, seconded by Councillor M.J. Smith, that application W2008/1308 be approved subject to appropriate conditions and to the proposed condition relating to the types of goods that could be sold, as tabled. On being put to the vote, this was unanimously agreed.

**RESOLVED:**

- (a) **that with respect to planning application W2008/1308 (Mere Park) delegated authority be granted to the Head of Planning & Environment to grant planning permission subject to appropriate conditions and to the condition restricting the type of goods to be sold to garden centre type goods.**

**Reason for Approval**

**The retail unit hereby approved at this existing out-of-town garden centre (allowed under Wrekin Local Plan policy S5) outside the urban area of Newport shall be restricted to sell goods associated**

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with garden centres (along with the other retail units at Mere Park that have permission and are restricted to sell garden centre/farm shop products and one unit restricted to only sell outdoor camping/walling equipment) to ensure that the retail proposal will not adversely impact on the vitality and viability of Newport town centre. The single storey building is of an appropriate design, character and appearance that will complement the other single storey buildings on the site in this semi-rural site beyond the built up area of Newport.

(b) that with respect to planning application W2009/0312 outline planning permission be granted subject to the conditions, as set out in the report, and to any other conditions officers subsequently deemed necessary.

(b) W2009/0506 - Lawley Common Roundabout, Lawley Drive, Lawley, Telford, Shropshire

This application by Telford & Wrekin Council sought advertisement consent to display four non-illuminated advertisement signs on the central island of the roundabout. The proposed signs would be 1200mm across with a total height of 900mm, which the Council's Highways Officer had agreed as being acceptable as they would not detract from highway safety.

The Council's Highways Officer had not reported on this application to date and any recommendations would be reported to the Plans Board in an update. Lawley & Overdale Parish Council had submitted an objection to the proposals on the grounds that the signs would be a distraction to motorists and, therefore, posed a safety issue.

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

**RESOLVED – that with respect to planning application W2009/0506 advertisement consent be granted subject to the conditions as set out in the report.**

(c) W2009/0528 - Priorslee Primary School, Priorslee Avenue, Priorslee, Telford, Shropshire

The application by Telford & Wrekin Council was for a single storey extension to part of the school main building for general purpose use following internal reorganisation of the administrative accommodation within the school, together with the installation of a glazed canopy. Determination of the application had been deferred at meeting of the Board held on 22<sup>nd</sup> July, 2009 to allow for consultation responses to be confirmed.

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

The proposed external canopy would cover part of the small courtyard area created by the new extension and would feature a curved roof with the metal framework having a powder coated finish to match existing metalwork on the school building. Given the siting of the main school building on a lower land level relative to the surrounding area, the proposed extension and canopy would not be visually intrusive and would have little impact on the street scene.

**RESOLVED** – that with respect to planning application W2009/0528 planning permission be granted subject to the conditions as set out in the report.

**PB-27        SITE VISITS**

None.

**PB-28        PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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

The meeting ended at 6.48 p.m.

**Chairman:** .....

**Date:** .....

## **PLANS BOARD**

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With regard to access, the Mere Park applicant considered the site to be more accessible by modes of transport given its location adjacent to the A41(T) and the A518 and on a regular bus service between Newport and Stafford. In addition, the applicant provided an unofficial 'Park & Ride' bus scheme and delivery van service to customers' homes to encourage those that wished to walk or cycle to the Garden Centre. Whilst these were material factors in terms of helping to provide a sustainable facility and to off-set the 'out-of-town' location of the site, access to the site for pedestrians and cyclists was not easy. Whilst there was a footpath from Stafford Street and a refuge on the A41(T), cyclists and pedestrians would need to negotiate and cross either the A518 and A41(T) roads and, in some instances, would also need to negotiate the roundabout at the end of Stafford Road.

In comparison, there was no bus service directly past the Audley Avenue site, which reduced its accessibility by public transport and the existence of bollards meant that there was no direct route for motorists from the town centre. Whilst there were no known end users of the retail units proposed at Audley Avenue, it was likely that some retailers would also operate a delivery van service to customers' homes to help encourage those customers who walked or cycled. However, both sites would probably attract a fair share of car borne customers and, generally, for the purchase of "bulky goods" bus travel might not always be the most appropriate means of travel. The Audley Avenue site was, however, better and more safely accessed on foot and by bike than was the Mere Park site for both customer and employees. Cyclists and pedestrians could use the quieter residential approach streets and Audley Avenue itself to reach the site from the town centre with no need to cross or pass along the A518 and A41(T). In considering accessibility to the site, it was important to note that PPS6 stated 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 considered it unlikely that customers would not travel elsewhere for comparison goods thus not significantly reducing the overall need for local residents to travel. In contrast, the Audley Avenue proposal would help to reduce the need for local residents to travel significant distances for comparison bulky retail goods to competing facilities elsewhere, such as Telford, and would, therefore, reduce the overall distance travelled.

The Council accepted that there was a lack of larger retail units within Newport and that a significant level of comparison goods expenditure generated in the local area was currently being directed to competing facilities elsewhere. However, in considering the potential impact of the proposal on the town centre, the retail consultants considered that the level of impact had been understated by the applicant, due to his estimated turnover of the town centre being overstated at £60m. Consequently, this lower turnover would mean that the potential impact on the town centre would be higher than that identified by the applicant. Some garden centres were mainly retail, as was Mere Park, as they did not operate a horticultural element by growing their own plant stock on site. Local Plan Policy S5 served to acknowledge that garden centres were generally different retailing entities and allowed some retail provision in a location that otherwise would be contrary to policy, but there was no green light in Policy S5 for general retail. As the other existing retail units at Mere Park were currently restricted to selling only garden centre, farm shop or outdoor camping equipment type products, officers considered that this served to retain some connection and compatibility between the units and the Garden Centre as a whole and limited the impact on Newport town centre.

The applicant considered that the existing operation of the Mere Park Garden Centre and its various retail units had not adversely impacted on Newport town centre. However, officers contended that this may well be due to the fact that these units had conditions limiting the goods that could be sold and there were no general or comparison retail units currently operating from the site to compete or take trade from the town centre. Similar concerns had been expressed that the Audley Avenue application would impact on the town centre but this would be mitigated by the imposition of appropriate planning conditions, as described in the report. Officers considered that unrestricted comparison goods retail consent in an 'out-of-town' location such as the Mere Park Garden Centre complex, was likely to compete with existing businesses within the town centre and would undermine its continued vitality and viability. As with the Audley Avenue site, the range of goods that could be sold should be restricted in order to off-set the potential impact on Newport town centre and 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 restriction would ensure that the retail unit complemented the town centre retail provision, not competed with it and did not create effectively an 'out-of-town' retail park. Without a goods condition restricting sales to garden centre type products officers considered that the retail unit should be refused but the applicant did not want such a restriction, although he was prepared not to sell certain items, details of which were tabled at the meeting. Officers considered that the applicant's suggested condition would allow a wide range of goods to be sold that would adversely impact on Newport town centre.

One significant difference between the Mere Park and the Audley Avenue applications was that the Mere Park proposal did not involve the loss of employment buildings/land. The Mere park applicant considered that, as the Audley Avenue site was within an existing industrial estate and would involve the loss of employment land, it was an inappropriate location for retail

**PBMin120809**

development while the Mere Park site was within an existing retail site. In previously considering the suitability of the Audley Avenue site for retail, officers and Members had weighed up the loss of employment land within the material considerations of the relevant employment benefits of new improved quality employment floorspace together with the Council's indicated intention to further increase employment land provision in Newport and the 3.5ha. allocated employment site on which there had been no take-up for almost a decade. In addition, the other material considerations, such as the proposed highway and access improvements to Audley Avenue and the overall reduction in travel (itself a sustainability aim of the Core Strategy), would 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 would see a potential increase in jobs.

In conclusion, officers considered that whilst there was a quantitative and qualitative need for such a comparison unit in isolation, the identified need could be met by the Audley Avenue application hence there was no need for the Mere Park proposal especially in this out-of-town location. In addition, they considered that there were locationally preferable sites within the built up area of Newport for comparison retail, including the Audley Avenue site. The Mere Park proposal would not serve to reduce the need to travel significantly or at all and, whilst the site might be located on a bus route that served the town centre, this was unlikely to attract significant numbers of people and the A41 (T) served as a barrier to pedestrians and cyclists, both customers and workers, who had to cross it. Officers also considered that a retail unit in an 'out-of-town' location selling unrestricted or limited comparison goods would have an adverse impact on Newport town centre. Without restrictions on the range of goods that could be sold, a precedent would be set and an 'out-of-town' retail park may develop with a resulting adverse impact on Newport town centre. Whilst this could be mitigated against and brought into line with the retail nature of a garden centre complex by imposing planning conditions to limit the range of goods sold to those typically sold at a garden centre, as had been done with the other retail units at Mere Park, the applicant was unwilling to accept such a restriction.

In order to provide the Board with all relevant information in coming to a decision, officers had drawn up a condition which could be imposed so as to make any planning permission acceptable by ensuring that the retail proposal did not adversely impact upon Newport Town Centre and which had been imposed on some of the existing retail units at Mere Park. The officers' condition was tabled at the meeting. Also tabled at the meeting were details of the type of goods the applicant would agree not to sell. In officers' opinion this was not restrictive enough and so was not considered to be acceptable by officers.

In discussing the application some Members expressed concern at the impact that it could have upon retail in Newport Town Centre, the potential for Mere Park to develop into a retail park and issues with enforcement of any goods conditions. However, other Members were of the view that approval would

not have such a detrimental impact upon Newport Town Centre and could serve to attract customers from surrounding areas such as Gnosall.

The Council's Solicitor drew Members' attention to the proposed condition, which officers thought could be imposed so as to make the planning application acceptable. He asked the Board to consider whether it thought this condition to be reasonable and said that the applicant might question its reasonableness bearing in mind that the application did not mention any such restrictions. He advised the Board that, if it considered that the imposition of the proposed condition would make the proposal not worth pursuing, for example because it would be unreasonably restrictive so as to make the proposal not viable, then it should not impose the condition. That would mean that the Board could approve the officers' recommendation to refuse or approve the application without the condition. Alternatively, if they thought the condition was reasonable and appropriate, they could approve the permission with that condition. Adrian Fox of White Young Green also explained that the conditions would be complementary to the existing conditions on Mere Park and together they would provide good control over future use. If approval of an open A1(non-food) retail use were to be approved, that would set a precedent and would compete with the Newport Town Centre and it was for this reason that the Audley Avenue application would be subject to restrictive conditions on the type of goods that could be sold and why the impact upon Newport town centre would be lessened if the Mere Park application was approved subject to the officers' proposed conditions restricting goods to those typically sold at a Garden Centre.

Members determined that the officers' suggested condition tabled at the meeting restricting the types of goods to be sold was reasonable and appropriate to apply this proposal in all the circumstances.

On being put to the vote the recommendation for refusal, as set out in the report, was not approved. The Chairman then proposed, seconded by Councillor M.J. Smith, that application W2008/1308 be approved subject to appropriate conditions and to the proposed condition relating to the types of goods that could be sold, as tabled. On being put to the vote, this was unanimously agreed.

**RESOLVED:**

- (a) **that with respect to planning application W2008/1308 (Mere Park) delegated authority be granted to the Head of Planning & Environment to grant planning permission subject to appropriate conditions and to the condition restricting the type of goods to be sold to garden centre type goods.**

**Reason for Approval**

**The retail unit hereby approved at this existing out-of-town garden centre (allowed under Wrekin Local Plan policy S5) outside the urban area of Newport shall be restricted to sell goods associated**

**PBMin120809**

with garden centres (along with the other retail units at Mere Park that have permission and are restricted to sell garden centre/farm shop products and one unit restricted to only sell outdoor camping/walling equipment) to ensure that the retail proposal will not adversely impact on the vitality and viability of Newport town centre. The single storey building is of an appropriate design, character and appearance that will complement the other single storey buildings on the site in this semi-rural site beyond the built up area of Newport.

(b) that with respect to planning application W2009/0312 outline planning permission be granted subject to the conditions, as set out in the report, and to any other conditions officers subsequently deemed necessary.

(b) W2009/0506 - Lawley Common Roundabout, Lawley Drive, Lawley, Telford, Shropshire

This application by Telford & Wrekin Council sought advertisement consent to display four non-illuminated advertisement signs on the central island of the roundabout. The proposed signs would be 1200mm across with a total height of 900mm, which the Council's Highways Officer had agreed as being acceptable as they would not detract from highway safety.

The Council's Highways Officer had not reported on this application to date and any recommendations would be reported to the Plans Board in an update. Lawley & Overdale Parish Council had submitted an objection to the proposals on the grounds that the signs would be a distraction to motorists and, therefore, posed a safety issue.

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

**RESOLVED – that with respect to planning application W2009/0506 advertisement consent be granted subject to the conditions as set out in the report.**

(c) W2009/0528 - Priorslee Primary School, Priorslee Avenue, Priorslee, Telford, Shropshire

The application by Telford & Wrekin Council was for a single storey extension to part of the school main building for general purpose use following internal reorganisation of the administrative accommodation within the school, together with the installation of a glazed canopy. Determination of the application had been deferred at meeting of the Board held on 22<sup>nd</sup> July, 2009 to allow for consultation responses to be confirmed.

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

The proposed external canopy would cover part of the small courtyard area created by the new extension and would feature a curved roof with the metal framework having a powder coated finish to match existing metalwork on the school building. Given the siting of the main school building on a lower land level relative to the surrounding area, the proposed extension and canopy would not be visually intrusive and would have little impact on the street scene.

**RESOLVED** – that with respect to planning application W2009/0528 planning permission be granted subject to the conditions as set out in the report.

**PB-27        SITE VISITS**

None.

**PB-28        PLANNING APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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

The meeting ended at 6.48 p.m.

**Chairman:** .....

**Date:** .....

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**TELFORD & WREKIN COUNCIL**

**PLANS BOARD – 2<sup>ND</sup> SEPTEMBER 2009**

Schedule 1 : Planning Applications for determination by Board

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

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<b>W2009/0376</b> Erection of a bungalow with accommodation in the roof *****AMENDED PLANS RECEIVED***** <b>Land between, 16, Longford Road &amp; 1 Farm Grove, Newport, Shropshire.</b> Recommendation Code: FR - Ward: Newport West.....	<b>1</b>
<b>W2009/0424</b> Change of use from tool and plant hire to car showroom and car preparation bay <b>88b, Hire Station, Trench Road, Trench, Telford, Shropshire.</b> Recommendation Code: FG - Ward: Wrockwardine Wood & Trench .....	<b>7</b>
<b>W2009/0523</b> Change of Use from retail shop (A1) to mixed use of cafe (A3 Use) and takeaway with home delivery service (A5 Use) (Amendment to planning application W2009/0329) <b>12, The Parade, Donnington, Telford, Shropshire.</b> Recommendation Code: FG - Ward: Donnington.....	<b>11</b>
<b>W2009/0593</b> Erection of external covered play canopy and entrance canopy <b>Lilleshall County Primary School, Church Road, Lilleshall, Shropshire.</b> Recommendation Code: FG - Ward: Church Aston & Lilleshall .....	<b>14</b>
<b>W2009/0594</b> Creation of a hard play area <b>St Matthews C of E Primary School, Church Road, Donnington, Telford, Shropshire.</b> Recommendation Code: FG - Ward: Muxton .....	<b>16</b>
<b>W2009/0621</b> Extension to hardplay area and re-location of play area <b>Ladygrove Primary School, Old Office Road, Dawley, Telford, Shropshire.</b> Recommendation Code: FG - Ward: Dawley Magna .....	<b>19</b>

Agenda Type : A

W2009/0376 Erection of a bungalow with accommodation in the roof

\*\*\*\*\*AMENDED PLANS RECEIVED\*\*\*\*\*

Land between, 16, Longford Road & 1 Farm Grove, Newport, Shropshire.

Recommendation Code: FR

Ward: Newport West

APPLICANT:

Mr F Fundell

RECEIVED ON:

06/05/09

PARISH

Newport

WARD

Newport West

CASE OFFICER:

Anna Robinson

COUNCILLOR STANTON AND NEWPORT TOWN COUNCIL HAVE REQUESTED THAT THIS APPLICATION IS CONSIDERED BY MEMBERS AT PLANS BOARD

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Siting and layout, Scale and design, Character, Impact on neighbouring amenity.

THE PROPOSAL:

The application seeks full planning permission for the erection of a bungalow with accommodation in the roof, with associated access, parking and garden land on a small plot of land between No.16 Longford Road and No.1 Farm Grove.

The principle of residential development on the site has been accepted with the approval of outline planning permission in 2006 for a single dwelling positioned in line with adjoining properties, including siting and access. The permission was subject to conditions including submission of a scheme to address the location of a culvert running through the site (either a suitable 'build-over' solution or diversion of the culvert from the centre of the site). The position of the dwelling has been revised to ensure that the building would be a minimum of 3 metres from the culvert.

The siting and size of the dwelling have been revised accordingly due to the constraints of the site, and the application is now for full planning permission for a dwelling rather than outline consent; hence there are a number of different considerations, in particular the siting of the building at the rear of the plot, with amenity area and parking to front and its potential impacts on neighbouring residential amenities, its size and height with a first floor element to the property in an area of bungalows.

THE SITE AND SURROUNDINGS:

The application site was formerly garden land to No.16 Longford Road, but the property was sold off into separate ownership, and the site is now entirely enclosed by timber boundary fencing, substantial hedge/tree planting to highway (Farm Grove). There is an existing flat-roofed garage and driveway fronting Farm Grove. The existing garage (to be demolished) is attached to the neighbour's garage at No.1 Farm Grove. The plot narrows towards the rear. A culvert runs diagonally

under the site and the adjoining properties have experienced flooding problems. Telford & Wrekin Council has previously carried out work to resolve the issues and rerouted the culvert through the Farm Grove development.

The plot is located within a residential area comprising of bungalows. It is located between the rear boundaries of No.'s 16 and 18 Longford Road and the side boundaries of No.'s 1 and 47 Farm Grove, with the adjoining dwellings located some 5 to 10 metres from the site boundary. No. 16 Longford Road has a small rear garden area and its conservatory is approximately 5 metres from the side boundary of the application site.

#### CONSULTATION RESPONSES:

The Council's Highways Engineer confirms no objection in principle but would advise the following conditions be imposed on any permission: There shall be no gates to the driveway and before development is brought into use, the access driveway shall be surfaced in a bound material for minimum distance of 5 metres from the rear of the highway boundary.

The Drainage Engineer states that following a site meeting to establish the exact position of the culvert and to set out the footprint of the property, the location of the culvert indicated on the plans is comparable to records held in Engineering. Thus, the Drainage Engineer has no objection to the proposed development or the use of hardstanding within 3m of the culvert. A clause would need to be put on any permission to the effect that no structure would be allowed within 3m of the culvert, and the hard standing should not be built over in the future. The applicant must also be aware that because the site is currently a greenfield site, should they wish to connect the surface water to the culvert, they will need to attenuate flows coming off the site. Given the size restriction on the site, the applicant would need to demonstrate that this is viable at the planning application stage and not as a condition.

The Council's Environmental Planner asserts that if the development involves felling of trees, this should occur outside the bird nesting season (March through August) to avoid disturbing nesting birds (protected under Schedule 1 of the Wildlife and Countryside Act 1981).

The Fire Authority advises that it will be necessary to provide adequate access for emergency vehicles at the above premises.

Newport Town Council has strong reservations about the application, with concern raised that the proposed development is not in keeping with existing development in the vicinity. The Town Council also makes reference to a history of retaining water and the proximity of a culvert to the property.

36 neighbour letters of objection have been received, including a number of duplicates. The comments are summarised below:

- Site too small to accommodate dwelling
- Siting of dwelling at rear of plot
- Adverse impact on residential amenities – overlooking, loss of light, outlook and privacy

- Not bungalow with room in roof but two storey building which would be out of character with uniformity of bungalows in estate
- Height of building approx 2.5m higher than existing bungalows and will have dominant effect on surrounding development
- Size of accommodation created is very small including minimal living space at ground floor. Would first floor be used as living area further impacting on neighbouring privacy?
- Overloading of existing drainage and sewerage system – exacerbate flooding problems
- Loss of existing hedges leading to privacy issues and loss of habitat for wildlife
- Highway safety issues
- Impact of demolition of garage (with asbestos roof) on remaining garage and utility at No.1 Farm Grove
- Discrepancies on plans – exact position of culvert different to that shown
- Properties in the area liable to subsidence and built on piles
- Noise and disruption during construction
- Covenants on land restricting development on the land and stating neighbours have unrestricted right of light and air
- Devalue property

#### PLANNING HISTORY:

W2006/0831 Erection of 2-bedroom bungalow (outline), Outline granted.

On adjacent land - W99/0852 Reprofilling of existing watercourse and rerouting of a culvert including deposition of spoil, Full granted.

#### POLICY CONTEXT:

National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS25 Development and Flood Risk

Core Strategy Policy

CS1 Homes

CS6 Newport

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall Sites

#### PLANNING CONSIDERATIONS:

The application form states that the site area measures 327sq.m. The proposal comprises the erection of a dwelling at the rear of the site, with a footprint measuring 7.2m by 6.1m, height to eaves 2.5 and 6.2m to ridge. The accommodation would consist of 2 bedrooms, one at ground floor and a larger bedroom at first floor, with small lounge and kitchen. The internal measurements of the lounge would be 2.4m by 3.2m at its narrowest point and 4.3m at its widest. The frontage would be mainly

driveway with parking and turning space, and amenity area to front of property with screen fencing to provide some privacy to the occupants. The application asserts that “the proposal would make good use of a small restricted site” and “would create a comfortable, small retirement dwelling or starter home”.

The previous outline application indicated a larger footprint positioned in line with the building line of the adjoining dwellings. The outline application was granted subject to agreement by the Council’s Drainage Engineers to a build-over solution or diversion of the culvert. The Applicant has advised the Local Planning Authority that he could not get a building-over agreement and it was not considered that a diversion would resolve the issues.

As no alternative solution to the location of the culvert through the site has been established, the Drainage Engineers have advised that no development must be located over the culvert or within a 3 metre easement. Thus a number of pre-application sketches were submitted to the Local Planning Authority for consideration. Nevertheless, the drawings submitted were not deemed acceptable due to the location of the dwelling, design, height which would adversely affect both neighbouring amenity and the quality of life for future occupants of the proposed dwelling. It would also detract from the character and appearance of the area. The Applicant was advised that the development would be unlikely to receive full planning permission. It is noted that the position of the culvert through the site somewhat constrains the development; however it is not considered that the proposal provides a suitable solution.

With regard to planning policy, saved policy H6 of the Wrekin Local Plan provides criteria for windfall development. The site can be adequately accessed with sufficient parking provision meeting part a), and the Highways Engineer has confirmed there are no objections in highway terms. The majority of the drainage issues have been resolved with regard to development maintaining a 3 metre easement from the culvert, however there are still queries over surface water flows from the development on what is currently a greenfield site.

However, the layout of the development along with the design and scale of the dwelling would be out of keeping with the character and appearance of the area and would therefore be contrary to both national and local planning policies which assert that development should relate positively to its context with a design that improves the character and quality of an area. The proposal fails to achieve this due to its layout with the dwelling located at the rear of the site and garden area to frontage. Whilst the Design & Access Statement states that the proposal will reflect the design of the surrounding bungalows; this appears to be principally in terms of the proposed materials. The development, in having first floor accommodation would not relate to the design, character or appearance of the adjoining bungalows. Furthermore, due to the narrowing nature of the site and the proposed siting of the dwelling, its small footprint measuring approximately 7.2m by 6.1m would not reflect the adjacent detached and semi-detached bungalows which measure approximately 10m by 9m. The layout and design of the building have further implications for the residential amenities of the proposed and existing properties in Longford Road and Farm Grove, thus the proposal would not accord with the policy.

Due to the proposed dwelling being located in the southern part of the garden area and comprising first floor accommodation, it would have a dominant and overbearing effect on the adjoining properties, reducing natural light to adjacent properties, affecting the outlook from existing rear elevations and overlooking rear gardens and properties. In particular the private rear garden area of No.16 Longford Road would only be approximately 5 metres from the proposed dwelling and would suffer a significant loss of privacy. Whilst there is no window indicated on the rear elevation at first floor level or rooflights in the roof, due to the layout of the first floor accommodation, future occupants may require additional light and the position of these would be likely to overlook other properties at the rear.

Furthermore, the position of the dwelling at the rear of the site and having a principal window to the ground floor bedroom on the rear elevation, the Local Planning Authority raises concerns that there would be an unsatisfactory distance between the principal window and boundary treatment leading to limited light and outlook to this habitable room. The amenity space is located at the front of the dwelling, which is in contrast to the layout of the established properties in the estate, which are located in a central position with adequate private rear garden space and garden/driveway to frontage. Subsequently the proposed residents would have no private amenity area. Furthermore, the location of this sole amenity area could introduce garden paraphernalia including washing lines and bins etc. into the streetscene. These items are not subject to planning control, but would further detract from the character of the surrounding area.

In conclusion, it is considered that the proposal would fail to respect or enhance the character and appearance of the existing residential area, to the contrary of Policies CS6 and CS15 of the Core Strategy, UD2 and H6 of the Wrekin Local Plan and national guidance, as it would be a significantly different scale, design and layout to the existing single storey properties and would not follow the building line.

**RECOMMENDATION: REFUSE PLANNING PERMISSION for the following reasons:**

1. It is considered that the proposed bungalow with first floor accommodation is unacceptable by virtue of the footprint, height, design and siting, located in an area characterised by bungalows fronting the highway with rear garden areas situated along a distinctive building line. The proposed development would be constrained and would appear as a cramped form of development at the rear of the narrowing plot, which would be out of keeping with the prevailing character of the area. Thus the proposal would be contrary to Policies CS6 and CS15 of the Core Strategy Development Plan Document adopted December 2007, Policies UD2 and H6 of the Wrekin Local Plan 1995 – 2006, and national guidance contained in PPS1 and PPS3.
2. The Local Planning Authority considers that the development by reason of its siting, height and proposed first floor accommodation, and the prevailing character of development, would have a detrimental effect on the amenities of the adjoining bungalows in Longford Road and Farm Grove in terms of overlooking, loss of privacy, loss of light and outlook. Accordingly the development is contrary to Policy CS15 of the Core Strategy Development Plan Document adopted December 2007, Policies UD2 and H6 of the Wrekin

Local Plan 1995 – 2006, and national guidance in PPS1 and PPS3.

3. The proposal by virtue of its siting, the narrowing nature of the site and proximity to existing boundary treatments would have an adverse impact on the residential amenities of the proposed dwelling in terms of light, outlook and lack of private amenity area. Therefore the proposal would be contrary to national guidance contained in PPS1 and PPS3.

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Notes

Agenda Type : A

W2009/0424 Change of use from tool and plant hire to car showroom and car preparation bay

88b, Hire Station, Trench Road, Trench, Telford, Shropshire.

Recommendation Code: FG

Ward: Wrockwardine Wood & Trench

APPLICANT:

T J Vickers Sons Ltd

RECEIVED ON:

27/05/09

PARISH

Wrockwardine Wood

WARD

Wrockwardine Wood &  
Trench

CASE OFFICER:

Anna Robinson

COUNCILLOR SMITH HAS REQUESTED THAT THIS APPLICATION IS  
CONSIDERED BY MEMBERS AT PLANS BOARD

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of change of use, Scale and design, Impact on residential amenities.

THE PROPOSAL:

The application seeks planning permission to change the use of an existing building on Trench Road from a tool and plant hire business (A1 use class) to car sales and workshop/car preparation bay to rear (Sui Generis). The site would incorporate a showroom and forecourt display area for vehicles, limited visitor parking at the frontage, with staff parking and the majority of visitor parking located at the main TJ Vickers site opposite. The change of use of the building would involve the relocation of staff from the existing car showroom for sales and valeting.

The main changes to the building consist of alterations to the roof creating a rectangular form to the frontage but no changes to the rear or sides of the building or increase in ridge height. Other alterations include cladding of frontage and the installation of three new showroom windows across the frontage and enlarged opening to side doors.

THE SITE AND SURROUNDINGS:

The application site comprises a modern brick building with metal roof and part-glazed frontage, set back from the road with area of hardstanding to front and yard to side, enclosed by wall and metal gates.

The site is currently a tool and plant hire business. The existing building consists mainly of workshop area with showroom and storage areas and ancillary office, kitchen and toilet facilities. The frontage comprises a showroom window along with small windows and double doors, with further access points on the side and rear elevations. Rooflights are located on both planes of the roof, and existing flue to heating unit. Security bollards are located in front of the main entrance points.

The site fronts on to Trench Road and is located in a mixed residential and commercial area, with housing on all three boundaries and directly opposite the existing TJ Vickers' Fiat garage car showroom. TJ Vickers occupies a substantial site consisting of a large clad showroom building fronting the highway, with further structures and staff/customer parking and valeting to rear, and vehicles displayed in front and at the side of the showroom. Trench Road is a classified road and is on a main bus route. Many of the traditional properties along this part of Trench Road have no offstreet parking, but a small layby is located in front of the row of semi-detached properties.

#### CONSULTATION RESPONSES:

The Council's Highways Engineer initially advised that whilst he did not object to the change of use in principle, he had concerns regarding the layout of the forecourt and the number of vehicles to be accommodated. The Highways Engineer would require a condition for further details of the parking layout to be submitted. He has since discussed the proposal with the Applicants and agreed a limit of 6 vehicles for display and that 2 customer parking spaces will be provided.

Wrockwardine Wood & Trench Parish Council has no objection to the proposal; however the following conditions should be imposed:

- No vehicles to be parked on highway (road or footpath)
- No work to be carried out on vehicles outside normal working hours
- No Sunday working

Councillor Charles Smith states the main concerns from residents are the impact that the increase in height of the building and chimney would have, hours of operation and noise created, particularly if operating on Sunday. Councillor Smith considers any increase in the size of the building would be out of keeping in the predominantly residential area and would be detrimental to the surrounding properties. He also asserts that hours of operation would need to be controlled.

Four neighbour letters from residents in Trench Road have been submitted in regard to the proposal. Also, a petition with 6 signatures from neighbouring properties in Trench Road and Springfield Road has been received. The comments are summarised below:

- Lack of customer car parking provision
- Existing parking problems – customers to TJ Vickers site opposite park on footpaths/ at drive entrances
- Residents have previously utilised frontage of Hire Station for parking vehicles overnight due to limited parking on Trench Road. Loss of this area will exacerbate parking problems
- Deliveries of vehicles will block residents' driveways/ cause congestion on road
- Additional deliveries in early hours
- Traffic safety issues – car sales rooms directly opposite each other
- Elevated roof at rear of building will block light to properties, and loss of view
- Building located close to small rear gardens – loss of amenity
- Noise and fumes from preparation bay
- Devalue property

- Previous problems from tool hire business – daily problem of noise and smells from chemicals used to clean machinery
- Impact of proposal on adjoining property's boundary wall

**PLANNING HISTORY:**

W87/0927 Demolition of existing one and two storey buildings and erection of new single storey building, Full granted

**POLICY CONTEXT:**

National Guidance

PPS1 Delivering Sustainable Development

PPS6 Planning for Town Centres

Core Strategy Policy

CS5 District and Local Centres in Telford

CS15 Urban Design

Wrekin Local Plan 1995 – 2006

UD2 Design Criteria

**PLANNING CONSIDERATIONS:**

The proposal is for change of use of an existing tool hire business to car sales to accommodate Suzuki vehicles which are currently located at the Fiat car showroom/forecourt opposite. TJ Vickers, the Applicants operate as Fiat and Suzuki dealers and are required to have a separate showroom in order to keep the Suzuki franchise and meet the minimum standards. They have advised that there would be no additional business or deliveries, which is currently approximately 2 deliveries by transporter a week. Servicing of the vehicles will take place on the main TJ Vickers site and valeting within the application site will only be on Suzuki vehicles for sale. The proposal will not expand the business or increase traffic, but will improve existing arrangements to display Suzuki products.

The building will be altered to incorporate a showroom and workshop area, with windows added and cladding to the fascia which will be of a form and appearance similar to the existing showroom opposite at TJ Vickers. It is considered that whilst it will alter the scale and design of the building, the alterations will not detract from the character or appearance of the existing development or have an unduly harmful impact on the adjoining residential amenities.

The Local Planning Authority notes the neighbour objections and concerns raised; however, the previous tool hire business could increase its activities with little control over the number/frequency of deliveries of machinery etc. The hours of operation outlined on the previous planning permission enabled the business to operate from 8am Monday to Saturday until 6pm on weekdays and 5pm on Saturdays, thus this could cause significant noise and disturbance. This application offers an opportunity to control activities on the site and deliveries, along with more restrictive hours of preparation/valeting of vehicles.

The Highways Engineer has agreed a suitable and smaller-scale layout than originally submitted for customer parking and vehicles to be displayed on the forecourt. Whilst there is limited parking on the application site, the adjacent car

sales site has a large parking area to rear for customers and staff and the main valeting and servicing of vehicles will be undertaken on the main site. The alterations to the building are at the front and not the rear, thus there will not be a significant impact on light or outlook from adjoining properties. It is noted that the workshop is indicated on the plans at the rear of the building and the jet wash facility will also be situated at the rear potentially creating noise adjacent to rear gardens; however the hours of operation will be strictly controlled with no opening on Sundays, and the jet wash facility will only be utilised for approx. 15 mins per vehicle. The remaining valeting will be carried out inside the workshop.

In conclusion, the Local Planning Authority considers the proposed change of use of the unit is acceptable in regard to the context of the site and its previous use and the development opposite. The proposal will not have a detrimental impact on the adjoining residential amenities in terms of how the business will operate, with the majority of the activities to be carried out inside the building or on the main TJ Vickers' Fiat garage site opposite. The alterations to the building are considered acceptable in terms of the scale and design of the existing structure and will be in keeping with the character and appearance of the car showroom opposite at the Fiat garage.

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

1. A3 Timescale
2. C120 Amended plans
3. Maximum of 6 vehicles to be displayed on forecourt area at any one time – no vehicles to be parked or displayed on highway
4. No increase in vehicle deliveries (approx. 2 deliveries by transporters a week) without prior written consent
5. Hours of opening Mon – Fri 8.30am – 6.30pm, Sat 8.30am – 5.30pm, Sundays and Bank Holidays 10.30am – 4.30pm
6. Hours of preparation/valeting of vehicles limited to Mon – Fri 8.30am – 5.30pm, Sat 8.30am – 1pm, No such operations to take place on Sundays or Bank Holidays
7. Only jet wash facility to be used outside building - all other activities (valeting/ preparation of vehicles for sale) to be undertaken inside the building

**REASON FOR APPROVAL:**

The proposed change of use of the unit is considered acceptable in terms of the existing context of the site and its previous use, and the proposal will not have an unduly harmful impact on adjoining residential amenities in terms of how the business will operate. The alterations to the building are appropriate in relation to the existing development and character and appearance of buildings opposite.

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Notes

Agenda Type : A

W2009/0523 Change of Use from retail shop (A1) to mixed use of cafe (A3 Use) and takeaway with home delivery service (A5 Use) (Amendment to planning application W2009/0329)

12, The Parade, Donnington, Telford, Shropshire.

Recommendation Code: FG

Ward: Donnington

APPLICANT:  
Mrs Gian Kaur

RECEIVED ON:  
24/06/09

PARISH  
Lilleshall & Donnington

WARD  
Donnington

CASE OFFICER:  
Phil Baker

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: noise, odours, nuisance, traffic.

THE SITE AND THE PROPOSAL:

This application relates to a change of use of a shop unit from retail (A1) use to a mixed use of café (A3) and hot food takeaway (A5), with home delivery service, at The Parade in Donnington.

The site lies within Donnington District Centre which is one of the designated District Centres as identified in the Wrekin Local Plan.

The premises are one of the shop units in a crescent of 12 units in The Parade and they all have residential flats above them. The other units at present comprise seven A1 (retail) uses, two A5 (hot food takeaway) uses, one A2 (betting shop) use, and one vacant unit. The two hot food takeaways occupy Units 9 and 15.

There is a car parking area in front of the 12 shop units.

CONSULTATION RESPONSES:

4 letters of objection have been received from local residents, one accompanied by a petition signed by 365 people. The grounds of objection are:

- Another hot food takeaway outlet is not needed
- Will affect the viability of the other takeaways and businesses in The Parade
- Should not be allowed to sell chips
- Should not be allowed to open later than the other takeaways
- Increases in noise, nuisance, and traffic
- The premises are selling flowers and undertaking money transfers

The Parish Council has no objections to the application.

The Council's Environmental Health Officer has no objections subject to the imposition of conditions relating to the installation of the fume extraction system; hours of opening; and no noise, vibration, odours and smells detectable in the flats above the premises.

The Council's Highways Engineer has no objections to the application.

The Council's Property and Design Business Unit (the owner of the premises) has no objections to the change of use.

**PLANNING HISTORY:**

Planning permission (ref: W2009/0329) was granted in June 2009 for the change of use of the retail shop to a café.

**PLANNING POLICY:**

The following policies in the Wrekin Local Plan are relevant in the determination of this application:

S1 – Service Centre Hierarchy  
S22 – Donnington Change of Use

**PLANNING CONSIDERATIONS:**

This shop unit had been vacant for 18 months before the applicant opened it up as a very small shop in January 2009. The retail area occupies a very small area of the whole shop premises. The applicant obtained planning permission to use the premises as a café in June 2009. She intends to have 2 tables – with 4 chairs at each and one bench of 6 chairs, i.e. a total of 12-14 people. She now wishes to have a mixed café and takeaway use, with a home delivery service.

Policy S22 of the Wrekin Local Plan states that proposals for any change from retail to non-retail use within Donnington District Centre will only be acceptable if it is demonstrated that the premises have been unable to find a user following a period of continuous marketing of not less than 12 months. The Council's Property and Design Section, who owns the property, has confirmed that they were unable to find a tenant during the 18 month period leading up to January 2009.

Therefore no retail facilities are being displaced and there appears to be little demand for additional retail outlets in this shopping centre. It could be argued that a more viable non-retail use may help to bring more customers back into the District Centre.

It is considered that the proposed change of use will not cause any demonstrable harm to the retail character of The Parade, or in any way adversely threaten the vitality and viability of the Donnington Shopping Centre. However, it is considered that after this approval no more hot food takeaways should be allowed in The Parade because there would then be a definite imbalance in the relationship between retail and non-retail uses.

The Council's Environmental Health Officer has confirmed that the proposed fume extraction system is acceptable. Conditions will be imposed to ensure that it is installed before the proposed uses commence, and that no vibration, noise, odours and smells are detectable at any time in the flats above the shop unit. The applicant wishes to close at 10.30 in the evenings which is an hour earlier than the stipulated closure time of the two other hot food takeaway outlets in The Parade.

It is believed that the additional takeaway element will not adversely affect the residential amenities currently enjoyed by the occupiers of residential properties in the vicinity of the site through the generation of any appreciable increase in noise, smells, traffic, or other factors.

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

1. A3 – Full permission
2. C118 – Submitted plans
3. C113 – Fume extraction system
4. No odours, smells, vibration or noise to be detectable in the flats above the premises
5. Hours of opening

**REASON FOR APPROVAL:**

This retail unit was vacant for 18 months before January 2009.

The proposed change of use will not cause any demonstrable harm to the retail character of The Parade, or in any way adversely threaten the vitality and viability of the Donnington Shopping Centre. No retail facilities are being displaced and there appears to be little demand for additional retail outlets in this shopping centre. A more viable non-retail use may help to bring more customers back into Donnington District Centre.

The Council's Environmental Health Officer has confirmed that the proposed fume extraction system is acceptable. Conditions will be imposed relating to ensuring that no vibration, noise, odours and smells are detectable at any time in the flats above the shop unit. The applicant wishes to close at 10.30 in the evenings which is an hour earlier than the stipulated closure time of the two other hot food takeaway outlets in The Parade.

It is believed that the additional takeaway element will not adversely affect the residential amenities currently enjoyed by the occupiers of residential properties in the vicinity of the site through the generation of any appreciable increase in noise, smells, traffic, or other factors.

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Notes

Agenda Type : A

W2009/0593 Erection of external covered play canopy and entrance canopy  
Lilleshall County Primary School, Church Road, Lilleshall, Shropshire.  
Recommendation Code: FG  
Ward: Church Aston & Lilleshall

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
22/07/09

PARISH  
Lilleshall & Donnington

WARD  
Church Aston & Lilleshall

CASE OFFICER:  
Andrew Mackriell

OBJECTIONS RECEIVED: No.

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

THE PROPOSALS:

Two canopies are proposed: the larger canopy would be over a play area adjoining the main school building, and the smaller canopy would be at the front entrance door to the building.

SITE AND SURROUNDING AREA:

The school is situated within the predominantly residential settlement of Lilleshall. The school building is brick-built and mainly single storey. The school site has an adjoining playing field. The site is generally well screened from the surrounding residential area.

PLANNING POLICY CONTEXT:

LDF Core Strategy DPD Policy CS15 Urban Design  
Wrekin Local Plan 'saved' Policy UD2

CONSULTATION RESPONSES:

Lilleshall and Donnington Parish Council report no objections to the application.

There have been no objections received from neighbouring residential properties.

PLANNING CONSIDERATIONS:

The proposed canopies would feature a curved roof design with polycarbonate glazing and would not exceed the height of the single storey elements of the school building to which they would be attached.

The play area canopy would be located to the rear of the main school building and would have little impact in visual terms on the amenities of the surrounding area. The front entrance canopy is a minor addition, projecting one metre and would have no significant impact on amenities.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

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

REASONS FOR APPROVAL:

The proposed canopies represent relatively minor additions to the main school building which would be of a satisfactory design and appearance. The canopies would not detract from the existing school building and would not have a significant detrimental impact on the general amenities of the surrounding area.

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Notes

Agenda Type : A

W2009/0594 Creation of a hard play area  
St Matthews C of E Primary School, Church Road, Donnington, Telford, Shropshire.  
Recommendation Code: FG  
Ward: Muxton

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
21/07/09

PARISH                                      WARD  
Lilleshall & Donnington              Muxton

CASE OFFICER:  
Anna Robinson

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Loss of playing field.

THE PROPOSAL:

The application seeks planning permission to create a hard play area on existing playing field, measuring 29m by 20m, with footpath link to existing playground, within the grounds of St Matthews C of E Primary School, to accommodate an increase in the number of students.

THE SITE AND SURROUNDINGS:

St Matthews C of E Primary School comprises modern buildings to west of the site, with main playing field located to south and further playing field and playground/ hard play areas to east and north. Storage building and covered area are located adjacent to proposed development. Footpaths are located along west and northern boundaries of site, with pedestrian access from Barn Close and St Matthews Road, and parking area accessed from Barn Close to south. The site is bounded by dark green steel palisade fencing, with substantial tree and hedge screen on eastern and southern boundaries. The ground levels vary across the site, with the ground rising up from north to south and east to west.

The school is located in a predominantly residential area, and a row of shops with flats above, St Matthews Church and a community centre are located on St Matthews Road adjacent to the application site.

CONSULTATION RESPONSES:

The Council's Drainage Engineer states that porous tarmac should be used for the play area. Conditions should also be imposed regarding submission of details of where surface water drainage will discharge to, and details of the additional land that will offset the development.

The Geotechnical Engineer has requested more information from the Applicant to establish whether the site is on a slope and would require earthworks at the foot of the spoil mound as this could affect stability. Furthermore, due to the number of mineshafts within the school site, the Engineer has requested a mining report. Members will be updated with any further comments from the Geotechnical Engineer.

The Council's Environmental Planning Assistant advises that given the site is adjacent to an area of trees, scrub and grassland, it has the potential to support protected species such as slow worms, thus an informative should be included stating that if protected species are encountered during the works, the development must be halted and advice sought from a qualified ecologist/ Natural England.

Sport England currently objects to the planning application on the grounds that there would be an unjustified loss of playing field. The information submitted with the application does not include detailed justification with regard to one of the 5 exceptions set out in their guidance, and in line with the general principles of PPG17:

- E1 – A proven excess of provision
- E2 – Ancillary use to the playing field
- E3 – Site is incapable of forming a pitch
- E4 – Equivalent/ better replacement will be provided elsewhere
- E5 – Alternative sports use is proposed outweighing loss

Additional information has been submitted by the Applicant to provide justification for the development in relation to the above exceptions; this information has been forwarded to Sport England for further comment. Members will be advised if Sport England withdraw their objection or provide additional comments.

#### PLANNING HISTORY:

The school site has been subject of a number of planning applications. The most relevant applications to the current proposal are:

- W2008/0015 New footpath and gate for pedestrian access to rear of school
- W2003/0308 Canopy and extension to hard play area

#### POLICY CONTEXT:

- Core Strategy Policy
- CS10 Community Facilities
- CS15 Urban Design

- Wrekin Local Plan
- UD2 Urban Design Criteria

- National Guidance
- PPG17 Planning for Open Space, Sport and Recreation

#### PLANNING CONSIDERATIONS:

The proposal comprises the addition of a further hard play area located to the northeast of the main school building and linked to the existing playground

The justification for the proposal is that there is a need for further hard play space within the site to accommodate additional students at the school and provide improved facilities. The Applicant considers the development meets both the criteria in E2 and E3 of Sport England's list of exceptions. The Applicant considers the playing field that would be lost is ancillary to the principal use of the playing fields and has no formal marked out pitches, and would not significantly reduce the

provision of playing field. Furthermore, with regard to Sport England guidance *Comparative Sizes of Sports Pitches & Courts* (February 2009, Revision 004), the Applicant asserts that shape and size of the grassed area, and other constraints such as the adjacent playground and pathway, boundary screening and varied ground levels would limit its use as a playing pitch.

The main school playing field is located to the south of the site. The central area of the school grounds nearest to the main school building mainly comprises hard play areas, a tarmac pedestrian link from St Matthews Road and a number of structures. Thus it is considered that the additional hard play area would relate to the prevailing use of this part of the school site. The proposal would not lead to a loss of the main playing field/pitch, as this would remain unaffected at the south of the site.

The hard play area would be located within the site and constructed in tarmac matching existing areas at the school, in accordance with local urban design policies. It would be visible but not overly prominent from the adjacent public footpaths, with grassed areas surrounding the development and retention of existing screening.

The proposal would lead to a loss of existing playing field within the school grounds; however the site is currently not that useable an area due to its location, size and shape which would not be suitable to accommodate a playing pitch. Furthermore, the site is not completely level. The site is therefore currently underused by the school. Its loss would not mean a loss of existing formal pitches and would not be a detrimental loss of playing field provision. It would provide a more effective use as all-weather playground space.

**RECOMMENDATION: GRANT PLANNING PERMISSION** subject to suitable resolution to Sport England objections and subject to the following conditions:

1. A3 Timescale
2. Porous materials
3. Prior to commencement of development, drainage details to be submitted

Informatives:

1. Sie22
2. Sie26
3. Protected species

**REASON FOR APPROVAL:**

The proposal is considered acceptable on a currently underused playing field, and will not lead to a significant loss of playing field/ pitch at St Matthews C of E Primary School. The development will provide additional hard play space to accommodate an increase in students at the school and will provide an all-weather facility and more effective use of school grounds.

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Notes

Agenda Type : A

W2009/0621 Extension to hardplay area and re-location of play area  
Ladygrove Primary School, Old Office Road, Dawley, Telford, Shropshire.  
Recommendation Code: FG  
Ward: Dawley Magna

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
28/07/09

PARISH  
Great Dawley

WARD  
Dawley Magna

CASE OFFICER:  
Tom Lewis

OBJECTIONS RECEIVED: No.

MAIN ISSUES:

Principle of development and impact on neighboring properties amenities and impact on character and appearance of area.

THE PROPOSAL:

This is a council application which seeks permission to extend the area of hard play space. This will be in order to replace hard play area which will be lost during the extension of school building. The proposed hardstanding will be to the south east of the school building. The proposed area is to be marked with multi-use sports markings.

THE SITE AND SURROUNDINGS:

The site is located to the rear of the Ladygrove School Building. The school building is situated to the north east of the large site with the proposal being sited on the land to the south of the building adjoining already existing hard standing play space. Alongside this there is an existing soft play area which is laid with tree bark. The site is mostly grassed play area which is bounded by mature hedgerows. Along the eastern side of site runs a footpath from Old Office Road to the surrounding residential estates. On the opposite side of the footpath there is both housing and woodland.

CONSULTATION RESPONSES:

No response has been received from Great Dawley Parish Council; any response will be reported at committee.

The Council's Drainage Engineers have raised no objections to the proposal subject to the placing of a condition with regards to details being provided with regards to mitigation methods for the additional water runoff.

PLANNING HISTORY:

W2004/0241 - Erection of a single storey extension - Granted

W2006/0689 - Proposed single storey library and PE store extension - Granted

POLICY CONTEXT:

In the consideration of the proposals, the following core strategy policies are considered relevant:

CS 10 – Community facilities

CS 15 – Urban Design

Also the following Wrekin Local Plan 'Saved' policies are considered relevant:

UD2 - Design Criteria

OL3 - Green Network

OL5 - Extensions and redevelopment in the Green Network

LR1 - Provision of Community Facilities

#### PLANNING CONSIDERATIONS:

The site is located within land designated as 'Green Network' within the Wrekin Local Plan. The use of the land for children's play facilities is compatible with the long term aims of the green network in providing community and recreational facilities. It is considered that the proposal does not adversely affect the function of the green network as this would provide educational benefits and the site is not of important ecological, geological or archaeological importance.

The proposed area that is to be laid to hardstanding is of a relatively small scale and will not dominate the property or the surrounding area. Being on the edge of the existing hard play area and a modest addition, it is considered that the proposal will be in keeping with the character and appearance of the surrounding area. The school has a large site of which most is as grassed playing field, the hardstanding will not lead to a detrimental amount of green space and the introduction of a multi use sports area is considered acceptable.

The nearest residential properties are located some 40m away, and benefit from substantial screening. It is therefore considered that the proposal will not have any detrimental impact on the amenities of neighbouring properties.

In conclusion the proposed the proposed use supports the existing school and as such complies with policies CS10 of the Core Strategy and LR1 of the Wrekin Local Plan and will not have an adverse impact on the designation area Green Network or the surrounding environment in accordance with policies UD2, OL3 and OL5 of the Wrekin Local Plan and CS15 of the Core Strategy.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 - Full with no reserved matters
2. Drainage condition
3. Informative - Conditions
4. Informative - Reasons for granting planning permission

#### REASON FOR APPROVAL:

The proposed extended play area respects the context of the site and would complement the long term aims of the green network in this locality as a community facility for recreation. The proposal would not adversely impact on neighboring properties amenities with regards to noise and disturbance. The scale and design of the proposed play equipment will not have a detrimental impact on the visual

amenities of the area.

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Notes