

## **PLANS BOARD**

### **Minutes of the meeting of the Plans Board held on Wednesday, 12<sup>th</sup> May, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire**

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

#### **PB-111      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on the 21<sup>st</sup> April, 2010 be confirmed and signed by the Chairman.

#### **PB-112      APOLOGIES FOR ABSENCE**

None.

#### **PB-113      DECLARATIONS OF INTEREST**

Councillor N.A. Dugmore declared a personal interest in planning application W2010/0187 and stated that he would leave the room during determination thereof.

#### **PB-114      APPLICATIONS FOR DETERMINATION**

- (a)      W2009/1074 – Red Oak Car Park, Lawn Central, Telford Town Centre, Telford, Shropshire

The Chairman informed the Board that a detailed objection had been received from another retailer in respect of the application, which required careful consideration by the Council and the applicants.

**RESOLVED** – that planning application W2009/1074 be deferred until a future meeting of the Plans Board to allow for consideration of the detailed objections submitted.

- (b)      W2010/0069 – The Cross Keys Public House, Haybridge Road, Hadley, Telford, Shropshire

This application related to the retrospective change of use of part of the public house car park into a hand car wash and the siting of a portacabin to the rear of the building. Hadley & Leegomery Parish Council had requested that the application be determined by the Plans Board.

The car wash business was located at the south-west corner of the site and the washing area took up approximately four of the parking spaces. At present there was a small caravan on the site, that acted as a site office but which contained no electricity or toilet facilities.

The applicant stated that he had been operating from the site for the past three years and that the business employed 3 full-time and 3 part-time employees. He estimated that the number of vehicles cleaned in any one day would average around 15 to 20.

A petition signed by over 200 people and six individual letters had been received supporting the application, including two from adjacent properties. One anonymous letter of objection citing the constant noise emanating from the car wash and visiting vehicles had been received from a local resident and the Parish Council had objected on the grounds, as detailed in the report, relating to its close proximity to residential properties, noise, polluted water, and highway safety issues.

Since a previous planning application (W2008/1335) was refused in September 2009 for the reasons set out in the report, the applicant had attempted to overcome the reasons for refusal. Discussions had taken place with the Council's Environmental Health Officer (EHO) with regard to noise generation and water pollution to try to resolve the issues and concerns raised in the previous application. The applicant had stated that he intended to replace the current jet wash which was coming to the end of its working life. The EHO had appraised the anticipated noise levels of this new machine but concerns remained about its loudness. However, these had been addressed by enclosing the washer in an insulation box that would bring the noise level down to that of a silent running washer that would then fully comply with the requirements of PPG24. The EHO had now assessed this and had no objections subject to a condition that stated that the noise levels from any machinery used on the site should not exceed 55dB(A) measured at the boundary of the site.

During the applicant's pre-submission discussions with the EHO it had been suggested that a grease and sediment trap be installed which would allow all the waste water to be discharged to the foul sewer. Details of a suitable silt and oil trap had been submitted with the application and had been accepted in principle subject to an appropriate condition. In addition, the EHO had requested a condition restricting the operating hours to 10.00 a.m. to 6.00 p.m. Monday to Saturdays, and 10.00 a.m. to 4.00 p.m. Sundays and Bank Holidays.

The Council's Highways Engineer had no objections to the application, considering that the vehicular flows emanating from the car wash facility would be relatively low and insubstantial, and that the use would not prejudice any highway safety concerns. He also considered that the loss of four parking spaces in the car park during the day time was acceptable as most of the spaces were not in use at that time.

The applicant had demonstrated to the Council's satisfaction that the car wash would be able to operate without creating unacceptable levels of disturbance, without having a harmful effect on the residential amenities of local residents through excessive noise generation, and without any adverse environmental impact through water pollution. This was a relatively small-scale activity that created employment in the area and provided a facility for the local community.

**RESOLVED – that with respect to planning application W2010/0069 planning permission be granted subject to the conditions as set out in the report.**

(c) W2010/0148 – 8 Spring Village, Horsehay, Telford, Shropshire

This application for the erection of a conservatory with a brick dwarf wall at the rear of the property was part-retrospective as the brick dwarf wall and base had already been constructed on the site due. Once development had commenced the need for planning permission had been highlighted and the applicants had ceased work.

The property had had previous extensions including the addition of a rear projecting gable addition to the south of the dwelling with a single storey addition to the side. The two storey addition was constructed from a slightly redder brick.

The conservatory proposed was of a modest and a similar size to that of the conservatory at the neighbouring property but would have a hip roof rather than a lean to. This would, therefore, not dominate the site or the surrounding area and would be acceptable in terms of scale, form and massing.

The proposed development would be sited adjacent to the boundary with the neighbouring property but with an obscurely glazed window to prevent overlooking, and which would be conditioned to ensure its retention for perpetuity. The conservatory was to be glazed and, consequently, would not lead to overshadowing as it would let light through. As the property benefited from large gardens, the proposal would leave adequate amenity space within the curtilage of the dwelling.

The existing property had thick UPVC window frames and the conservatory would match these. The bricks used on the dwarf wall were of a similar colour and texture to that of the existing dwelling upon which it was attached. Therefore, the proposal would not be of detriment to the character and appearance of the dwelling, the pair of semi-detached properties or the Conservation Area.

**RESOLVED** – that with respect to planning application W2010/0148 planning permission be granted subject to the conditions as set out in the report.

(d) W2010/0166 – Duke of York, Trench Road, Trench, Telford, Shropshire

This application had been deferred at the Plans Board held on the 21<sup>st</sup> April, 2010 to allow for further details and information to be submitted. The applicant had submitted further details which showed a single point type of fence which would be set back 1.5 metres from the front elevation of the public house building. The gates were shown set back 5 metres from the edge of the footway in accordance with the Highways Officer's recommendation. The street scene was generally mixed on this part of Trench Road with a variety of buildings and frontages and in this context the proposed railings and gates would not be unduly visually intrusive or out of character.

The applicant had also confirmed that these works were needed for security reasons as the car park was used as a congregating area for non-users of the public house.

**RESOLVED** — that with respect to planning application W2010/0166 planning permission be granted subject to the conditions set out in the report.

(Councillor N.A. Dugmore having declared an interest in the following application left the room during determination thereof.)

(e) W2010/0187 – Three Oaks County Primary School, Calcott, Stirchley, Telford, Shropshire

This planning application by Telford & Wrekin Council related to the erection of temporary classrooms, which were required for a temporary period of 4 years to accommodate the pupils from Stirchley Primary School which was presently located on an adjoining site. A new primary school was to be constructed on that site which would entail the amalgamation of both schools as part of Building Schools for the Future's learning communities strategy for the Stirchley area. Upon completion of the new amalgamated school the demountables would be removed and the site returned to its existing state.

The proposal entailed the erection of single storey demountable buildings that would accommodate 7 classrooms, toilets, meeting room, office, and staff room, together with an extension to the existing car park, a new hard play area, a covered walkway to the existing school building, new footpaths, and another pedestrian entrance. The wooden-clad buildings would be located within the school's existing playing field.

One letter had been received from a local resident who felt that the new classroom structure would encroach upon his property and privacy. Stirchley & Brookside Parish Council had raised a number of issues, as summarised in the report. The Council's Highways Engineer had no objections subject to conditions relating to the provision of additional car parking, and the reinstatement of damaged roads and footpaths after the construction works had finished. Sport England had no objections to the application subject to a condition requiring the reinstatement of the school playing field following the removal of the temporary structures.

The location and single storey height of the temporary classrooms had been carefully chosen so as to minimise their impact on the amenities and privacy of adjacent residents. The classrooms had been designed with the lowest possible ridge lines and eaves so as to correspond with the scale of the existing buildings on the site and to reduce the visual impact on their surroundings.

The layout had been designed so that the corridors faced the new hard play area, with the quieter classrooms facing the northern and eastern boundaries. Placing the play area in this location would also have the effect of minimising the impact of the noise of children at play times on the residential properties beyond the northern boundary.

It was intended to introduce an additional pedestrian access into the site at the north-west corner of the site whilst the demountable buildings were being used to enable the Stirchley Primary School pupils to more easily access their temporary school buildings without having to make a long and circuitous journey around Stirchley. This would also help to alleviate the build up of excessive traffic around the existing Calcott entrance to the Three Oaks Primary School. The transport of children by car would be discouraged and a sustainable school travel plan developed and promoted

to all parents. It was intended that the schools would operate a 'walking bus' and there were plans to hold cycle training for pupils to encourage older children to cycle to school.

During the temporary period when the demountable classrooms were in place all the pupils would be able to use the playing fields at the rear of the former Bridge Special School which had been unused since 2008, so giving no significant reduction in the size and extent of the play areas available.

**RESOLVED** – that with respect to planning application W2010/0187 planning permission be granted subject to the conditions as set out in the report.

(Councillor Dugmore returned to the room for the remainder of the meeting.)

(f) W2010/0202 – Cheshire Coppice, Admaston, Telford, Shropshire

This proposal was for the erection of a two storey side extension to run adjacent to the existing front facing gable with a further front facing gable, together with a single storey rear extension.

The site was accessed via a long unmade track which ran off Bratton Road. The dwelling was a farmhouse which had previously been physically attached to the surrounding barns and farm buildings to the north of the dwelling. The property was currently unoccupied and being renovated. Through the renovation the property had been separated from the farm buildings due to the building's stability.

The main part of the proposal consisted of the two storey wing to the side of the dwelling matching the form of the existing front projecting gable with render to the top of the gable together with the inclusion of french doors at ground floor level. The rear extension was a modest single storey lean to not visible at the front of the dwelling and would fill in the recess between the existing rear gable and the main wing of the dwelling. The proposed extensions, due to their scale and form, would not dominate dwelling or the surrounding area.

To ensure the proposals were in keeping with the character and appearance of the main dwelling, conditions could be placed to ensure that the materials used matched those of the existing dwelling. The fenestration details were of a similar size and style to those of existing dwelling and, consequently, the proposed extensions would respect and relate to the character and appearance of the main dwelling and the surrounding area.

The proposed developments were on the opposite side of the property to the nearest neighbouring property, which was over 100m away. Therefore, the proposed development would not be to the detriment of the amenities of neighbouring properties.

On this basis the proposed development complied with policies UD2 of the Wrekin Local Plan and with CS15 of the Core Strategy.

**RESOLVED** – that with respect to planning application W2010/0202 planning permission be granted subject to the conditions as set out in the report.

(g) W2010/0048 – Land behind The Little Theatre, Wellington Road, Donnington, Telford, Shropshire

This planning application from Telford & Wrekin Council related to the provision of a children's BMX bicycle track on a site which was part of a large area of public open space between Wellington Road and New Trench Road in Donnington. Most of the open space was used for informal recreational use but it did contain two formal football pitches, an equipped children's play area, and a ball court and youth shelter.

The proposed BMX track would be 40 metres long by 24 metres wide and would rise to 2 metres at its highest point with the various ramps and berms, together with a cycle rack, seat and litter bin. The facility was intended to be mainly used by children and young people aged between 4 and 16. The nearest residential property was approximately 100 metres from the proposal and the majority of the development would lie directly behind the Little Theatre.

The application site lay within the Council's Green Network as defined in Policy OL3 of the Wrekin Local Plan. Policy OL4 permitted development in the Green Network provided there were exceptional circumstances, it contributed to the aims of the Green Network, or environmental and community benefits were an integral part of the proposal. One of the aims of the Green Network was to provide a supply of open land to meet the diverse recreational needs of the population but it was considered that this proposal complied with those aims.

Donnington had been identified as a part of Telford that was deficient in outdoor recreational facilities, as highlighted in the Council's Outdoor Recreational Strategy, and it was considered that the provision of this BMX track would help to alleviate this and provide important community and recreational facilities for local children and young people. The Council had drawn up the proposals in consultation with the West Mercia Police, Youth Services, Wrekin Riders BMX Club, and the Parish Council and the design and layout of the scheme had been devised by local children and young people in collaboration with the Council's Landscape and Recreation Services.

National guidelines in relation to older children's play provision required a minimum set distance of 30 metres from the edge of the facility to the boundary of existing or proposed residential properties and, in this particular case, the nearest house was over three times the recommended guideline distance. Therefore, it was considered that the proposed facility would not have a harmful or detrimental impact on any residents living in this part of Donnington. Neither would the scale and design of the proposed development have a detrimental impact on the character and appearance of the area.

**RESOLVED** – that with respect to planning application W2010/0048 delegated authority be granted to the Head of Planning & Transport to grant planning permission subject to the conditions as set out in the report.

**PB-115      SITE VISITS**

None.

The meeting ended at 6.17 p.m.

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**2<sup>ND</sup> JUNE 2010**

Schedule 1 - Planning applications for determination by Board

<b>W2009/0905 Land at, Mere Park, Stafford Road, Newport, Shropshire.</b> Removal of condition no.9 (restricting goods sold) of Planning Permission W2008/1308 .....	<b>2</b>
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<b>TWC/2010/0137 John Randall County Primary School, Queen Street, Madeley, Telford, Shropshire, TF7 4DS</b> Erection of a rear extension.....	<b>72</b>
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W2009/0905

Land at, Mere Park, Stafford Road, Newport, Shropshire.

Removal of condition no.9 (restricting goods sold) of Planning Permission

W2008/1308

**APPLICANT**

Growing Enterprises

**RECEIVED**

14/10/2009

**PARISH**

Newport

Chetwynd Aston & Woodcote

**WARD**

Newport South

Church Aston & Lilleshall

**CASE OFFICER**

Kate Stephens

**OBJECTIONS RECEIVED:** Yes.

**MAIN ISSUES** Location of development outside urban area of Newport, impact on Newport town centre, availability of suitable, more central alternative sites and accessibility by a choice of travel.

**PROPOSAL**

This Section 73 application seeks to vary condition 9 of planning permission W2008/1308 to allow the sale of a wider range of comparison goods from a retail unit that has not yet been built. The applicant has not advised of any particular proposed retail operator.

The effect of granting a S73 application is to create a wholly new planning permission separate from the original, which remains extant. The approach to determining such an application is the same as for any planning application in that *"determination shall be made in accordance with the (development) plan unless material considerations indicate otherwise"*. The existence of the earlier permission is a material consideration.

Members will recall granting planning permission (W2008/1308) at Plans Board on 12<sup>th</sup> August 2009 for a new retail building of 932 sqm gross at Mere Park for comparison retail (500sqm net floorspace) with a café/restaurant (300sqm), office/storage (42sqm) and a covered walkway (90sqm). The applicant did not indicate then whether there was an end user.

Members granted the original planning permission W2008/1308 on 12 August 2009 contrary to the officer recommendation, but only on condition that the sale of goods was restricted to those goods normally found at a garden centre/farm shop (as per the list of goods the applicant had previously agreed to sell at the garden centre pursuant to planning permission W2002/0715, and a later permission for a retail unit that was an amalgamation of a revoked farm shop permission and the garden centre (W2005/1497). The relevant condition (9) provides that:

*"The range of goods to be sold from the retail unit hereby approved shall be limited to those related to garden centre products of the nature specified below. Those products specifically excluded from the list cannot be sold at*

any time. Any other products that are not listed must not account for more than 5% of sales, either by value or floor area.

- a) Seeds and bulbs.
- b) Plants, shrubs, flowers and trees including house plant, herbs, conifers, specimens, hedging, herbaceous, roses, climbers and the like.
- c) Cut flowers.
- d) Dried, silk and artificial plants.
- e) Garden furniture and furniture applicable to conservatories and BBQ's (but not furniture such as beds and wardrobes etc).
- f) Terracotta, ceramic, wood, glass and plastic pots, tubs, and vases for both indoor and outdoor use.
- g) Items relative to the landscaping of gardens and will include fencing, stone, trellising, lighting, sand, turf, and the like.
- h) Stone ware and the like and ornamental garden statues etc.
- i) Garden tools and machinery including but not limited to garden hoses, wheel barrows, lawn mowers, diggers, garden forks, spades saws, hedge cutters etc.
- j) Books, magazines, CD's and computer software the emphasis being on the garden and nature with associated materials such as children's books etc. CD's typically will have the sounds of nature etc and will not have pop music as its theme.
- k) Range of goods and beverages and confectionary that one would associate with a garden centre but not limited to chutneys, jams, own label products, fruit drinks, meads tonics and floral recipes.
- l) Appropriate chemicals, fertilizers, weed killers, pest control products, additives to ponds and the like.
- m) Seasonal items pertinent to Christmas which may include Christmas trees, lights, decorations and appropriate gifts.
- n) Aquatic products including aquariums, live fish stock, pumps, foods and associated products.
- o) Wild bird food and other ranges of domestic pet foods – pets are not to be sold unless the premises are appropriately controlled.
- p) Appropriate clothing and footwear including gloves, shirts, outdoor jackets, Wellington boots and the like all appropriate to the garden environment (dresses and suits would not be appropriate).
- q) Gifts, candles and appropriate perfumed / fragrant products with the emphasis being on the garden and could include but not limited to scented soaps, bath salts, hand creams and lotions, ceramic models of animals, glass and ceramic wear candles sticks and other products with a "flowery" emphasis, as well as locally produced products that support the local economy.
- r) Greetings cards and paper.
- s) Limited selection of children's toys the emphasis being on outdoor play and "small toys pertinent to Childs pocked money" other than at Christmas when range may be expanded a little for a 13 week period.
- t) Greenhouses, sheds, conservatories and other outdoor buildings (appropriate to the garden).
- u) All relevant garden products not included in the list above (which could include grow bags, wind chimes, garden gnomes and ornaments).

- v) *Crafts associated with the local surrounding agricultural community and include basket ware, limited wood products such as tea towels and napkins (but not bed linen, curtains, bathroom towels).*

*The unit shall not sell cars or any spares for cars, any “white goods” fridges, freezers etc.*

*Reason: In order to restrict the use of the premises and ensure that the retail proposal does not adversely impact on Newport town centre”.*

Comparison goods, sometimes referred to as durable goods, can be distinguished from food and other convenience items. Comparison goods therefore include clothing, footwear, books, jewellery and household goods including hardware, furniture and furnishings, floor coverings and electrical goods. Many of these goods are traditionally sold on the high street. Purchasing decisions can then be made between different retailers over the choice and quality of goods they have available.

The applicant considers that condition 9 is unduly restrictive; that he did not ask for it to be imposed as the original application sought unrestricted comparison goods retailing and that there was no rational basis for its imposition. He therefore seeks to secure a fresh permission under S73 such that the wording of condition 9 would allow the sale of a wider range of goods but not food items. The applicant has suggested re-wording of condition 9 to read:-

*The premises hereby approved shall be used for the sale of comparison goods only within Class A1, but excluding:*

- *Electrical goods of a bulky nature e.g. fridges, freezers, washing machines etc.*
- *Floor coverings*
- *Office Furniture*
- *Motor vehicles and caravans*

*It shall not be used for the following purposes that fall within Use Class A1:*

- a) *a post office*
  - b) *the sale of tickets or as a travel agency*
  - c) *for hairdressing*
  - d) *for the direction of funerals*
  - e) *for the washing or cleaning of clothes or fabrics on the premises*
  - f) *for the reception of goods to be washed, cleaned or repaired*
  - g) *a pharmacy*
  - h) *an opticians*
  - i) *the sale of jewellery*
- and for no other purposes.*

Conditions were also imposed on the original permission to ensure that the cafe/restaurant was ancillary to the retail use; that there was no sub-division of the retail unit and that there was no increase in the retail floor area. These conditions are not sought to be amended.

The applicant has not provided a retail impact assessment or sequential assessment of alternative sites as they consider that adequate information was provided with the previous application.

Access to the site would be off the existing spine road, that runs through the Mere Park complex, close to the access from the A518.

## **BACKGROUND**

Officers are bringing this application to Plans Board at the same time as two other applications concerning retail development in Newport. These comprise a S73 application which seeks to vary a condition of an outline planning permission (W2009/0312) to allow the sale of food with ancillary non-food goods from one of two retail buildings within a proposed mixed retail / employment redevelopment at the Classic Furniture premises at Audley Avenue, Newport. The relevant building is of 1,394sqm gross. The other application (W2009/1023) relates to an outline proposal for a new retail unit of 1,634sqm gross on land to the south of the new hotel adjacent to the Mere Park garden centre and to the east of the Newport By-Pass. All three proposals have been brought to the same meeting to enable members to be aware of each application, the merits and issues of each and the retail issues facing Newport as a whole so they can make informed decisions.

There are other current Mere Park applications for a children's nursery (W2010/008) and a variation of condition to allow an un-built unit to be used as a veterinary practice and for the sale of pet related products (W2008/0601). A duplicate application for a food retail supermarket W2010/0185 has also been submitted. These will be brought to a later Plans Board meeting.

The Mere Park applicant (Growing Enterprises) has also recently submitted Certificate of Lawful Use and Development applications to establish whether the garden centre permission granted in 2002 permits a wholly open (ie. unrestricted) A1 retail use of the garden centre (W2010/0050) and, whether a restricted goods condition attached to that permission is unenforceable (W2010/0051). As these applications rely on (and can only be determined on) matters of law and their proper interpretation, officers will determine them both under delegated powers.

## **THE SITE**

Newport is a market town 16 kms north east of Telford. It is close to the Staffordshire border, with Stafford only 21 kms to the east.

The appeal site is located approximately 1.5kms east of Newport Town Centre on undeveloped land to the south of Stafford Road, A518. It is located to the east of the access road that runs through the Mere Park site. The Mere Park Garden Centre has been in operation since 2002 following a planning permission granted in 2002 (with the range of goods able to be sold limited by condition). Within the boundaries of the permitted garden centre, there is now a unit specialising in the sale of outdoor pursuit goods (and limited by condition) which has been operating since 2005, and only partly within the boundary, a retail unit used for the sale of aquatic goods which has been operating since 2004. At the other end of the access road adjacent to the

Newport By-Pass, there is a 50 bed hotel and restaurant currently under construction.

There is also an area used for the sale of timber sheds. This also lies outside the original garden centre site boundary and does not benefit from planning permission. In addition, there is an extant planning permission for a 879 sqm farm shop unit not yet built that is conditioned limiting the goods that can be sold to principally farm shop / garden centre type products. This is subject of a current application (W2009/0880) not yet before members to vary the condition to allow the sale of pet related products and a veterinary practice. There is also an outline application for a new retail unit (of 1,634 sqm gross) which is being promoted for occupation by a discount food retailer. An appeal has been lodged against the non-determination of this application with an Inquiry programmed to commence on 10 August. Elsewhere on this agenda members are being asked to resolve the Council's position with regard to that appeal. There is a further undetermined application (W2010/0080) not on this agenda, for a 130 place day nursery and 50 place after school / holiday club on land beyond the southern edge of the garden centre curtilage.

The application site, the hotel and the garden centre complex, all lie outside Newport's defined built up area and thus the Core Strategy's Rural Area policy applies.

## PLANNING HISTORY

W89/0694	Erection of motorists service area comprising petrol filling station, shop, restaurant, lodge (ie. motel), farm shop, car parking and landscaping (outline).	Granted
	<p>Officer's report explained:</p> <ul style="list-style-type: none"> <li>• Seen as preferable to provide one comprehensive facility</li> <li>• Preferred location would have been to west of by pass but no sites currently available</li> <li>• Should not be regarded as setting precedent for further development to east of A41(T).</li> </ul>	
W90/0608 W90/0742	Reserved matters for constituent parts of service area, petrol station and hotel etc.	Granted
W95/0277	Erection of motorists service area comprising petrol filling station, shop restaurant, lodge (ie. motel), farm shop, car parking and landscaping (outline).	Refused
	<ul style="list-style-type: none"> <li>• Although this was resolved to be granted, subject to a S106 agreement being entered into, was subsequently refused (October 1997) as no progress had been made on the</li> </ul>	

agreement

- When the 1989 outline permission was granted, the Newport By-Pass network was not complete as the southern, A518, By-Pass links to the A41 had not been constructed. This was significant because at that time the site was probably the optimum site for a comprehensive motorist service area to serve the A41 / A518. However, with the completion of the southern section of the A518 By-Pass link, two applications (W98/0055 and W97/0995) for an alternative service station site further south on the A41 were approved in 1998.

W2000/1011	Erection of a Garden Centre. This permission was not implemented	Granted 16.07.01
W2002/0715	Erection of a Garden Centre and ancillary outbuildings with adjacent car parking <ul style="list-style-type: none"><li>• Condition 19 required details of products to be sold to be submitted and agreed. A range of garden centre and other related items was subsequently approved. The reason for this condition was <i>"to ensure that the garden centre main business remains seasonal, specialist and leisure orientated as required by Policy S4 of the Wrekin Local Plan"</i>.</li><li>• The Aquatic Centre building is part of this permission.</li></ul>	Granted 28.8.02
W2002/1125	Erection of Farm Shop (651sqm) with associated car parking. (This related to land outside the permitted garden centre). <ul style="list-style-type: none"><li>• Condition 3 restricted use to a farm shop and for no other Class A1 retail use</li></ul> <p>This permission was <u>revoked</u> when it was amalgamated with an ancillary garden centre building under permission W2005/1497.</p>	Granted 13.5.03
W2003/1403	W2003/1403 Erection of 9 craft workshops (441sqm gross). (These related to land within the permitted garden centre)	Granted 21.1.04
W2003/1515	Erection of a retail unit (483sqm gross). (This relates to land within the permitted garden centre).	Granted 11.8.04

	<ul style="list-style-type: none"> <li>Condition 10 restricts goods for sale to those related to outdoor pursuits (as per an agreed list) and not for any other Class A1 retail use.</li> </ul>	
W2005/1497	<p>Erection of new retail unit amalgamating previous approvals for farm shop (W2002/1125) and ancillary retail (W2002/0715). Not yet built.</p> <ul style="list-style-type: none"> <li>Condition 3 restricts goods sold to those previously agreed by exchange of letters and on W2002/1125 i.e. farm shop/garden centre type goods.</li> </ul> <p>Subject to a current application W2009/0601 to vary condition to allow sale of pet related products and a veterinary practice</p>	Granted 6.3.08
W2005/1234	<p>50-60 bed hotel with ancillary restaurant and bar with associated parking and landscaping (Outline).</p> <ul style="list-style-type: none"> <li>Then extant Local Plan Policy E7 was generally permissive of motel development at major highway intersections in or adjoining the built up areas of Telford or Newport.</li> </ul>	Granted 23.1.07
W2008/0413	<p>Erection of a 50 bed hotel, pub/restaurant with access road, car parking and associated landscaping. Under construction.</p>	Granted 27.6.08
W2008/1308	<p>Erection of retail unit. (This relates to land outside the permitted garden centre).</p> <ul style="list-style-type: none"> <li>Condition 9 restricts sale of goods to those principally of farm shop/garden centre type products.</li> </ul> <p>Unit not yet built but subject to this current S73 application W2009/0905 to vary condition 9 to allow sale of comparison goods.</p>	Granted 17.8.09
W2009/0601	<p>Variation of condition 3 of W2005/1497 (see above) to allow the sale of pet related products and use as a veterinary surgery.</p>	Undetermined
W2009/0905	<p>Variation of condition 9 of W2008/1308 to allow sale of comparison retail goods.</p>	Undetermined On this agenda
W2010/0080	<p>130 place Day Nursery and 50 place After School / Holiday Club. (A limited part of this site falls within the permitted garden centre cartilage).</p>	Undetermined

W2010/0185	Erection of retail unit (duplication of current application W2009/1023 being determined and subject to appeal against non-determination)	Undetermined
W2010/0050	Certificate of Lawfulness of Proposed Use or Development. (This relates to whether the garden centre permission (W2002/0715) created a use of land and buildings for any (retail) purpose within Class A1.	Undetermined
W2010/0051	Certificate of Lawfulness of Proposed Use and Development. (This relates to whether condition 19 of the garden centre permission (W2002/0715) was effective in restricting the sale of products to those agreed).	Undetermined

## **CONSULTATION RESPONSES**

### Council Highways Engineers

- The removal of the restrictive condition relating to what goods are sold changes how this unit could be used.
- The revised site Transport Assessment assumes that this unit continues to generate trips using similar rates for the extant operating businesses.
- Consider that the requested change of condition will result in different and potentially higher trip generating characteristics and the new assessment should take account of this.

The applicant is undertaking additional assessments and discussion with highway engineers – members will be updated.

### Newport (Shropshire) & District Chamber of Commerce

We represent the interests of all businesses in Newport, so we must also bear in mind those of firms operating outside the town centre.

- The unanimous concern is the future of the High Street area.
- Currently have close to 100% occupation of shop fronts along the High Street, which would seem to indicate a thriving small-business community.
- However, those business owners are keen to point out that they are struggling and surviving – not thriving.
- Footfall has already been on the decline prior to the impact of the global recession.
- This recession has had a further negative effect, and it is only through their own enterprise and unaided co-organisation of events etc that they have been able to survive.
- There are numerous local examples of how out-of-town development of retail units have had a severely detrimental effect on town centres, not least of which is Market Drayton.
- One trader saw turnover in his market Drayton store decline from £1,000 per day to £80, which not only made his business unsustainable, it also made it worthless to sell as a going concern. - Every shop in his row, all retail, closed within months

of each other and he saw this as a direct consequence of allowing out-of-town retail development that competed directly with those in the town centre.

- We believe it is evident that an empty town centre has a detrimental effect both on the economy of the town and society as a whole.
- Antisocial behaviour increases, pride in the town declines, property values decrease, population turnover declines, the number of children attending expanded schools declines etc.
- Trade for the out-of-town developments would thus suffer too.
- The most important consideration to benefit all parties is that Mere Park complements the services available in the High Street, and does not compete.
- Use should provide employment for the existing population as well as the proposed increase from the housing developments proposed - the owner of Mere Park believes this strongly too and he has been very actively encouraging a spirit of cooperation and mutual benefit which is most welcome.

#### Newport & District Civic Society – object

- Mere Park development should complement not compete with the goods and services available in the High Street – this action is comparable with what is being requested for Central Telford redevelopment.

1 letter of objection (from agents of the applicant of the Classic Furniture, Audley Avenue, retail application) summarised below:-

- Application is invalid as it does not include a Design & Access Statement. Application also lacking highways information and evidence to justify the retail development.
- The suggested re-wording of the condition will allow open A1 retailing including food – there is no logic or justification for this.
- There is no clarification if the proposal is to include convenience (food) retailing.
- Applicant has failed to provide evidence in light of the new PPS4 advice which now supersedes PPS6, about the impact of the proposal and sequentially preferable sites.
- The site is out-of-town and outside the development boundary of Newport – town centre, edge-of-centre and out-of-centre sites are therefore preferable to out-of-town sites, which the Council acknowledged in its Plans Board report on 12 August when the original application was considered.
- PPS4 strictly controls development in rural areas.
- The original application was recommended for refusal, but granted by members with the imposition of condition 9 – there has not been any material change in circumstances since that decision was made.

#### **PLANNING POLICY CONTEXT:**

##### **National Policy and Planning Guidance**

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)  
Planning Policy Statement: Planning and Climate Change supplement to PPS1  
Planning Policy Statement 4: Planning for Prosperous Economies (PPS4)  
Planning Policy Guidance Note 13: Transport (PPG13)

## **Regional Policy and Guidance**

Regional Spatial Strategy for the West Midlands incorporating Phase 1 Revision (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

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).

## **Local Planning and Policy Guidance**

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

No saved policies are specifically relevant to this site.

Wrekin Local Plan 1995-2006 (adopted Feb 2000)

Policy S1 Service centre hierarchy

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

Policy S5 Garden Centres in the Rural Area.

Garden centres immediately outside boundaries of Telford and Newport will be considered on their merits. The general thrust of policy is that Garden Centres are not normal retailers such that impact on viability of nearby shopping areas can be acceptable.

Local Development Framework Core Strategy (adopted Dec 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 CS7 Rural Area

Development limited to meet needs of the area. In open countryside strict control.

#### Policy CS8 Regeneration

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

#### Policy CS9 Accessibility and social inclusion

Locate development in centres. Promote sustainable forms of travel.

### **PLANNING CONSIDERATIONS**

#### Policy, Market Towns and Regeneration

Regional planning policy acknowledges that markets towns, such as Newport, have an important role and that new shopping development should be located within the centres, but if no sites exist then advice in national guidance should apply (i.e. PPS4). At the local level, the Council's adopted Core Strategy also seeks to support the regeneration of Newport and its role as a market town with specific policies CS6 (Newport) and CS8 (Regeneration). Newport is identified as a level 2 retail centre after Telford in the hierarchy of Borough retail centres set out in the Wrekin Local Plan (policy S1).

The Council's Core Strategy identifies that "*Newport market town serves a catchment that includes its rural hinterland. Its range of goods and services reflects the need of the town and its hinterland, including the student population of Harper Adams University College. Mere Park is an out-of-centre development to the east of the town. Newport also has an established Regeneration Partnership*" (paragraph 3.46).

Newport is a historic market town with its conservation area focused on the High Street. Maintaining the vitality and viability of the centre is supported by local, regional and central government policy and by the Council in its regeneration objectives. The shopping within the centre is tightly constrained. Although the vacancy rate is low, this does not reflect, in the Council's consultant's view, the strength of the centre which he assesses to be fragile; it reflects the lack of floorspace able to accommodate new retail entrants. The compact nature of retailing in the centre enables and encourages linked trips and serves to help maintain its retail offer. The residential areas of the town surround the centre and most are accessible to it either by foot or cycle.

When the application was submitted the relevant national retail policy was contained within PPS6. However, this advice was cancelled with the publication of PPS4 in December 2009. The new policy removes the requirement that retail development outside town centres has to meet a "retail need" test. However, other tests remain, in particular, the sequential assessment of alternative sites. The first preference is for retail uses to be located in an existing centre, then on edge-of-centre sites before out-of-centre sites are considered. In assessing sites, applicants are expected to be reasonably flexible as to the scale and form of their development. Sites also have to be suitable (in planning terms), viable in accommodating the scheme and available in a reasonable period of time. If a "*sequentially preferable*" site is identified, the advice is that permission "*should be refused*".

Another test that remains relates to impacts on town centre considerations. Policy is to support town centres and to seek to avoid adverse impacts on them from development which is outside the town centre. These impacts include prejudice to existing and / or planned public and / or private investment in the centre; the effect on general vitality, viability, diversity and role and function of the centre; and, impact arising from the draw to the proposal and diversion of trade from the town centre. PPS4 permits other local town centre impacts to be identified. In the context of Newport, with its town centre conservation area and a number of listed shop buildings on the High Street, impact on these heritage assets would seem a relevant issue. If there is a “*significant adverse impact*” permission should be refused.

Impacts arising from matters relating to climate change considerations; design of the building and its function in the area; accessibility by choice of means of travel and congestion; economic and physical regeneration, and employment creation, are also required to be assessed against PPS4 criteria. If some of these impacts are negative, they may be balanced against other more positive impacts. Where appropriate, cumulative impacts have to be taken into account, eg. from unimplemented recent permissions.

The development plan provides a similar policy basis for making decisions but PPS4 is an important material consideration affecting the weight that can be given to some policies that might conflict with its approach. However, in terms of the local dimension, most Local Plan and Core Strategy policies remain relevant

Both regional and local planning policy recognise market towns as playing a key role in providing services and other facilities to both the town and their rural hinterlands. Regional policy RR3 expects retail proposals to be located within the town centre where sites exist. Where sites do not exist, then it expects the development to meet sequential site selection tests set out in PPG6 (now PPS4).

One of the Council’s long-term development visions is to support and strengthen the role of Newport as a market town with it acting as a service centre for the town and its rural hinterland. New development in Newport should support that role and strengthen the town’s provision of services and facilities and reduce the need to travel. This is endorsed by Core Strategy Policies CS6 and CS8.

Policy CS6 acknowledges that the town has suffered due to changes in agriculture and that “*The town’s economy and its services and facility base will benefit from being bolstered and expanded*”. New development should “*facilitate its economic and commercial regeneration*” and “*...the enhancement of existing, and the creation of new facilities within the town will be supported. This will include services and facilities such as...shops (particularly convenience)... and will specifically aim to strengthen the quality and variety of the town’s retail provision...*”. Policy CS8 supports development where it will strengthen the market town role of Newport.

Improving the six Borough towns (including Newport) is a key priority for the Council. Major investment is currently regenerating these towns to make them more attractive to residents and visitors. Under the Council’s Borough Towns Initiative, there is a budget of over £1million over two years to fund major environmental improvements

in the town in conjunction with the Newport Regeneration Partnership. A significant proportion of this funding has already been committed.

To this end, planning permission has been granted and work already commenced on improving Victoria Park on Water Lane, which is a vital but underused green space in the centre of Newport. This will provide a more attractive recreational area for residents and visitors, and will improve the interface and links between the park, Water Lane and the town centre. This should in turn help foster greater interest from land owners in the regeneration of the wider, edge of centre, Water Lane area.

In June 2010 the Council expect to commence environmental improvements to Newport's High Street that will include repaving the footways on both sides of the High Street from its junction with Wellington Road to the junction with Water Lane by the canal. This will help realise one of Newport's regeneration strategies of improving the town's shopping environment to make it safer and a more attractive experience for shoppers and visitors, and to increase the vibrancy of Newport's retail core, increase the viability of a number of small retailers which in turn would help improve the vitality of Newport's retail sector to retain Newport's position within the sub-regional retail hierarchy.

Because of the specialist assessment required, the Council has taken advice from an independent retail planning consultant. His report reviews the application against all of the PPS4 tests.

In the context of a full review of local planning policy in both the Local Plan and Core Strategy, the consultant's assessment of the health of the centre identifies a number of key threats:

- The limited stock of available premises;
- The size and shape of available premises;
- The cost of maintaining retail premises in a heritage asset;
- The relative lack of multiple retailers;
- The inertia in bringing forward potential development opportunities;
- The lack of recent private sector investment, and
- The risk of an ineffective "*return*" for the Council in terms of investment in public realm improvements.

His report considers the range of goods that would be permitted by the permission as varied by the re-worded condition 9.

#### Town Centre Impact

The applicants suggested re-wording of condition 9 seeks to limit to some degree the range of goods sold. The proposed condition seeks to exclude from goods that could be sold; bulky electrical goods, floor coverings, office furniture and motor vehicles and caravans. DIY and home improvement goods are not excluded, neither is furniture nor furnishings including fabrics, bed linen, curtains and other household goods including hardware. Cycles, cycle accessories and motor accessories are also not excluded. Smaller electrical items including mobile phones and televisions, audio equipment and smaller domestic appliances, for example, kettles, irons and

microwaves would also be able to be sold. Importantly, clothing and footwear is not excluded from items that can be sold.

In terms of the further list of nine businesses for which the accommodation would not be used, other than for the sale of jewellery, the other eight items are, in part, service type retail floorspace, eg. Post Office, travel agency, hairdresser, opticians and pharmacy.

What remains that could be sold from this unit is a very substantial range of comparison goods that include clothing and footwear (this accounts for the largest single sector of expenditure in the comparison goods range) together with recreational goods including DVD's, CD's and other games. Sports goods and photographic items would similarly be able to be sold. In other words, virtually all goods sold in the "high street" other than those expressly stated in the limited list suggested by the applicants.

Therefore, the range of comparison goods that would be able to be sold from the unit, if permission were granted, would be extensive and go very substantially beyond the range of "*larger household goods*" defined in Annex B to PPS4. These are more normally the type of goods found on retail warehouse parks catering for car borne customers.

The Council's consultant has assessed the proposal in the context of the range of comparison goods that could potentially be sold and the scale of average UK annual personal expenditure (per head) on such items compared with the scale of expenditure relating to the currently permitted items. He finds that the existing permitted range of goods represents about 16.6% of the value of personal spending in the comparison goods sector. In contrast, the proposed condition would equate to 90.5% of the value of such goods. This helps to demonstrate the extent and value of goods that would be permitted by the change. He therefore advises that "*The inclusion of all clothing and footwear lines, all of the audio / visual sector and the recreational goods sector, helps to generate a potentially wide and valuable consent for a retailer.*"

*Such a wide range of goods, unjustified in terms of any special factor arising from the development or elsewhere locally, and wholly unrelated to a retail use as a garden centre, would directly draw trade from similar retailers in the town centre and reduce the prospects of others locating there.*

*This would significantly affect the vitality and viability of the primary shopping area and the diversity of offer found there. Reductions in trade will affect the availability of goods and service provided thus eroding the overall retail experience. This has adverse effects on the availability of local choice and makes the town centre a less competitive and attractive retail environment".*

The applicant's case can be summarised as:

*"... the applicant's aim is to help retain some of the significant amount of expenditure that exists within the Newport catchment but which is currently being diverted to other retail centres (and which is, of course, producing high levels of unsustainable trips) ... The proposed development would clawback*

*some of the £20m identified as being available within the catchment, and is not dependent upon attracting trade that is currently taking place in the town centre ... incorrect to believe that the proposed development would, necessarily, adversely affect the operations in the town centre. Rather, it would help retain some of the expenditure that is currently being lost to other centres, and by doing so might actually help the town centre traders ... with the ... free bus service between Mere Park and the town centre ... there is a direct potential spin off from a healthy retail operation at Mere Park for the town centre traders ... the applicant recognises that there could be fears that the proposed development could adversely affect individual traders in the town centre ... So, we have considered carefully those sectors that are / are not represented in the town centre to see whether they are strong or weak, and whether the proposed development is likely to have any serious effect ... It is proposed that the products that are proposed to be sold at Audley Avenue would be excluded from the items that are to be sold at Mere Park, except where those items are already retailed from the Mere Park Complex.*

*Regard has also been had to the number of outlets selling particular types of comparison goods in the town centre, and which might have difficulty dealing with direct competition, subject, of course, to the fact that certain comparison products are already retailed from Mere Park and there is no evidence that that operation has had any adverse effect on any individual town centre operator – on that basis there is no reason why those products should be restricted in the proposed new store. Further, if a sector of the market is not represented in the town centre at present there can be no justification for excluding that product from sale at Mere Park, as sales of those products at Mere Park would not have any effect on the town centre”.*

The applicant's agents have subsequently stated that:

*“When application W2008/1308 was submitted it sought planning consent for an A1 outlet for the sale of ‘comparison’ goods. We did not, at the outset, suggest that there should be any restriction on the type of goods that could be sold from the outlet, other than that they would be ‘comparison’ goods.*

*We justified the level of floorspace proposed, and the limitation to ‘comparison’ goods, by reference to the LDF Core Strategy (in particular Policy CS6) and the White Young Green study for retail floorspace appropriate to serve the Newport catchment that had been prepared on behalf of the Council as evidence on which to base the Local Development Framework.*

*Clearly the Council accepted that the development proposed in our application was in line with Policy CS6, and that the level of floorspace proposed was appropriate and the sale of ‘comparison’ goods from that floorspace was acceptable. However, the Council went further and imposed extra restrictions on the ‘comparison’ goods that could be sold.*

*As our current application is made under the provisions of S73 of the 1990 Act the Council may only consider the conditions imposed on consent W2008/1308. It is not necessary therefore to supply information that justifies*

*the development as originally proposed other than as far as it relates to the condition that is in dispute. I assume that you seek then, justification for selling goods other than those listed in condition 9. It would be an impossible task to attempt to list every other good and product that falls under the heading of 'comparison' and individually comment on each. In any event it would be a wholly unnecessary exercise.*

*The justification for the removal of the condition 9, then, must be that there is no rational basis for its imposition. WYG concluded that a certain level of floorspace for the sale of 'comparison' goods could be justified on the basis of their study – they did not indicate that the goods that could be sold from the floorspace should be limited to those that the Council has listed in Condition 9. The Council accepted that application W2008/1308 complied with the study in this respect.*

*We do not see any justification for further restriction. Having adhered to the level of floorspace for comparison goods calculated by WYG as being appropriate, we can be sure that that provision will not harm the town centre. If the development will not harm the town centre then we do not believe any further justification for those goods not mentioned in the Council's condition is necessary or justified. (Indeed the Council is clearly not too concerned about the effect of other comparison goods being sold as it granted consent for other comparison goods to be sold from much larger buildings at the same Committee meeting as that when application W2008/1308 was considered).*

*The very limited floorspace that was permitted under W2008/1308 for comparison goods at Mere Park is not going to adversely affect the viability or vitality of the town centre as a whole – there simply wouldn't be enough trade to have any significant effect - and the Council has clearly accepted that. Going further, we do not believe it is appropriate that we should be asked to justify the position that the Council has adopted as the basis for its LDF".*

In addition, they are concerned as to how the Council “assessed that those goods listed in the condition would not harm the town centre, and how it has been assessed that other goods which are currently not on the list would have a harmful effect on the town centre”.

It is argued by the applicant's agent that there was not rational basis for its earlier decision having regard to the WYG 2007 report as updated. This is disputed since the reasons for the imposition of condition 9 were that, “*In order to restrict the use of the premises and ensure that the retail proposal does not adversely impact on Newport town centre*”. These reasons remain relevant.

However, there is no clear evidential justification from the applicant that can be tested, in terms of the assertions relating to where trade would be drawn from and the level of diversion from the town centre. The Council's consultant advises that, “... *the key issue is not about “picking and choosing” what might be able to be accommodated (within the proposed unit) with least overlap against the profile of existing retailing, particularly service retailing, in the centre (of Newport), but about the opportunity for Newport to be able to enhance its role and function, respond to*

*future changes, and provide it with reasonable opportunities to accommodate larger footprint retailers when opportunities arise.*

*Such opportunities have historically arisen here through the assignment or otherwise of existing leases or other vacation of premises, eg. Woolworths. They have also arisen through the amalgamation of units. However, there are opportunities to enlarge the centre, but they are not straightforward.*

*Bearing in mind the fragility of the centre as described above, there is a real risk that if a wide range of comparison goods (ie. open, non-food) retailing were permitted here, in particular, in the very broad and valuable clothing, footwear and recreational goods sectors, as well as the non-bulky electrical sector, that the opportunity for the town centre to thrive and prosper would be unreasonably limited”.*

It is not appropriate or of assistance to examine the effects in terms of trade draw and impact on the town centre of each item in the list of goods, either in the existing condition 9 as currently worded, or in respect of the proposed list put forward by the applicant now. What is required to be done is to consider the list and range of goods as a whole and to assess the consequential trade diversion and impact of the store on the town centre. When this is done, it is clear that the increase in trade diversion from and impact on Newport town centre would be significantly adverse and should be resisted.

The Council's TWRLS 2007 Study (and update) carried by WYG has also been reviewed. For a town of its size, Newport captures a reasonable proportion of available comparison goods spend.

*As stated in the Council's consultant's report, "The range of goods sought is therefore extensive and potentially damaging to the centre. No specific operator is suggested and thus the application can only be broadly tested against the full range of uses sought”.*

The conclusion to be drawn is that the impact on Newport town centre is likely to be damaging and contrary to policy.

### Sequential sites

For “town centre uses” such as retail that are proposed in out-of-centre locations (such as this application), PPS4 requires a sequential assessment to be done to fully explore alternative sites closer to the town centre. This assessment involves a) establishing a model for assessment, ie. allowing for some flexibility in operating formats, b) thoroughly assessing all in-centre sites before considering less central sites, c) that where no town centre sites can be found preference is given to edge-of-centre sites (usually regarded as being within 300m of the primary shopping area) and which are well connected to the centre by means of easy pedestrian access and d) assessing sites for their availability within a reasonable period, suitability and viability. Legal advice sought by your officers confirms that it cannot automatically be concluded that a site which is out of town is less preferable to one which is within the urban area.

With regards alternative, more central sites on which the proposed development might be located, the applicant has considered 22 sites. The Council's consultant has reviewed all the sites assessed and suggests only two need detailed scrutiny:

5. Concrete batching plant, Avenue Road (referred to by the application as Former Works, Audley Road), and
22. Land off Water Lane.

Site 5 is part of a larger site owned by a developer, St Modwen. There is a Council resolution to grant outline planning permission for residential development dating from 2009 subject to completion of a S106 agreement. It is understood that Hanson are soon to cease use of the site and that it will become vacant. However, the likelihood of it being developed for residential development is currently unclear.

Site 22 is a large swathe of back land, ie. behind and including some of the town centre's St Mary Street's premises with frontage to Water Lane. It has scope for a retail development in a potentially mixed use scheme on what is an edge-of-centre location close to the centre of Newport, the public car park and bus station. The Council has a desire to re-develop this area to help accord with policy objectives of regenerating Newport to strengthen its role as a market town and has produced a Planning Statement indicating very broad mixed development aspirations. The land is in multiple ownerships that could make land assembly more difficult without owner co-operation.

In the context of the relatively fragile health of Newport town centre, the limited qualitative needs or benefits (eg. choice and competition) that support the proposal, and the prejudice that allowing the proposal could have on bringing forward part of this area for retail use, the Council's consultant advises that it is important to maintain the prospect that retail development could be accommodated here. That advice includes that *"A long term view to site availability is appropriate for a centre that is not strong"*.

The applicant raises issues relating to; land assembly, suggesting it would be *"extremely difficult"*, an argument that the prospect of *"a sizeable retail outlet ... might well prejudice the comprehensive development of the whole"*, that separation of the site from the main commercial area with no direct access, and prospective difficulties in designing a scheme that would reflect the character of the area. Whilst some of these are challenges, they are not seen as barriers to development here.

On the issues of the site being separated from the main town centre, it is a regeneration objective to link the High Street with Victoria Park potentially with development of this area. Whilst the Council's decision granting permission for the earlier Mere Park application (W2008/1308) did not consider this to be an available opportunity, the following considerations are relevant in light of the Council's consultant's report:

- the recognition of the fragility of Newport town centre;
- a 'high street' type retailer is more likely to help make delivery of this (or part of this) site viable, and thus available;

- it is reasonable to test availability over a longer period for uses such as food or general high street retailing which would be more beneficial in a town centre setting.

Having looked specifically at both the Water Lane area and the concrete batching plant site at Avenue Road, the Council's consultant concludes that: "*Opportunities exist in both the short term and longer term to accommodate the proposal on the edge of the town centre. A long term view to site availability is appropriate for a centre that is not strong*". Therefore the Council would contend that there are sequentially preferable and available sites closer to the town centre that could accommodate the proposed development.

### Other Impact Tests

#### *Climate Change and Related Sustainability Issues*

The development is on a greenfield site and does not contribute to opportunities to recycle urban land. Issues relating to the energy efficiency of the building could, in part, be addressed through the imposition of a condition.

#### *Accessibility by a Choice of Travel and Addressing Congestion*

Whilst the site may benefit from a half hour inter urban bus service with a subsidy currently providing free travel between 09:30 and 15:30, the site is not otherwise particularly accessible for "*high street*" type retailing where good access for those without access to a car is important if social exclusion issues are not to arise. The majority of Newport's residential area is not particularly accessible by this bus. The site scores poorly (particularly compared with the town centre) in terms of the number of households within an easy walking distance. Crossing the A41(T) by-pass at the A518 / A41(T) roundabout is not an especially attractive proposition, although footways exist.

#### *Design Quality and Improving Function of the Area*

The development would sit adjacent to the aquatic centre at the Mere Park garden centre. It would have a functional relationship with adjacent buildings and its design is intended to be similar to that of farm shop unit already approved (but not yet built) and would be a single storey structure that would complement the other structures already on the site.

### Economic and Physical Regeneration

The proposal does not achieve any local regeneration, ie. in terms of redevelopment or recycling of urban land. Instead, the proposed development would have adverse economic effects on the town centre.

### Employment

PPS4 recognises that job creation is economic development. After allowing for related local job losses arising from retail impacts on existing outlets, there is not likely to be a significant increase in jobs between the previously approved unit to that now proposed. Any job creation is likely to be modest and not significant.

### Rural Area Considerations

The site falls outside the defined built up area of Newport. It therefore falls within the “Rural Area”. Core Strategy Policy CS7 limits development in such locations that is “*necessary to meet the needs of the area*”. Whilst there may be some qualitative benefits associated with the proposal (ie. enhanced local choice), these are not seen as constituting the kind of needs that the Core Strategy has in mind.

The site also falls outwith the area of land that constitutes the curtilage of the permitted garden centre. Although it has a planning permission for development, it cannot currently be argued to be a brownfield site. As such the present proposal unnecessarily extends development into the countryside. However, the previous grant of a retail unit under W2008/1308 was allowed because the Council restricted its use to the sale of garden centre / farm shop type goods.

The proposed development would tend to consolidate a mixed use, out of centre location which would be undesirable in terms of creating an alternative focus to the town centre.

#### Material Considerations in favour of the Proposal to be Weighed in the Balance

These considerations include:

- The existing planning permission is a material consideration in itself. Although the permission is extant, it is relevant that it has not been implemented and thus the unit is not trading. In these circumstances, this issue has less weight.
- The widening of retail choice for the consumer. In this regard, consideration has to be given to the modest capacity for, and the qualitative benefits arising from, additional comparison goods retailing that would serve the Newport area.
- The claw back of a limited amount of trade from outside the Newport area and consequential benefits that this might have for the town and its centre.
- The limited benefits arising from new employment.

Some of these issues were raised in supporting material to the planning application (W2008/1308), and are set out there and in the officer’s report to the Plans Board of 12 August 2009.

These factors are to be weighed in the balance. However, it is officer’s view that they do not, either individually or together, outweigh the harm that would be caused by the proposal and the breach of development plan policy it raises.

#### **CONCLUSION**

In the context of the fragile health of Newport town centre, and the role that ‘high street’ retailing plays there, significant adverse impacts on the centre have been identified, concerning:

- prejudice to existing and future planned investment;
- effects on retail vitality, viability and diversity;
- a high level of trade draw, and
- risk of harm to the centre’s heritage assets.

This will adversely affect efforts to regenerate Newport and strengthen its role as a market town and hence would be contrary to WMRSS Policy RR3, Core Strategy policies CS6 and CS8 and WLP S1.

Assessment of sequentially preferable sites identifies prospects to accommodate the proposed development. Permitting the proposed development would thus reduce the prospects of addressing the need to enhance and regenerate the town centre. It would therefore be contrary to WMRSS Policy RR3, Core Strategy Policies CS6 and CS8 and WLP1.

The site is not accessible to the extent required to support largely unrestricted comparison goods retail development. High street type retail outlets ought to be easily accessible to most sectors of society, particularly those who do not have access to a car. The proposed development therefore conflicts with Core Strategy Policy CS9.

The development site is also outside the built up area and does not comply with the Rural Area policy CS7 of the Core Strategy.

**RECOMMENDATION:** Refuse for the following reasons:

1. The proposed development would have a significant adverse impact on Newport Town Centre and threaten its role as a market town and undermine its position in the retail hierarchy of the Borough and hence is contrary to PPS4, Regional Spatial Strategy policy RR3, Core Strategy policies CS6 and CS8 and Wrekin Local Plan policy S1.
2. The proposed development is capable of being accommodated on a sequentially preferable site and hence the proposal is contrary to PPS4.
3. Notwithstanding the bus service past the site, the location performs poorly (particularly compared with the town centre) in terms of access by a choice of means of transport. The proposed location is not reasonably accessible for general comparison goods retailing, where good access for those without a car is key and where social exclusion issues are to be avoided. The proposed development is therefore contrary to PPS4, Regional Spatial Strategy policy RR3 and Core Strategy policies CS7 and CS9.
4. The proposed comparison goods retail unit would not meet needs limited to the Rural Area and where development is strictly controlled. It would therefore be contrary to Core Strategy Policy CS7
5. There are insufficient material considerations in favour of the proposal to overcome the identified significant adverse impacts and breaches of development plan policy.

W2009/0934

5, Audley Avenue Retail Park, Audley Avenue, Newport, Shropshire.

Variation of condition 21 of outline consent W2009/0312 to allow the sale of food and ancillary non-food from retail unit 5

**APPLICANT**

Mr David Tringham

**RECEIVED**

29/10/2009

**PARISH**

Newport

Chetwynd Aston & Woodcote

**WARD**

Newport South

Church Aston & Lilleshall

**CASE OFFICER**

Kate Stephens

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Impact on Newport town centre; availability of suitable, more central alternative sites, accessibility by a choice of travel, redevelopment of existing employment premises.

**PROPOSAL**

This section 73 application seeks to vary condition 21 of outline planning permission W2009/0312 to allow the sale of food with ancillary non-food goods from one of two retail buildings, previously granted but not yet built. The effect of granting a S73 application is to create a wholly new planning permission separate from the original, which remains extant. The approach to determining such an application is the same as for any planning application in that *“determination shall be made in accordance with the (development) plan unless material considerations indicate otherwise”*. The existence of the earlier permission is a material consideration.

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

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

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

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

Comparison goods, sometimes referred to as durable goods, can be distinguished from food and other frequently bought items. Comparison goods therefore include clothing, footwear, books, jewellery and household goods including hardware, furniture and furnishings, floor coverings and electrical goods. Many of these goods are traditionally sold on the high street where spending decisions can be made between different retailers and the choice and quality of goods they have available. The condition therefore sought to limit the range of goods that could be sold to those regularly found in traditional retail warehouse parks.

The applicant now wants an alternative permission that would allow the smaller of the retail buildings, unit 5 (1,394sqm gross) to have the flexibility to be used for the sale of food and wants such a permission to have an amended condition 21 by adding the underlined text to read as follows:

*“Units 1-4 shall be used for the sale of comparison bulky goods only namely DIY goods, Gardening goods and Equipment, Furniture, Furnishings and Floor Coverings, Motor and Cycle Goods and Accessories, Office Equipment, Electrical Goods, Pet Foods and Products. Unit 5 shall be used for the sale of comparison bulky goods or food with ancillary non-food goods”.*

There is no operator specified for the foodstore (or any other unit), but the applicant has promoted and assessed the proposal on the basis that it is occupied by a “discount food retailer”, eg. the likes of Netto, Aldi, or Lidl.

The existing main site access off Audley Avenue would be modified, exactly as proposed previously, 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 part of the site, the proposal would continue to involve the erection of a building measuring 143m x 24m and 9m high to the top of the roof to provide 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 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.

#### **BACKGROUND:**

Members will recall being advised in the report to Plans Board on 12 August 2009 that the same applicant (Classic Furniture) had previously sought planning permission for a similar mixed convenience (ie. food) and comparison goods retail development (as is now proposed) together with new employment buildings (W2008/0885). This had been refused under delegated powers on grounds relating to: lack of retail need; impact on Newport’s town centre; and undermining the Core

Strategy's objective to increase the amount of employment land in Newport. An appeal was lodged against this decision. However, following the grant of the bulky comparison goods only scheme (W2009/0312), the appeal was withdrawn.

Elsewhere on the Agenda to this meeting, there are two proposals relating to development adjoining Mere Park Garden Centre, located east of the Newport By Pass. The first relates to an outline application for a new retail unit (of 1,634sqm gross) which is also being promoted for occupation by a discount food retailer. An appeal has been lodged against the non-determination of this application with an inquiry programmed to commence on 10 August. Members are being asked to resolve the Council's position with regard to that appeal. The applicant, Growing Enterprises, have also submitted a duplicate of this application (W2010/0185). If members were minded to resolve that they would have granted permission for the appealed application, it would facilitate an appropriate decision on that duplicate application, at a subsequent Plans Board meeting.

The second Mere Park retail proposal (W2009/0905) is also a S73 application which essentially seeks to vary condition 9 of permission W2008/1308 relating to a unit that Members granted at Plans Board on 12<sup>th</sup> August 2009. Condition 9 sought to restrict the range of goods sold from the unit to those principally associated with garden centres and farm shops. The applicant now seeks to expand the range of goods to include most comparison retail goods, with some exceptions, and also preventing use by certain service outlets, eg. travel agent, hairdresser or post office.

There are other current Mere Park applications for a children's nursery (W2010/0080) and a variation of condition to allow an un-built unit to be used as a veterinary practice and sale of products for pets (W2008/0601). These will be brought to a later Plans Board meeting.

The Mere Park owner (Growing Enterprises), has also recently submitted two Certificate of Lawful Use and Development applications to establish whether the garden centre permission, granted in 2002, permits a wholly open (ie. unrestricted) A1 retail use of the garden centre and whether the restrictive goods' condition is unenforceable. As these applications rely on (and can only be determined on) matters of law and their proper interpretation, officers will determine both applications under delegated powers.

Therefore three applications relating to retail proposals at Newport (two concerning land adjacent to the Mere Park Garden Centre and one relating to the Classic Furniture premises at Audley Avenue) have been brought to the same meeting to enable Members to be aware of each application, the merits and issues of each and the retail issues facing Newport as a whole so they can make informed decisions.

## **THE SITE**

Newport is a market town 16 kms north-east of Telford. It is close to the Staffordshire border, with Stafford only 21 kms to the east.

The application site is located on Audley Industrial Estate near the south eastern edge of Newport but 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 the A518 and A41(T) Newport By Pass. It is currently occupied by a mix of employment buildings. The 6,317sqm of floor space is used for the assembly, storage and delivery of furniture with ancillary office space and a retail showroom open to the public. It is therefore a brownfield site. The loss of part of this site from B Class employment purposes was previously accepted as part of the grant of outline planning permission (W2009/0312) for the earlier scheme.

### **PLANNING HISTORY:**

Various warehouse applications (Classic Furniture site).

W2008/0885	Outline application for mixed retail (comparison and convenience) and employment development at Classic Furniture and Parkland House sites.	Refused 4.11.08 Appeal lodged, but later withdrawn when W2009/0312 was granted.
W2008/0886	Full application for erection of business units following demolition of existing buildings on Parkland House site.	Granted 4.11.08
W2009/0312	Demolition of existing buildings and construction of a mixed use development comprising employment, car auction and retail together with associated parking, servicing, landscaping and access (Outline application). <ul style="list-style-type: none"> <li>• Condition 19 restricts the sale of goods from the two retail buildings to only “bulky comparison goods”.</li> </ul>	Granted 13.8.09

### **CONSULTATION RESPONSES:**

Highways: No objection

The original application W2008/0885 included food retail in unit 5 and the transport assessment accompanying that application assessed the land use mix to include food retail. This application was refused on planning grounds.

The second application W2009/0312 was for all intents and purposes identical to the above but removed the food retail and replaced it with non-food retail. Non-food retail has a lower trip generating characteristics and the proposed highway works were unchanged from those agreed for the above. As such there were no objections and the same highway conditions were recommended.

This current application W2009/0934 simply seeks to vary one condition to remove the restriction on food retail from the W2009/0312 permission which will, in effect, bring it into line with the 2008 food retail submission. As we had already seen and agreed the Transport Assessment for this scenario and the proposed highway works

still remained unchanged we issued a no objection recommendation. All other conditions of consent, including those relating to highway matters, should remain unchanged.

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.

Newport Town Council - objects

- Does not support a development that could have an adverse impact on the town centre.

Newport & District Civic Society:

- Application is at odds with the core issues in the Borough Council's Plans Board presentation on 12 August 2009.
- Sites in Newport are dismissed due to them having outline planning permission which is blighting them e.g. the Newport Business Park site owned by St Modwen, and the McCarty & Stone site on Stafford Street – these sites are far better suited to use for a discount retailer and would encourage shoppers to use other shops in Newport High Street.
- The bus service is limited and any offers to extend the bus service should be viewed against the inability of the Mere Park owner to expand/operate a regular bus route.
- The review of goods on sale in Waitrose, Somerfield and B&M is mis-leading and does not take into account the discount brands available in these stores.
- Makes no reference to the discount retailer that once operated from the M&Co shop on the High Street.
- The reference to diverting trade away from Asda in Telford is not supported by any figures.
- Estimates on retail spending can vary.
- Proposals would be in competition, not complement, existing retail businesses in Newport.
- Proposed location would be away from the High Street – Waitrose and Somerfield are close to the High Street and B&M is actually on it, allowing shoppers to visit other retail businesses and the indoor market.
- Report makes no mention of the goods sold in the indoor market.

Newport (Shropshire) & District Chamber of Commerce - object

- Unanimous concern about the future of the High Street.
- Currently have almost 100% occupation of shops on High Street which would seem to indicate thriving small-business community, but business owners point out that they are struggling and just surviving and footfall has suffered due to the recession.
- Out-of-town development makes town centre businesses suffer.
- Empty shops in the town centre will have a detrimental effect on the economy of the town and society as a whole – antisocial behaviour increases, pride in town declines, property values decrease, turnover decreases etc.

- The Audley Ave development should complement the services in the High Street.
- The small convenience retailers elsewhere in Newport will also suffer such as Springfield Stores on Station Road, Osprey Stores on Gravelly Drive, Costcutters on Salters Lane and others.

1 letter of objection from Growing Enterprises Ltd (owner of Mere Park Garden Centre) summarised below:-

- Have also submitted an application for a further retail store at Mere Park and are concerned that the Council may attempt to deal with a competing application ahead of our submission.
- A previous application at Audley Avenue for convenience retail was refused by the Council in 2008 (W2008/0885) and there has been no change in planning policy since that refusal and therefore there is no basis in planning policy terms for a different decision now.
- The applicant's retail impact calculations appear significantly inaccurate – in particular the study does not take account of the retail presence at Mere Park or the recent retail planning permissions granted and on basis that the original Garden Centre permission (W2002/0715) allows open retail A1 use.
- The assessment does not quantify the impact that the proposal will have on rural convenience shopping and hence the sustainability credentials of the development are questionable.
- No assessment of level of additional private travel over and above that which would be generated by the permitted bulky goods development that would be forced into the town's main industrial area via the by-pass.
- Location of the store and lack of availability of regular public transport to the site means it would be less sustainable than locations in the town centre or other out-of-centre retail locations and would conflict with Policy CS9.
- Whilst accept that planning permission exists for the store, it was only granted on the basis that the goods were restricted to "bulky comparison goods" and without that condition the application would have been refused.
- The site enjoys an employment use and the promotion of employment in Newport remains a primary aim of Council policy - there is no justification in Local Plan policy S9 or Core Strategy policy CS6 for allowing employment land to be used for convenience shopping.
- The sequential test seems adequate but the sites are the same as those looked at for the bulky goods store which requires different pedestrian access. Requirements for a convenience store are very different and such outlets can make use of public transport, car parks and pedestrian access to a greater degree. Therefore the sequential test should be re-run to see if an alternative site is available for the proposal.

## **PLANNING POLICY CONTEXT**

### **National Policy and Planning Guidance**

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement: Planning and Climate Change supplement to PPS1

Planning Policy Statement 4: Planning for Prosperous Economies (PPS4)

Planning Policy Guidance Note 13: Transport (PPG13)

### **Regional Policy and Guidance**

Regional Spatial Strategy for the West Midlands incorporating Phase 1 Revision (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.

Policy T2 Reducing the need to travel:

Especially by car; reduce the length of journeys.

Policy T7 Car parking standards and management:

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

### **Local Planning and Policy Guidance**

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

No saved policies are specifically relevant to this site.

Wrekin Local Plan 1995-2006 (adopted Feb 2000) (WLP)

Policy S1 Service centre hierarchy

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

Policy S9 Retailing from Employment Areas

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

Policy E4 Development on Unallocated Employment sites in the Urban Area

Development employing more than 5 people should be within or close to a centre, on a public regular bus route or on a brownfield site.

Local Development Framework Core Strategy (adopted Dec 2007) (CS)

Policy CS2 Jobs

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

Policy CS6 Newport

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

#### Policy CS8 Regeneration

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

#### Policy CS9 Accessibility and social inclusion

Locate development in centres. Promote sustainable forms of travel.

### **PLANNING CONSIDERATIONS**

#### Policy, Market Towns and Regeneration

Regional planning policy acknowledges that market towns, such as Newport, have an important role and that new shopping development should be located within their centres, but if no sites exist then advice in national guidance should apply (i.e. PPS4). At the local level, the Council's adopted Core Strategy also seeks to support the regeneration of Newport and its role as a market town with specific policies CS6 (Newport) and CS8 (Regeneration). Newport is identified as a level 2 retail centre after Telford in the hierarchy of retail centres set out in the Wrekin Local Plan (policy S1).

The Council's Core Strategy identifies that "*Newport market town serves a catchment that includes its rural hinterland. Its range of goods and services reflects the needs of the town and its hinterland, including the student population of Harper Adams University College. Mere Park is an out-of-centre development to the east of the town. Newport also has an established Regeneration Partnership*".

Newport is a historic market town with its conservation area focused on the High Street. Maintaining the vitality and viability of the centre is supported by local, regional and central government policy and by the Council in its regeneration objectives. The shopping within the centre is tightly constrained with most convenience floorspace found within the two main supermarkets (Waitrose and Somerfield / Coop) as well as in the market hall and individual shops. Discount of goods is widely found in shops throughout the centre. Although the vacancy rate is low, this does not reflect, in the Council's consultant's view, the strength of the centre which he assesses to be fragile; it reflects the lack of floorspace able to accommodate new retail entrants. The compact nature of retailing in the centre enables and encourages linked trips and serves to help maintain its retail offer. The residential areas of the town surround the centre and most are accessible to it either by foot or cycle.

When the application was submitted the relevant national retail policy was contained within PPS6. However, this advice was cancelled with the publication of PPS4 in December 2009. The new policy removes the requirement that retail development outside town centres has to meet a "retail need" test. However, other tests remain, in particular, the sequential assessment of alternative sites. The first preference is for retail uses to be located in an existing centre, then on edge-of-centre sites before

out-of-centre sites are considered. In assessing sites, applicants are expected to be reasonably flexible as to the scale and form of their development. Sites also have to be suitable (in planning terms) viable in accommodating the scheme and available in a reasonable period of time. If a “*sequentially preferable*” site is identified, the advice is that permission “*should be refused*”.

Another test that remains relates to impacts on town centre considerations. Policy is support town centres and to seek to avoid adverse impacts on them from development which is outside the town centre. These impacts include prejudice to existing and / or planned public and / or private investment in the centre; the effect on general vitality, viability, diversity and role and function of the centre; and, impact arising from the draw to the proposal and its diversion of trade from the town centre. PPS4 permits other local town centre impacts to be identified. In the context of Newport, with its town centre conservation area and a number of listed shop buildings in the High Street, the impact on these heritage assets would seem a relevant issue. If there is a “*significant adverse impact*” permission should be refused.

Impacts arising from matters relating to climate change considerations; design of the building and its function in the area; accessibility by choice of means of travel and congestion; economic and physical regeneration, and employment creation, are also required to be assessed against PPS4 criteria. If some of these impacts are negative, they may be balanced against other more positive impacts. Where appropriate, cumulative impacts have to be taken into account, eg. from unimplemented recent permissions.

The development plan provides a similar policy basis for making decisions but PPS4 is an important material consideration affecting the weight that can be given to some policies that might conflict with its approach. However, in terms of the local dimension, most Local Plan and Core Strategy policies remain relevant

Both regional and local planning policy recognise market towns as playing a key role in providing services and other facilities to both the town and their rural hinterlands. Regional policy RR3 expects retail proposals to be located within the town centre where sites exist. Where sites do not exist, then it expects the development to meet sequential site selection tests set out in PPG6 (now PPS4).

One of the Council’s long-term development visions is to support and strengthen the role of Newport as a market town with it acting as a service centre for the town and its rural hinterland. New development in Newport should support that role and strengthen the town’s provision of services and facilities and reduce the need to travel. This is endorsed by Core Strategy Policies CS6 and CS8.

Policy CS6 acknowledges that the town has suffered due to changes in agriculture and that “*The town’s economy and its services and facility base will benefit from being bolstered and expanded*”. New development should “*facilitate its economic and commercial regeneration*” and “*...the enhancement of existing, and the creation of new facilities within the town will be supported. This will include services and facilities such as...shops (particularly convenience)... and will specifically aim to*

*strengthen the quality and variety of the town's retail provision....".* Policy CS8 supports development where it will strengthen the market town role of Newport.

Improving the six Borough towns (including Newport) is a key priority for the Council. Major investment is currently regenerating these towns to make them more attractive to residents and visitors. Under the Council's Borough Towns Initiative, there is a budget of over £1million over two years to fund major environmental improvements in the town in conjunction with the Newport Regeneration Partnership. A significant proportion of this funding has already been committed.

To this end, planning permission has been granted and work already commenced on improving Victoria Park on Water Lane, which is a vital but underused green space in the centre of Newport. This will provide a more attractive recreational area for residents and visitors, and will improve the interface and links between the park, Water Lane and the town centre. This should in turn help foster greater interest from land owners in the regeneration of the wider, edge of centre, Water Lane area.

In June 2010 the Council expect to commence environmental improvements to Newport's High Street that will include repaving the footways on both sides of the High Street from its junction with Wellington Road to the junction with Water Lane by the canal. This will help realise one of Newport's regeneration strategies of improving the town's shopping environment to make it safer and a more attractive experience for shoppers and visitors, and to increase the vibrancy of Newport's retail core, increase the viability of a number of small retailers which in turn would help improve the vitality of Newport's retail sector to retain Newport's position within the sub-regional retail hierarchy.

Because of the specialist assessment required, the Council has taken advice from an independent retail planning consultant. His report reviews the application against all of the PPS4 tests.

In the context of a full review of local planning policy in both the Local Plan and Core Strategy, the consultant's assessment of the health of Newport town centre identifies a number of key threats:

- The limited stock of available premises;
- The size and shape of available premises;
- The cost of maintaining retail premises in a heritage asset;
- The relative lack of multiple retailers;
- The inertia in bringing forward potential development opportunities;
- The lack of recent private sector investment, and
- The risk of an ineffective *"return"* for the Council in terms of investment in public realm improvements.

His report then considers the retailing characteristics of the proposed development and identifies how Newport town centre currently provides for the retail food discounter function. His analysis of the retail provision in Newport finds that there is *"variety and choice of discount and other retailers selling goods at lower or value prices, often alongside respected brands. Our review indicates that a justification for*

*the proposal on qualitative grounds, ie. extending choice and / or competition, is therefore limited”.*

### Town Centre Impact

The Council's consultant's report identifies the prospect that a much greater proportion of the store's trade will be diverted from the town centre than is suggested in the applicant's Planning and Retail Statement. The Council's consultant has relied upon survey information which informs the Telford and Wrekin Retail and Leisure Study, 2007 (TWRLS) to identify limited use of existing food discounter stores in Telford and Wellington by residents of Newport and its catchment area. By considering the extent that such residents currently rely on Newport town centre supermarkets (ie. Somerfield (being rebranded as Co-operative) and Waitrose) he is able to estimate a circa 10% impact on existing convenience goods (ie. food and other consumables) shops, as a whole, within the core part of the centre's shopping area, ie. the area focused on High Street.

Taken in the context of the fragility of the town centre that his report identifies and also considering the reliance on discount retailing (either in part or whole) that many town centre retailers rely upon; the generally high level of accessibility enjoyed by the town centre; the return that the Council's current public realm investment should be permitted to achieve (including helping to bring the prospect of other town centre or edge of centre sites forward) and the potential importance of protecting and enhancing the town centre's heritage assets, the Council's consultant comes to the conclusion that this development to allow food retail at Audley Avenue would cause a *“significantly adverse impact”* on a range of important town centre considerations. The advice in PPS4 is that with such an impact, *“permission should be refused”*.

The applicant's agent's Statement includes that:

*“The provision of a discount foodstore in Newport will broaden the range and choice of the convenience offer whilst delivering quality products at discount prices. The deep discount format has been recognised to bring a wide range of benefits to local communities as it is recognised that savings made in shopping, by providing high quality, cheap food will benefit their lives in other ways due to the additional disposable income.*

*The proposal also has the benefit of having potential to reduce over-trading in the large out of centre stores, such as Asda at Donnington Wood, Morrisons in Wellington and Tesco at Wrekin Retail Park, by providing an alternative, local food shopping destination for residents in Newport, thereby reducing the need to travel.*

*By clawing back expenditure leakage, the proposal will assist in retaining local expenditure in the local area and reducing the need for Newport residents to travel elsewhere. This will have direct benefits in providing greater choice for all sectors of the local community, and may also bring spin-off benefits to neighbouring retail uses and the town centre through linked trip generation. For example, residents who may have undertaken linked trips outside the study area whilst on that shopping trip, may now undertake their food shopping and linked trip in Newport”.*

The Council's consultant does not dispute that the proposal will bring some qualitative benefits relating to extended retail choice and competition to Newport. However, the additional choice provided would not be substantial bearing in mind the existing availability of discounted ranges across a number of stores and shops in Newport and within the market hall. The benefits of competition need to be weighed against the negative impacts on existing retailers and the importance of maintaining an effective and vital town centre.

Advice from the Council's consultant is that the applicant's Statement substantially overestimates the ability of the proposed store to claw back expenditure from Newport area residents that currently go to the Asda at Donnington Wood (and other large superstores in Telford and Wellington).

On the extent of trade diversion from the town centre, the applicant's position is:

*"With regard to Newport, it is estimated that the proposal will draw £1.66m of expenditure (convenience and comparison) from existing stores in Newport, which will bring about a total impact of 3.70% upon the centre as a whole. This level of impact is not at a level that would threaten the future vitality or viability of the centre. Indeed, with the proposal assisting in clawing back expenditure leakage, it is possible that the town centre could benefit from increased performance through the localisation of shopping trips (there will be less need to undertake food shopping and associated linked trips outside the study area).*

*The level of trade diversion is likely to be highest from the Somerfield and Waitrose stores in Newport. However, neither store is expected to suffer from undue trading pressures as a result of the proposal. Somerfield is currently over-trading, and is highly likely to continue trading above the company average after the anticipated trade diversion to the proposed foodstore. Whilst Waitrose may be under-trading at present, it is expected that it will retain a loyal customer base that will not be attracted by the cost savings offered by a discount foodstore. Instead, the proposal may attract customers away from Waitrose that currently have little other choice than to undertake their shopping there".*

If comparison goods are excluded, their analysis suggests £1.19m of trade will be diverted from Newport's town centre food (or convenience goods) shops and stores out of a total estimated turnover of £21.61m. That represents a 5.5% diversion of trade. This is a much lower impact than the Council's consultant's circa 10% figure, although this is based on different assumptions. Using TWRLS survey information he finds, because food discounters have a relatively local influence, more trade will be diverted from the Somerfield store in the town centre and other discount retailers there including B&M Bargains (a national multiple with a large store on the High Street) as well as independent shops and market traders.

The Council's consultant also tests trade diversion on what he defines as the town centre's Primary Shopping Area (based on the definition in PPS4 and which differs from the Primary Shopping Frontage shown on the Local plan Proposals Map). This includes the High Street, much of St Mary Street and Baddleys Court and the Somerfield / Co-op supermarket. Whilst Waitrose is an important adjunct to the

centre, it is not seen as forming part of the close knit, inward facing High Street focus of retail activity. With more trade likely to be diverted pro-rata, from Somerfield's turnover rather than Waitrose's turnover, this results in a higher level of trade diversion or impact on this more fragile area of Newport town centre than the applicant's consultants predict across a wider area. It seems relevant that it is the effect on the heart of the town centre which is primarily assessed. This is generally consistent with the extent of the conservation area where there is the greatest concentration of listed buildings and historic assets.

The applicant's agent has also provided a detailed paper responding to objections from Newport's Town Council, Chamber of Commerce and Civic Society. Before concluding that *"The impact of the proposal will fall within acceptable limits and will pass the tests set by PPS4"*, they summarise their responses as follows:

*"Newport loses a significant amount of trade to existing foodstores and other businesses located outside the local area and the only way to address this is to enhance the attraction of the retail offer available in Newport. The proposal will reduce the need for Newport's residents to travel elsewhere in order to meet their food shopping needs by providing a greater range and choice of goods, both individually and cumulatively with other Newport retailers."*

*The proposed discount foodstore will have distinctive trading characteristics that are largely complementary to traditional high street convenience stores and local shops. Indeed, deep discounters very rarely provide a one-stop shopping experience and, as such, customers also need to use other shops and facilities in the locality to supplement their deep discount shop".*

The applicants have provided a separate note responding to the objections and criticisms made by agents for the owners of the Mere Park site. In terms of retail impact issues, there are no further matters raised that are relevant.

The Council's consultant also advises that, *"It is not the amount of trade that Somerfield / Coop will lose that is critical. It is the number of shoppers that would be lost from a store that is a key anchor to the town centre. Many of these shoppers will regularly visit other shops at the same time and in passing intervening shops, will regularly make use of the offer provided by the town centre as a whole. The proposal will be very much less effective (if at all) in generating such trading linkages and benefits"*.

The Council's consultant's report concludes as follows on impact:

*"Newport town centre provides reasonable retail diversity in the low cost or discount sector, spread across various outlets. There are therefore only limited benefits arising from the choice and competition brought by the proposed development ... It would have significant adverse effects on the centre as a whole. Impacts on the discount sectors within existing retailers' offer would affect their overall viability. The removal of some such ranges would affect choice and diversity of retail offer in the town's most accessible location with consequential social exclusion issues"*.

### Sequential Assessment

For “town centre uses” such as retail that are proposed in out-of-centre locations (such as this application), PPS4 requires a sequential assessment to be done to fully explore alternative sites closer to the town centre. This assessment involves a) establishing a model for assessment, ie. allowing for some flexibility in operating formats, b) thoroughly assessing all in-centre sites before considering less central sites, c) that where no town centre sites can be found preference is given to edge-of-centre sites (usually regarded as being within 300m of the primary shopping area) and which are well connected to the centre by means of easy pedestrian access and d) assessing sites for their availability within a reasonable period, suitability and viability. Legal advice sought by your officers confirms that it cannot automatically be concluded that a site which is out of town is less preferable to one which is within the urban area.

With regards alternative, more central sites on which the proposed development might be located, the applicant has considered 7 sites:

1. St Peter’s & St Paul’s former school, Salter’s Lane
2. Stafford Street (including public car park and McCarthy & Stone site)
3. Land off Water Lane
4. Newport Business Park, Audley Ave
5. Concrete batching depot, Avenue Road
6. Guide/Scout hut, Salter’s Lane
7. Handyman House, Upper Bar

The Council’s consultant has reviewed all of the sites assessed and suggests that only two need detailed scrutiny, namely:

3. Land off Water Lane
5. Concrete batching depot, Avenue Road

Site 3 is a large swathe of back land, ie. behind and including some of the town centre’s St Mary Street’s premises with frontage to Water Lane. It could have scope for a retail development in a potentially mixed use scheme on what is an edge-of-centre location close to the centre of Newport, the public car park and bus station. The Council has a desire to re-develop this area to help accord with policy objectives of regenerating Newport to strengthen its role as a market town and has produced a Planning Statement indicating very broad mixed development aspirations. The land is in multiple ownerships that could make land assembly more difficult without owner co-operation.

In the context of the relatively fragile health of Newport town centre, the limited qualitative needs or benefits (eg. choice and competition) that support the proposal, and the prejudice that allowing the proposal could have on bringing forward part of this area for retail use, the Council’s consultant advises that it is important to maintain the prospect that retail development could be accommodated here. That advice includes that *“A long term view to site availability is appropriate for a centre that is not strong”*.

Whilst the Council's decision granting permission for the earlier application at Audley Avenue (W2009/0312) did not consider this to be an available opportunity, the following considerations are relevant in light of the Council's consultant's report:

- the recognition of the fragility of Newport town centre;
- a food supermarket or discounter is more likely to help make delivery of this (or part of this) site viable, and thus available;
- it is reasonable to test availability over a longer period for uses such as food or general high street retailing which would be more beneficial in a town centre setting.

Sites 4 and 5 are owned by a developer, St Modwen. There is a Council resolution to grant outline planning permission for residential development dating from March 2009 subject to completion of a S106 agreement. It is understood that Hanson are soon to cease use of the site and that it will become vacant. However, the likelihood of it being developed for residential purposes is currently unclear.

Having looked specifically at both the Water Lane area and the concrete batching plant site at Avenue Road, the Council's consultant concludes that: *"Opportunities exist in both the short term and longer term to accommodate the proposal on the edge of the town centre. A long term view to site availability is appropriate for a centre that is not strong"*. Therefore the Council would contend that there are sequentially preferable and available sites closer to the town centre that could accommodate the proposed food supermarket.

#### Loss and re-provision of employment premises

These issues were addressed in the decision-making on the extant retail permission that involved the loss of the business part of the Classic Furniture site for retail and the redevelopment of the Parkland House site for eight new industrial units. However, a S73 application requires all matters to be reconsidered whether or not the application seeks their amendment, since a new planning permission may be created. The text below under the heading 'Proposed Employment on Parkland House', is taken from the report on the previous application (ie. to Plans Board on 12 August 2009) since few new issues have arisen.

#### 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 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 a 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 or 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 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.

#### PPS4 and Economic Development

The only key new issue relates to new policy on development for employment and retail purposes in PPS4. This is therefore relevant to both parts of the application proposal. In PPS4, retail development is considered a main town centre use as well as economic development as it provides employment opportunities, generates wealth and produces/generates an economic output. Policy EC10 provides that local planning authorities *“should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably”*.

This policy also sets out that impacts arising from matters relating to climate change, design of the building and its function in the area, accessibility by choice of means of travel and congestion, economic and physical regeneration and employment creation, are all required to be assessed.

The assessment for the earlier application on this site (W2009/0312) showed that most of these matters are addressed positively. Climate change and energy saving issues can be addressed through the consideration of reserved matters. Accessibility of the site by a choice of transport is, at worst, neutral, taking account of the existing use on the site.

#### Local Plan and Core Strategy Employment Policy

The proposed retail development (for comparison and convenience retail) will involve the loss of employment floorspace from the Classic Furniture part of the site. Local Plan Policy S9 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 a ‘saved’ policy and hence part of the Development Plan, national planning policy in PPS4 was published after policy S9 was adopted and represents a more recent policy position on town centre uses and retailing. Whilst PPS4 does not supersede policy S9 it does represent a material position that needs to be considered.

In addition Core Strategy 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.”* 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 allocated employment land south of Audley Avenue, although there has been no take up of land here. 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 the retail proposal would 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.

The owner of the Mere Park site's objections include that there is no justification in Policy S9 of the Local Plan or CS6 of the Core Strategy for employment land to be used for retailing. In light of the above reasoning, it is not considered this objection is well founded.

#### Balance of Proposed Comparison Retail on Classic Furniture Site

This report has already considered the town centre impact and sequential assessment issues relating to the discount food store occupation of the 1,394sqm gross stand-alone building, ie. Unit 5. The previous Plans Board report on 12<sup>th</sup> August 2009 reviewed the issues relating to bulky comparison goods retailing, which would now be limited to the other building of 3,252sqm gross (Units 1-4). Whilst PPS4 removes the "need" test and for out of centre sites, the "scale" test, the sequential assessment remains, and impact on town centres is set against specific tests and accessibility becomes one of the new EC10 tests in PPS4.

The applicant's have not provided an up to date assessment of the bulky goods component. However, the report to Plans Board on 12 August 2009 relating to the original application found that *"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"*.

This finding remains broadly consistent with the advice given above on the sequential assessment of the food discounter space. This distinguished between it (and High Street type comparison goods retailing) and bulky comparison goods retailing which would be much less likely to help make a sequentially preferable candidate site viable and thus available, and generally less beneficial in a historic town centre setting.

On impact, the 12<sup>th</sup> August 2009 officer's report to Plans Board for the previous bulky comparison goods retail application at Audley Avenue recommended that, *"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"*.

Whilst some critical issues have been raised concerning the health of the town centre, it is not considered that significant adverse town centre impacts are likely to arise from the use of proposed Units 1-4 alone for bulky goods retailing. However, taken with the discount food use in proposed Unit 5, the impact would be significantly adverse. It would not be logical to suggest that the bulky goods use could, in any way, mitigate the harm arising from the food retail use.

### Other Impact Tests for the Retail Component

#### *Climate Change and Related Sustainability Issues*

The development is a redevelopment of a brownfield site. Issues relating to the energy efficiency of the building can be addressed through any reserved matters submission.

#### *Accessibility by a Choice of Travel and Addressing Congestion*

Shopping for food is an essential and frequent activity and a relatively high degree of accessibility should apply to locations likely to be used if social exclusion issues are not to arise. Whilst the site may meet the accessibility requirements for bulky goods retailing, which has a greater reliance on car travel, the site is not particularly accessible for food retailing where good access for those without a car is key. Whilst there is safe access for pedestrians and cyclists the site scores poorly (particularly compared with the town centre) in terms of the number of households within an easy walking distance. Bus access is also currently poor. Whilst the applicant has had discussions with Arriva about re-routing the 481 Telford/Stafford service within the town and contributing to the cost of any re-routing, the proposal would add journey time to the disadvantage of other passengers without the prospect of providing much extra patronage on a half-hourly service. Any bus service would seem to be a compromise. Newport is a compact town with most of its residents able to readily access the centre by foot or cycle. Therefore reliance on a bus to an out of centre location is significantly worse for the shopper particularly those who are economically disadvantaged or mobility impaired.

#### *Design Quality and Improving Function of the Area*

Design quality will be addressed through reserved matters. It is considered that the function of the wider site will be enhanced by the proposals.

### Economic and Physical Regeneration

The redevelopment of this site does offer some material benefits of general improvement that will enhance the appearance of the immediate area and may well serve to boost economic activity and regeneration to the Audley Avenue Industrial Estate as a whole and this has already been acknowledged by the granting of planning permission for the comparison retail restricted to “bulky comparison goods” and the redevelopment of the Parkland House site with new industrial/employment buildings. However, this has to be balanced against the adverse effects on the town centre that convenience discount retailing would have.

### Employment

After allowing for related local job losses arising from retail impacts on existing outlets, the increase in jobs is likely to be consistent with that found within a bulky goods retail warehouse of the same size, so there will be no significant change to the

situation previously assessed for the bulky goods retailing in both buildings at the Classic Furniture part of the site.

### Other Matters

The applicant's agent has responded to advice in the report from the Council's consultant. Many of the points raised by them are addressed in this officer's report or in the Council's consultant's earlier report. However, key issues raised are set out below together with the Council's consultant's response (in italics).

#### *Sequential Approach*

1. Need to have regard to sequential assessment supporting the existing bulky comparison goods permission and no material changes in circumstances to justify a different conclusion

*It is necessary to assess the "proposed development", ie. the retail format now being proposed. This is now for a discount food store not a bulky goods retail warehouse as previously.*

*In undertaking a sequential assessment, PPS4 explains it is appropriate to take account of any "genuine difficulties ... in operating the proposed business model from a sequentially preferable site". Such issues may be more likely to arise when developing a retail warehouse, rather than a foodstore, in a town centre or edge of centre location.*

2. Guidance accompanying PPS4 advises that in historic centres it can be difficult to accommodate large scale development.

*This Practice Guidance was specifically taken into account. Newport town centre's heritage is not a matter that should be used to reduce the rigour with which the sequential approach is applied. The proposed development is not "large scale".*

3. A reasonable period to test availability of sites is defined as three to five years, or longer depending upon local circumstances. The period allocated here (10 years) should be related to the complexity of the site not the scale of impact arising from otherwise permitting the proposal.

*The Practice Guidance states "The issue of availability and the sequential approach have to be considered together with the impact of development occurring in edge or out of centre locations, and the long term consequences for town centres. Thus, whether it is appropriate to assess availability over three to five years, or a longer time period will depend upon local circumstances".*

4. To seek to place an embargo on the expansion and regeneration of Newport for 10 years is irresponsible.

*The purpose of the sequential approach is to encourage and help facilitate development on town centre and edge of town centre sites where it will better*

*enhance the town centre and its regeneration in accordance with national and local policy.*

5. With the wider Newport and rural area losing £17.5m of its main food shopping expenditure to stores and centres outside Newport, there is an urgent need to reduce leakage.

*The discount food store will not, to any significant extent, provide for “main food shopping” and will not be particularly effective at clawing back such expenditure which primarily goes to superstores. The lack of any urgent need to enhance choice is also consistent with using a longer period to test the availability of more central sites.*

6. Newport is not a fragile town centre. The low number of multiple retailers and low vacancy rates cannot be used to support this.

*The shortage of larger units in the town centre makes it difficult for multiple retailers to find premises. Such retailers provide key attractions to any town centre. Low levels of town centre shop vacancy can arise from a limited supply of space and relatively low rentals (both factors apply to Newport). As PPS4 states, vacancy, as an indicator of town centre health, “must be used with care”. The assessment of Newport as a fragile centre is consistent with the Chamber of Commerce’s analysis.*

#### *Trading Impacts*

7. It is not accepted that ‘few Newport residents regularly shop at existing discount foodstores (ie. Aldi and Lidl) in Telford or Wellington’. The work for the 2007 TWLRS is likely to underestimate the role discounters play in meeting Newport shoppers’ requirements. Shopping trips at such stores are usually supplemented by a trip to a larger bulk food store.

*The applicant produces no empirical evidence to support this assertion. The TWLRS survey is not used prescriptively by the Council’s consultant. Discounters are much more likely to be used to supplement the trip to a bulk food, or superstore. The use of big superstores in Telford by Newport area residents is not likely to reduce because of building a small discount food store at Newport.*

8. Like stores will compete with each other. Impacts are likely to fall on similar stores in Telford. The Council’s consultant, in suggesting the proposal will compete with the existing discount offer in Newport town centre, does not then accept that the argument applies to stores outside the area.

*Whilst the general principle of most impact being on like stores is accepted, distance and the size of the retail format involved is critical. Newport is 16 kms north east of Telford and discount food stores are typically around five times smaller than the big superstores in Telford. Therefore, a large superstore in Newport would be very much more effective in clawing back expenditure lost to superstores in Telford. Impact from a discounter will*

*therefore fall predominantly across the range of Newport town centre's shops and stores.*

9. Not accepted that discount foodstore customers are less likely to have regular access to a car. Best performing discount stores tend to be where cost conscious shoppers supplement their trip to a bulk foodstore with a discount food shop.

*No empirical evidence is offered by the applicant's consultants despite their "extensive experience of promoting discount foodstores on behalf of national operators". The key point is that providing food stores, particularly for "cost conscious shoppers" in locations that are accessible by a range of means of transport, is an important social inclusion objective and forms part of Core Strategy Policy CS9.*

10. The proposal will not compete directly with existing stores in Newport. Waitrose's discount lines are more expensive. The B&M Bargains food offer primarily comprises drinks and confectionary with few grocery staples. Somerfield / Coop may be subject to a stronger degree of competition but this will be off-set by its strong performance. If development is permitted, it is unlikely that existing operators in Newport will continue to offer lines that are not profitable.

*Many more Newport retailers and market traders contribute to the town centre's discount or 'value' offer. B&M Bargains have a wider, 'value' grocery offer. There are others too. They provide an effective 'value' offer, in close proximity to each other in an accessible town centre location. Impact on this sector of their respective businesses will be harmful individually and if such retailers then remove or reduce such value ranges, then residents who are less mobile (eg. without a car) suffer and the town centre fails to provide a key function.*

11. Somerfield / Coop overtrades and will continue to do so if permission is granted. The proposal will encourage more shopping and linked trips to be undertaken in Newport and benefit independent retailers.

*It is not the amount of trade that Somerfield / Coop will lose that is critical. It is the number of shoppers that would be lost from a store that is a key anchor to the town centre. Many of these shoppers will regularly visit other shops at the same time and in passing intervening shops, will regularly make use of the offer provided by the town centre as a whole. The proposal will be very much less effective (if at all) in generating such trading linkages and benefits.*

12. Impacts arising on the town centre's heritage assets are not a material consideration.

*PPS4 provides that Councils can assess out of centre retail proposals against "any locally important impacts". With PPS4 objectives for town centres including the conservation of the historic and architectural heritage of centres, it is seen that the 'knock on' impacts to the economic ability to maintain*

*Newport town centre's important heritage assets, is both material and important.*

13. The agent's conclude by asserting reliance on "clear evidence to demonstrate" some of the above matters.

*No empirical evidence is submitted. Assertions rather than facts are generally relied on. In contrast, it is considered that there is a valid evidence base to support the recommended position.*

#### Material Considerations in Favour of the Proposal to be Weighed in the Balance

These considerations include:

- The existing planning permission is a material consideration in itself. Although the permission is extant, it is relevant that it has not been implemented and thus the unit is not trading. In these circumstances, this issue has less weight.
- The widening of retail choice for the consumer. In this regard, consideration has to be given to the modest capacity for, and the qualitative benefits arising from, additional convenience goods retailing that would serve the Newport area.
- The claw back of a limited amount of trade from outside the Newport area and consequential benefits that this might have for the town and its centre.
- There are benefits arising from the enhancement to the appearance and function of the area and the resulting prospect of regenerative effects on this employment area.

These factors are to be weighed in the balance. However, it is officer's view that they do not, either individually or together, outweigh the harm that would be caused by the proposal and the breach of development plan policy it raises.

#### **CONCLUSION**

The previous retail permission W2009/0312 was granted for the sale of a restricted range of bulky comparison goods with the imposition of condition 21 to ensure that the proposal would have a more limited impact on Newport town centre than the convenience and bulky comparison retail application previously refused. Without the imposition of that condition planning permission would have been refused.

The applicant now wants to vary the permission to allow convenience retailing from unit 5, the smaller of the two proposed buildings. Since the imposition of the restrictive goods condition 21 in August 2009, national retail planning policy has been revised with the cancellation of PPS6 and the publication of PPS4. There is particular emphasis on the assessment of the impacts that a proposed retail development would have especially on town centres and no longer such direct reliance on need or capacity. The bulky comparison goods use remains acceptable against these tests.

However, the amendment to accommodate food retailing is not acceptable. In the context of the fragile health of Newport town centre, and the role that discount

retailing plays there, significant adverse impacts on the centre have been identified, concerning:

- prejudice to existing and future planned investment;
- effects on retail vitality, viability and diversity;
- a high level of trade diversion; and
- risk of harm to the centre's heritage assets;

This will adversely affect efforts to regenerate Newport and strengthen its role as a market town and hence would be contrary to WMRSS Policy RR3, Core Strategy policies CS6 and CS8 and WLP S1.

Reassessment of sequentially preferable sites identify prospects to accommodate the proposed food retail development. Permitting the proposed development would thus reduce the prospects of addressing the need to enhance and regenerate the town centre. It would therefore be contrary to WMRSS Policy RR3, Core Strategy Policies CS6 and CS8 and WLPS1.

The site is not accessible to the extent required to support food retail development. Discount food retail outlets ought to be easily accessible to most sectors of society, particularly those who do not have access to a car. The proposed development therefore conflicts with Core Strategy Policy CS9.

**RECOMMENDATION:** Refuse for the following reasons:

1. The proposed development would have a significant adverse impact on Newport Town Centre and threaten its role as a market town and undermine its position in the retail hierarchy of the Borough and hence is contrary to PPS4, Regional Spatial Strategy policy RR3, Core Strategy policies CS6 and CS8 and Wrekin Local Plan policy S1.
2. The proposed development is capable of being accommodated on a sequentially preferable site and hence the proposal is contrary to PPS4.
3. The location performs poorly (particularly compared with the town centre) in terms of access by a choice of means of transport. The proposed location is not reasonably accessible for food retailing, where good access for those without the car is key and where social exclusion issues are to be avoided. Therefore the proposed development is contrary to PPS4, Regional Spatial Strategy policy RR3 and Core Strategy policies CS7 and CS9.
4. There are insufficient material considerations in favour of the proposal to overcome the identified significant adverse impacts and breaches of development plan policy.

W2009/1023

Land at Mere park, A41, Stafford Road, Newport, Shropshire.

Erection of a retail unit (use class A1) (outline application) with store and carpark

**APPLICANT**

Growing Enterprise Ltd

**RECEIVED**

01/12/2009

**PARISH**

Newport  
Chetwynd Aston & Woodcote

**WARD**

Newport South  
Church Aston & Lilleshall

**CASE OFFICER**

Kate Stephens

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Location of development outside urban area of Newport, impact on Newport town centre, availability of suitable, more central alternative sites, and accessibility by a choice of travel.

**PROPOSAL:**

This is an outline application for the construction of a new unit of 1,556sqm gross on land east of and fronting the Newport By Pass (A41), Newport. The net retail, ie. trading floorspace would be 1,286sqm plus 270sqm given to offices, storage and staff accommodation. There would also be a dedicated car park for the retail unit to accommodate 90 vehicles. Access would be off the spine road that leads to the Mere Park Garden Centre from the A41 by-pass. This, in turn, connects to the Stafford Road (A518).

There is no occupier specified for the retail unit, but the applicant has assessed the proposal as for a *"discount retail food store"*, which would include the likes of Netto, Aldi or Lidl.

The Design & Access Statement indicates that the building will be of a *"modern design which will complement the existing buildings"*. It would be single storey with *"a fairly prominent hipped roof"* and an overall height in the order of 7.5m.

**BACKGROUND**

The applicant, Growing Enterprises Ltd, has appealed against the non-determination of this planning application within the prescribed 13 weeks, which expired on 2 March 2010. A Public Inquiry is scheduled to commence on 10<sup>th</sup> August where evidence would be presented to an independent Planning Inspector. The Inspector will then write a report and make a decision as to whether to grant or refuse planning permission.

It is necessary for the local planning authority to determine what its position would have been if the appeal had not been made. This Plans Board report before members therefore considers the application and makes a recommendation on the basis that the authority still had the powers to determine the application. This is necessary to inform the stance that Officers will adopt in respect of the appeal. The applicant has submitted a duplicate of this appealed application (W2010/0185). If

members were minded to resolve that they would have granted permission for the appealed application, it would facilitate an appropriate decision on that duplicate application at a subsequent Plans Board meeting.

The applicant has requested the current application be considered at the same time as a similar food store proposal (W2009/0934) via a S73 application at the Classic Furniture/Parkland House sites at Audley Avenue, Newport, to vary condition 21 of W2009/0312 to allow the sale of food with ancillary non-food goods from one of two retail buildings (1,394sqm gross) that have been granted outline planning permission. There is also no specified end-user for that potential store, but that applicant has promoted and assessed the proposal on the basis that it is occupied by a discount food retailer, which would include the likes of Netto, Aldi, and Lidl. This application is also on the agenda for determination.

In terms of the background to that proposal, members will recall granting outline planning permission (W2009/0312) at Plans Board on 12<sup>th</sup> August 2009 for a mixed retail/employment redevelopment of the Classic Furniture and Parkland House premises at Audley Avenue. This involved the erection of two retail buildings on the Classic Furniture part of the site (comprising five units) totalling 3,252sqm gross (units 1 to 4 totalling 1,858sqm and unit 5 of 1,394sqm gross), and the erection of new industrial/employment buildings (3,344sqm gross) on the Parkland House part of the site following the demolition of all of the employment/manufacturing/retail buildings on the Classic Furniture site and demolition of the warehouse/car auction buildings at Parkland House. Members agreed with the recommendation to grant planning permission subject to conditions including one to restrict the sale of goods from the two retail buildings to only “bulky comparison goods” in order to limit the impact on Newport town centre. Such goods include DIY, furniture, furnishings, carpets, and electrical items.

Members will also recall that at the same Plans Board meeting on 12 August 2009, permission was granted for a retail unit within the Mere Park Garden Centre site and adjacent to Stafford Road (W2008/1308). The sale of goods from this unit was limited by condition to those principally associated with garden centres and farm shops. A S73 application (W2009/0905) has been made which seeks an alternative permission such that most comparison goods could be sold.

Therefore three retail applications in Newport (two at Mere Park and one at Audley Avenue) have been brought to the same meeting to enable Members to be fully aware of each application, the merits and issues of each and the retail issues facing Newport as a whole so they can make informed decisions.

## **THE SITE**

Newport is a market town 16 kms north-east of Telford. It is close to the Staffordshire border, with Stafford only 21 kms to the east. The appeal site is located approximately 1.5kms east of Newport town centre on open land to the east of Newport By Pass, the A41 Trunk Road and south of a hotel (currently under construction). To the north of this is the Mere Park Garden Centre which has been in operation since 2003 following a planning permission granted in 2002 (with the range of goods able to be sold limited by condition). Within the boundary of the permitted

garden centre there is now also a unit specialising in the sale of outdoor pursuits goods (and limited by condition) which has been operating since 2005, and only partly within the boundary, a retail unit used for the sale of aquatic goods which has been operating since 2004. The 50 bed hotel and restaurant to the north, partly falls outside the original garden centre boundary (the hotel building wholly so). There is also an area used for the sale of timber sheds. This also lies outside the original garden centre site boundary and does not benefit from planning permission.

In addition, there are extant planning permissions for other units, with restrictions on the sale of goods that may be sold, that have not yet been built. Firstly, a 879sqm farm shop that is conditioned to limit the goods that can be sold to farm shop/garden centre type products. This is subject of an application (W2009/0880) not currently before members to vary the condition to allow the sale of pet related products and be a veterinary practice. Secondly, a retail unit of 932sqm gross (W2008/1308) also conditioned to limit the goods that can be sold to farm shop/garden centre type products. This is also subject of an application to vary the condition to allow the sale of a wider range of goods and is on this Agenda.

Finally, there is a further undetermined application (W2010/0080), not on this Agenda, for a 130 place day nursery and 50 place after school / holiday club on land to the north east of the application site.

Access to the site would be off the existing spine road that runs through the garden centre complex between the entrance / egress onto the A41 Trunk Road with the entrance / egress on the A518 Stafford Road.

The appeal site is irregular (a truncated triangle) in shape and relatively flat, although it contains spoil from what looks like relatively recent ground excavations most likely from the formation of the new access off the A41. The A41 forms the western boundary, the Strine Brook the eastern boundary, the estate road the northern with open land to the south.

The site, the hotel and the garden centre complex to the north, all lie outside Newport's defined built up area and thus the Core Strategy's Rural Area policy applies.

## **PLANNING HISTORY:**

The application site itself has no planning history.

The following relates to the land to the north, occupied by the garden centre and other uses.

W89/0694	Erection of motorists service area comprising petrol filling station, shop, restaurant, lodge (ie. motel), farm shop, car parking and landscaping (outline).	Granted
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Officer's report explained:

- Seen as preferable to provide one

	<ul style="list-style-type: none"> <li>comprehensive facility</li> <li>Preferred location would have been to west of by pass but no sites currently available</li> <li>Should not be regarded as setting precedent for further development to east of A41(T).</li> </ul>	
W90/0608 W90/0742	Reserved matters for constituent parts of service area, petrol station and hotel etc.	Granted
W95/0277	<p>Erection of motorists service area comprising petrol filling station, shop restaurant, lodge (ie. motel), farm shop, car parking and landscaping (outline).</p> <ul style="list-style-type: none"> <li>Although this was resolved to be granted, subject to a S106 agreement being entered into, it was subsequently refused (October 1997) as no progress had been made on the agreement</li> <li>When the 1989 outline permission was granted, the Newport By-Pass network was not complete as the southern, A518, By-Pass links to the A41 had not been constructed. This was significant because at that time the site was probably the optimum site for a comprehensive motorist service area to serve the A41 / A518. However, with the completion of the southern section of the A518 By-Pass link, two applications (W98/0055 and W97/0995) for an alternative service station site further south on the A41 were approved in 1998.</li> </ul>	Refused
W2000/1011	Erection of a Garden Centre. This permission was not implemented	Granted 16.07.01
W2002/0715	<p>Erection of a Garden Centre and ancillary outbuildings with adjacent car parking</p> <ul style="list-style-type: none"> <li>Condition 19 required details of products to be sold to be submitted and agreed. A range of garden centre and other related items was subsequently approved. The reason for this condition was <i>"to ensure that the garden centre main business remains seasonal, specialist and leisure orientated as required by Policy S4 of the Wrekin Local Plan"</i>.</li> <li>The Aquatic Centre building is part of this permission.</li> </ul>	Granted 28.8.02
W2002/1125	Erection of Farm Shop (651sqm) with associated	Granted 13.5.03

car parking. (This related to land outside the permitted garden centre).

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

This permission was revoked when it was amalgamated with an ancillary garden centre building under permission W2005/1497.

W2003/1403	W2003/1403 Erection of 9 craft workshops (441sqm gross). (These related to land within the permitted garden centre)	Granted 21.1.04
W2003/1515	Erection of a retail unit (483sqm gross). (This relates to land within the permitted garden centre). <ul style="list-style-type: none"> <li>• Coniditon10 restricts goods for sale to those related to outdoor pursuits (as per an agreed list) and not for any other Class A1 retail use.</li> </ul>	Granted 11.8.04
W2005/1497	Erection of new retail unit amalgamating previous approvals for farm shop (W2002/1125) and ancillary retail (W2002/0715). Not yet built. <ul style="list-style-type: none"> <li>• Condition 3 restricts goods sold to those previously agreed by exchange of letters and on W2002/1125 i.e. farm shop/garden centre type goods.</li> </ul>	Granted 6.3.08
Subject to a current application W2009/0601 to vary condition to allow sale of pet related products and a veterinary practice		
W2005/1234	50-60 bed hotel with ancillary restaurant and bar with associated parking and landscaping (Outline). <ul style="list-style-type: none"> <li>• Then extant Local Plan Policy E7 was generally permissive of motel development at major highway intersections in or adjoining the built up areas of Telford or Newport.</li> </ul>	Granted 23.1.07
W2008/0413	Erection of a 50 bed hotel, pub/restaurant with access road, car parking and associated landscaping. Under construction.	Granted 27.6.08
W2008/1308	Erection of retail unit. (This relates to land outside the permitted garden centre). <ul style="list-style-type: none"> <li>• Condition 9 restricts sale of goods to those principally of farm shop/garden centre type products.</li> </ul>	Granted 17..8.09

Unit not yet built but subject to current application

	W2009/0905 on this agenda to vary condition 9 to allow sale of comparison goods.	
W2009/0601	Variation of condition 3 of W2005/1497 (see above) to allow the sale of pet related products and use as a veterinary surgery.	Undetermined
W2009/0905	Variation of condition 9 of W2008/1308 to allow sale of comparison retail goods.	Undetermined On this agenda.
W2010/0080	130 place Day Nursery and 50 place After School/Holiday Club. (A limited part of this site falls within the permitted garden centre cartilage).	Undetermined
W2010/0185	Erection of retail unit (duplication of current application being determined)	Undetermined
W2010/0050	Certificate of Lawfulness of Proposed Use or Development. (This related to whether the garden centre permission (W2002/0715) created a use of land and buildings for any (retail) purpose within Class A1.	Undetermined
W2010/0051	Certificate of Lawfulness of Proposed Use and Development. (This related to whether condition 19 of the garden centre permission (W2002/0715) was effective in restricting the sale of products to those agreed).	Undetermined

## **CONSULTATION RESPONSES**

### Council Highways Engineers

- The site has had a protracted and convoluted history and has proved challenging to determine what should be assessed in terms of impact on the highway network, when new and different applications are submitted piecemeal.
- For the food store the Traffic Assessment suggests that the cumulative impact of the supermarket and the children's nursery will result in slightly lower levels of trips than had previously been assessed.
- Concern that this assessment assumes a higher level of pedestrian trips than car trips.
- Mere Park is psychically segregated from the main urban residential areas by the A41(T) by-pass which represents a deterrent to pedestrians – therefore their assessment is unrealistic and underestimates car journeys to the supermarket part of the site.
- No objections per se to the access location off the main loop road, although query that the road appears to be reduced to 4m width when overlay the plans.
- There is some restricted manoeuvring from some of the parking bays.

- Servicing arrangement not ideal with service vehicles having to reverse onto the site.
- Would like to see a swept path analysis as this will impact on main site access and geometry of the entrance to the store.
- In light of the other highway concerns about the other applications, additional work needs to be done.
- Would expect a capacity assessment for weekday peak periods and the Saturday peak.
- Whilst there is not necessarily an issue of capacity for the A41, there is an issue of delay on the Mere Park complex as vehicles could wait up to 1 minute to exit onto the A41. This delay is not desirable as it could lead to a re-distribution of trips as vehicles choose to leave by the A518 exit.
- This then introduces the other issue that the spine road through the garden centre complex is gated off in the evenings, so vehicles could not exit via the A518, hence causing further delay exiting onto the A41.

The applicant is undertaking additional assessments and discussion with highway engineers – members will be updated.

Council Drainage engineers – foul and surface water disposal details should be submitted. Any surface water discharge should be restricted to greenfield runoff rates in line with requirements of PPS25. Details of how this will be achieved together with calculations will need to be submitted. All surface water flows up to and including the 1 in 100 year storm event (+30% for climate change) should be attenuated within the site – detail of how this will be achieved will need to be submitted. Porous paving should be used.

Council Environmental Planning Assistant (Ecology) – The recommendations in the 2008 Ecological Scoping Report submitted with the application should be followed.

Newport and District Civic Society – object

- Mere Park is no longer a garden centre but is becoming an out-of-town retail park. When taken into account this application, and applications seeking to vary the range of goods for greater flexibility, it will divert small businesses away from the town centre.
- Regional planning says that market towns (i.e. Newport) have a key role in regenerating rural areas and “*action priorities*” include developing shopping within town centres.
- The St Modwen site at Newport Business Park would be suitable. The Council should approach St Modwen to discuss co-operation.
- Other regional policies such as T2 to reduce car travel would preclude Mere Park.
- Policy CS6 supports Newport’s market town role.
- Concern that the ever expanding retail offering at Mere Park and its scale and size will harm Newport and take trade and jobs from the High Street and result in shops closing and empty units making the town look run down.
- Will also affect the indoor market.
- The WYG figures indicate a lower level of spend capacity from Newport than previously provided by the applicant, and if WYG figures are proven to be more accurate, the effect of allowing Mere Park will be even more damaging on the High Street.

- For the Central Telford Area Action Plan June 2009 in relation to the out-of-centre retail parks at Forge and Bridge, Policy OP5 says that Council will not support future expansion for additional retail/leisure as they are not considered appropriate locations as they could adversely affect the vitality of the town centre and not accord with PPS6. Mere Park is an out-of-town location and so will contravene PPS6 even more.
- One of the main attractions of Newport for both shoppers and tourists is the traditional high street with local independent shops and cafes and pubs. More development at Mere Park will take tourists away from the town centre and take from the local economy.
- The RSS is placing emphasis on the restoration/regeneration/maintenance of market towns supporting the rural hinterland. The further expansion of Mere Park with retail, vets, nursery etc will destroy the social fabric and cohesion of Newport and hence contravene the government's direction.
- Need to support the market towns and maintain the High Street to create sustainable future.

#### Newport Town Council – object

- Unanimously opposed to the application.
- Will be over development of the site which was a greenfield site until a few years ago.
- Retail unit here would have detrimental effect on the retail outlets on the High Street of an established market town.
- Consider there are potential sites within the primary area that have not been fully considered.
- Whilst there may be a need for a low-cost retail unit the application does not specifically restrict the site to this use.
- The site is outside the town's by-pass and would lead to the creation of an out-of-town retail site that is likely to have a major impact on the viability of Newport High Street.

#### Ward Councillor Adrian Meredith – objects

- Endorses the comments of one objector (Mr Hobson).
- Consider that Mere Park owners are developing an out-of-town shopping centre which will be in direct opposition to the shops on Newport High Street.
- Mere Park has already contracted with Arriva to provide a free bus service from Stafford Street to their site.
- Newport does not need a low-cost supermarket as it already has Somerfields on the High Street.
- Mere Park was originally opened as a Garden Centre not a shopping centre.

Chetwynd Aston & Woodcote Parish Council – objects as it will adversely affect trade in Newport town centre.

#### 2 Letters of objection from local residents containing points summarised below:-

- Store at Mere Park will adversely affect Newport High Street which is currently subject to regeneration plans and expenditure.
- Proposals would not support role of Newport as a vital and vibrant market town.

- All the other applications (some not yet decided) and permissions at Mere Park will, if implemented, affect the High Street.
- Any further development at Mere Park will ensure the High Street dies and will reduce its vitality
- It appears that the High Street is being moved out to Mere Park.
- Proposal also contrary to garden centre policy S5.
- Pedestrian access to Mere Park is dangerous.
- The A41 trunk road separates and fragments Newport from Mere Park.
- Newport would benefit from a low-cost supermarket in the town and land in Audley Road and Bellman's Yard is available, which is close to Waitrose, Somerfield and B&M, which would help attract customers to the High Street, not away from it.
- Further to travel out to Mere Park than in town centre, so will increase travel and pollution.
- Mere Park originally opened as a garden centre on a greenfield site outside the designated building area of Newport and the by-pass.
- Developer should restore Mere Park to its original greenfield state.

Letter of objection from applicants of the Classic Furniture food store proposal at Audley Avenue:-

- Mere Park is located outside the development boundary of Newport within the rural area on a greenfield site – this is not an appropriate location for a new retail store and preference should be given previously developed sites and rural development strictly controlled.
- Established principle of good planning that out-of-town development should not be encouraged unless there are exceptional circumstances – there are no such circumstances in this case.
- Mere Park is an out-of-town site and falls outside the sequential test in PPS4 and is therefore not suitable for retail development.
- If Council considers that both sites are out of centre then other factors to consider.
- Mere Park does benefit from a bus service. Whilst Audley Avenue does not currently benefit from a bus link to the town centre, this issue is being addressed by either providing a dedicated shuttle bus to the town centre or re-routing/extending the existing 481 bus service and discussions are on-going with Arriva. As a new bus service can be provided this makes Mere Park and Audley Ave sites equal in terms of accessibility by bus.
- Mere Park is outside the urban area and beyond the by-pass A41 – this is heavily trafficked and serves as a barrier to pedestrian and cycle trips. Audley Ave is more accessible and safer for pedestrians and cyclists and therefore offers a better choice of means of transport than Mere Park.
- Mere Park and Audley Avenue are similar distances to the town centre, but Mere Park is a greenfield site outside the urban area of Newport and should not be preferable to Audley Ave.
- The proposed store is located at the existing garden centre complex located in the countryside – therefore there is significantly less likelihood of visitors to a garden centre also wanting to then visit a discount foodstore, so the potential for linked trips is less. However at Audley Ave, which is located in an existing commercial area with existing retail and commercial uses nearby, there would be more opportunity for linked trips.

- Mere Park is not an appropriate location for a new food retail store.

#### 8 Letters of support from local residents summarised below:-

- Lots of residents in Newport are pensioners or low-wage and shopping in Newport is expensive so a low-cost supermarket would be good, as even Asda not as cheap as the supermarket mentioned.
- Need more choice – Waitrose and Somerfield does not offer enough, as Waitrose is too expensive and the prices at Somerfield are increasing now the Co-op has taken over.
- The Stafford bus is ideal.
- Will create jobs in Newport and bring more shoppers to Newport from other areas – more people are travelling outside Newport to shop.
- New store in Newport will make people travel less.
- New store in Newport will be good, as currently go to Netto, Lidl and Morrisons in Market Drayton.
- The store will be an asset to the other facilities at Mere Park.

#### Newport Liberal Democrats

In the latest edition of the Newport Liberal Democrats 'Focus' leaflet residents were asked for their opinion on issues which affect the town, including the new supermarket at Mere Park. People's comments have therefore been forwarded and are summarised below:-

- Don't need another supermarket
- Newport has everything so no need to shop outside the town.
- Don't need a shopping centre at Mere Park as need to support local shops in town.
- Not suitable at Mere Park for elderly residents as it's out of the town.
- Would like a supermarket, but need a bus to it.
- New supermarket would mean less need to travel elsewhere
- The two supermarkets in Newport need the competition to regulate prices
- Rarely shop in Newport as prices high, but go to Aldi, Morrisons and Asda

## **PLANNING POLICY CONTEXT**

### **National Policy and Planning Guidance**

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)  
 Planning Policy Statement: Planning and Climate Change supplement to PPS1  
 Planning Policy Statement 4: Planning for Prosperous Economies (PPS4)  
 Planning Policy Guidance Note 13: Transport (PPG13)

### **Regional Policy and Guidance**

Regional Spatial Strategy for the West Midlands incorporating Phase 1 Revision  
 (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.

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).

## **Local Planning and Policy Guidance**

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

No saved policies are specifically relevant to this site.

Wrekin Local Plan 1995-2006 (adopted Feb 2000)

Policy S1 Service centre hierarchy

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

Policy S5 Garden Centres in the Rural Area.

Garden centres immediately outside boundaries of Telford and Newport will be considered on their merits. The general thrust of policy is that Garden Centres are not normal retailers but offer specialist goods such that impact on nearby shopping areas can be acceptable.

Local Development Framework Core Strategy (adopted Dec 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 CS7 Rural Area

Development limited to meet needs of the area. In open countryside strict control.

Policy CS8 Regeneration

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

Policy CS9 Accessibility and social inclusion  
Locate development in centres. Promote sustainable forms of travel.

## **PLANNING CONSIDERATIONS**

### Policy, Market Towns and Regeneration

Regional planning policy acknowledges that markets towns, such as Newport, have an important role and that new shopping development should be located within the centres, but if no sites exist then advice in national guidance should apply (i.e. PPS4). At the local level, the Council's adopted Core Strategy also seeks to support the regeneration of Newport and its role as a market town with specific policies CS6 (Newport) and CS8 (Regeneration). Newport is identified as a level 2 retail centre after Telford in the hierarchy of retail centres set out in the Wrekin Local Plan (policy S1).

The Council's Core Strategy identifies that "*Newport market town serves a catchment that includes its rural hinterland. Its range of goods and services reflects the need of the town and its hinterland, including the student population of Harper Adams University College. Mere Park is an out-of-centre development to the east of the town. Newport also has an established Regeneration Partnership*".

Newport is a historic market town with its conservation area focused on the High Street. Maintaining the vitality and viability of the centre is supported by local, regional and central government policy and by the Council in its regeneration objectives. The shopping within the centre is tightly constrained with most convenience floorspace found within the two main supermarkets (Waitrose and Somerfield / Coop) as well as in the market hall and individual shops. Discounting of goods is widely found in shops throughout the centre. Although the vacancy rate is low, this does not reflect, in the Council's consultant's view, the strength of the centre which he assesses to be fragile; it reflects the lack of floorspace able to accommodate new retail entrants. The compact nature of retailing in the centre enables and encourages linked trips and serves to help maintain its retail offer. The residential areas of the town surround the centre and most are accessible to it either by foot or cycle.

When the application was submitted the relevant national retail policy was contained within PPS6. However, this advice was cancelled with the publication of PPS4 in December 2009. The new policy removes the requirement that retail development outside town centres has to meet a "retail need" test. However, other tests remain, in particular, the sequential assessment of alternative sites. The first preference is for retail uses to be located in an existing centre, then on edge-of-centre sites before out-of-centre sites are considered. In assessing sites, applicants are expected to be reasonably flexible as to the scale and form of their development. Sites also have to be suitable (in planning terms) viable in accommodating the scheme and available in a reasonable period of time. If a "*sequentially preferable*" site is identified, the advice is that permission "*should be refused*".

Another test that remains relates to impacts on town centre considerations. Policy is to support town centres and to seek to avoid adverse impacts on them from development which is outside the town centre. These impacts include prejudice to

existing and/or planned public and/or private investment in the centre; the effect on general vitality, viability, diversity and role and function of the centre; and, impact arising from the draw to the proposal and diversion of trade from the town centre. PPS4 permits other local town centre impacts to be identified. In the context of Newport, with its town centre conservation area and a number of listed shop buildings on the High Street, impact on these heritage assets would seem a relevant issue. If there is a “*significant adverse impact*” permission should be refused.

The applicant’s Retail Impact Assessment was received in February 2010 and seeks to address the tests set out in PPS4.

Impacts arising from matters relating to climate change considerations; design of the building and its function in the area; accessibility by choice of means of travel and congestion; economic and physical regeneration, and employment creation, are also required to be assessed against PPS4 criteria. If some of these impacts are negative, they may be balanced against other more positive impacts. Where appropriate, cumulative impacts have to be taken into account, eg. from unimplemented recent permissions.

The development plan provides a similar policy basis for making decisions but PPS4 is an important material consideration affecting the weight that can be given to some policies that might conflict with its approach. However, in terms of the local dimension, most Local Plan and Core Strategy policies remain relevant

Both regional and local planning policy recognise market towns as playing a key role in providing services and other facilities to both the town and their rural hinterlands. Regional policy RR3 expects retail proposals to be located within the town centre where sites exist. Where sites do not exist, then it expects the development to meet sequential site selection tests set out in PPG6 (now PPS4).

One of the Council’s long-term development visions is to support and strengthen the role of Newport as a market town with it acting as a service centre for the town and its rural hinterland. New development in Newport should support that role and strengthen the town’s provision of services and facilities and reduce the need to travel. This is endorsed by Core Strategy Policies CS6 and CS8.

Policy CS6 acknowledges that the town has suffered due to changes in agriculture and that “*The town’s economy and its services and facility base will benefit from being bolstered and expanded*”. New development should “*facilitate its economic and commercial regeneration*” and “*...the enhancement of existing, and the creation of new facilities within the town will be supported. This will include services and facilities such as...shops (particularly convenience)... and will specifically aim to strengthen the quality and variety of the town’s retail provision....*”. Policy CS8 supports development where it will strengthen the market town role of Newport.

Improving the six Borough towns (including Newport) is a key priority for the Council. Major investment is currently regenerating these towns to make them more attractive to residents and visitors. Under the Council’s Borough Towns Initiative, there is a budget of over £1million over two years to fund major environmental improvements

in the town in conjunction with the Newport Regeneration Partnership. A significant proportion of this funding has already been committed.

To this end, planning permission has been granted and work already commenced on improving Victoria Park on Water Lane, which is a vital but underused green space in the centre of Newport. This will provide a more attractive recreational area for residents and visitors, and will improve the interface and links between the park, Water Lane and the town centre. This should in turn help foster greater interest from land owners in the regeneration of the wider, edge of centre, Water Lane area.

In June 2010 the Council expect to commence environmental improvements to Newport's High Street that will include repaving the footways on both sides of the High Street from its junction with Wellington Road to the junction with Water Lane by the canal. This will help realise one of Newport's regeneration strategies of improving the town's shopping environment to make it safer and a more attractive experience for shoppers and visitors, and to increase the vibrancy of Newport's retail core, increase the viability of a number of small retailers which in turn would help improve the vitality of Newport's retail sector to retain Newport's position within the sub-regional retail hierarchy.

Because of the specialist assessment required, the Council has taken advice from an independent retail planning consultant. His report reviews the application against all of the PPS4 tests.

In the context of a full review of local planning policy in both the Local Plan and Core Strategy, the consultant's assessment of the health of Newport town centre identifies a number of key threats:

- The limited stock of available premises;
- The size and shape of available premises;
- The cost of maintaining retail premises in a heritage asset;
- The relative lack of multiple retailers;
- The inertia in bringing forward potential development opportunities;
- The lack of recent private sector investment, and
- The risk of an ineffective "*return*" for the Council in terms of investment in public realm improvements.

His report then considers the retailing characteristics of the proposed development and identifies how Newport town centre currently provides for the food discounter function. His analysis of the retail provision in Newport finds that there is "*variety and choice of discount and other retailers selling goods at lower or value prices, often alongside respected brands. Our review indicates that a justification for the proposal on qualitative grounds, ie. extending choice and / or competition, is therefore limited*".

#### Town Centre Impact

The Council's consultant's report identifies the prospect that a much greater proportion of the store's trade will be diverted from the town centre than is suggested in the applicant's Retail Impact Assessment. The Council's consultant has relied upon survey information which informs the Telford and Wrekin Retail and Leisure

Study, 2007 (TWRLS) to identify limited use of existing food discounter stores in Telford and Wellington by residents of Newport and its catchment area. By considering the extent that such residents currently rely on town centre supermarkets (ie. Somerfield (being rebranded as Cooperative) and Waitrose), he is able to estimate a circa 10% impact on the turnover of existing convenience goods (ie. food and other consumables) shops, as a whole, within the core part of the centre's shopping area, ie. the area focused on High Street.

Taken in the context of the fragility of the town centre that his report identifies and also considering the reliance on discount retailing (either in part or whole) that many town centre retailers rely upon; the generally high level of accessibility enjoyed by the town centre; the return that the Council's current public realm investment should be permitted to achieve (including helping to bring the prospect of other town centre or edge of centre sites forward) and the potential importance of protecting and enhancing the town centre's heritage assets, the Council's consultant comes to the conclusion that the food retail proposal at Mere Park would cause a "*significantly adverse impact*" on a range of important town centre considerations. The advice in PPS4 is that with such an impact, "*permission should be refused*".

The applicant's Retail Impact Assessment includes that:

*"... it is evident that there is significant leakage of convenience expenditure beyond the defined catchment area. This has resulted in unsustainable shopping patterns for a significant proportion of the catchment population undertaking convenience shopping trips.*

*It is unsurprising that such a high level of expenditure is leaking out of the defined catchment area, because there is such a limited choice of convenience retail provision and particularly, no discount food retail stores and none of the big 4 operators represented.*

*To achieve sustainable patterns of convenience shopping, the catchment would benefit from additional convenience floorspace to claw back some of the expenditure leaking out to other town centres and in particular food stores in out of centre locations beyond the catchment".*

The Council's consultant does not dispute that the proposal will bring some qualitative benefits relating to extended retail choice and competition to Newport. However, the additional choice provided would not be substantial bearing in mind the existing availability of discounted ranges across a number of stores and shops in Newport and within the market hall. The benefits of competition need to be weighed against the negative impacts on existing retailers and the importance of maintaining an effective and vital town centre.

Advice from the Council's consultant is that the applicant's Retail Impact Assessment substantially overestimates the ability of the proposed store to claw back expenditure from Newport area residents that currently goes to the Asda at Donnington Wood (and other large superstores in Telford and Wellington) and, in particular, overestimates their use of the existing discounter food stores in Telford and

Wellington, eg. assuming that 15% of Lidl's trade at Castle Street, Telford, comes from Newport area residents.

On the extent of trade diversion from the town centre, the applicant's position is:

*"It is not considered that significant trade will be drawn from the local independent retailers who predominantly provide day to day 'top-up' convenience products and specialist goods.*

*Diversion from existing stores are likely to be some £0.23m from Waitrose, £0.23m from Somerfield ... It is understood ... Somerfield is overtrading ... The impact on Waitrose is also considered to be insignificant, because of the difference in offer. Trade draw from the out of centre Aldi and Lidl stores in Telford which are located beyond the catchment area is estimated to be some £0.43m (ie. 15%) each.*

*Some nominal impact has been identified on the food stores within the town centre which is unlikely to harm the overall and long term performance of either of those stores ... there would be no detrimental impacts on the vitality or viability of the existing convenience goods offer within the defined local catchment of Newport".*

Their analysis suggests only £0.48m of trade is diverted from Newport's town centre food (or convenience goods) shops and stores out of a total estimated turnover of £22.5m. That represents only a 2% diversion of trade. This is a much lower impact than the Council's consultant's circa 10% figure although that is based on different assumptions. Using TWRLS survey information he finds that, because food discounters have a relatively local influence, more trade will be diverted from the Somerfield store in the town centre and other discount retailers there including B&M Bargains (a national multiple with a large store on the High Street) as well as independent shops and market traders.

The Council's consultant also tests trade diversion on what he defines as the town centre's Primary Shopping Area (based on the definition is PPS4 and which differs from the Primary Shopping Frontage shown on the Local Plan Proposals Map). This includes the High Street, much of St Mary Street and Baddleys Court and the Somerfield / Co-op supermarket. Whilst Waitrose is an important adjunct to the centre, it is not seen as forming part of the close knit, inward facing High Street focus of retail activity. With more trade likely to be diverted pro-rata from Somerfield's turnover rather than Waitrose's turnover, this results in a much higher level of trade diversion or impact on this more fragile area of Newport town centre than the applicant's consultant predicts across a wider area. It seems relevant that it is the effect on the heart of the town centre which is primarily assessed. This is generally consistent with the extent of the conservation area where there is the greatest concentration of listed buildings and historic assets.

The Council's consultant also advises that, *"It is not the amount of trade that Somerfield / Coop will lose that is critical. It is the number of shoppers that would be lost from a store that is a key anchor to the town centre. Many of these shoppers will regularly visit other shops at the same time and in passing intervening shops, will*

*regularly make use of the offer provided by the town centre as a whole. The proposal will be very much less effective (if at all) in generating such trading linkages and benefits”.*

The Council’s consultant’s report concludes as follows on impact:

*“Newport town centre provides reasonable retail diversity in the low cost or discount sector, spread across various outlets. There are therefore only limited benefits arising from the choice and competition brought by the proposed development ... It would have significant adverse effects on the centre as a whole. Impacts on the discount sectors within existing retailers’ offer would affect their overall viability. The removal of some such ranges would affect choice and diversity of retail offer in the town’s most accessible location with consequential social exclusion issues”.*

### Sequential Assessment

For “town centre uses” such as retail that are proposed in out-of-centre locations (such as this application), PPS4 requires a sequential assessment to be done to fully explore alternative sites closer to the town centre. This assessment involves a) establishing a model for assessment, ie. allowing for some flexibility in operating formats, b) thoroughly assessing all in-centre sites before considering less central sites, c) that where no town centre sites can be found preference is given to edge-of-centre sites (usually regarded as being within 300m of the primary shopping area) and which are well connected to the centre by means of easy pedestrian access and d) assessing sites for their availability within a reasonable period, suitability and viability. Legal advice sought by your officers confirms that it cannot automatically be concluded that a site which is out of town is less preferable to one which is within the urban area.

With regards alternative, more central sites on which the proposed development might be located, the applicant has considered 22 sites. The Council’s consultant has reviewed all the sites assessed and suggests only two need detailed scrutiny, namely:

6. Concrete batching plant, Avenue Road (referred to by the application as Former Works, Audley Road), and
22. Land off Water Lane.

Site 5 is part of a larger site owned by a developer, St Modwen. There is a Council resolution to grant outline planning permission for residential development dating from March 2009 subject to completion of a S106 agreement. It is understood that Hanson are soon to cease use of the site and that it will become vacant. However, the likelihood of it being developed for residential purposes is currently unclear.

Site 22 is a large swathe of back land, ie. behind and including some of the town centre’s St Mary Street’s premises with frontage to Water Lane. It could have scope for a retail development in a potentially mixed use scheme on what is an edge-of-centre location close to the centre of Newport, the public car park and bus station. The Council has a desire to re-develop this area to help accord with policy objectives of regenerating Newport to strengthen its role as a market town and has produced a Planning Statement indicating very broad mixed development aspirations. The land

is in multiple ownerships that could make land assembly more difficult without owner co-operation.

In the context of the relatively fragile health of Newport town centre, the limited qualitative needs or benefits (eg. choice and competition) that support the proposal, and the prejudice that allowing the proposal could have on bringing forward part of this area for retail use, the Council's consultant advises that it is important to maintain the prospect that retail development could be accommodated here. That advice includes that *"A long term view to site availability is appropriate for a centre that is not strong"*.

The applicant raises issues relating to land assembly, suggesting it would be *"extremely difficult"*, an argument that the prospect of *"a sizeable retail outlet ... might well prejudice the comprehensive development of the whole"*, the separation of the site from the main commercial area with no direct access, and prospective difficulties in designing a scheme that would reflect the character of the area. Whilst some of these are challenges, they should not be seen as barriers to development here.

On the issue of the site being separated from the main town centre, it is a regeneration objective to link the High Street with Victoria Park potentially with development of this area. Whilst the Council's decision granting permission for the earlier Audley Avenue retail application (W2009/0312) (and discussed in the context of the current application there on this agenda) did not consider this to be an available opportunity, the following considerations are relevant in light of the Council's consultant's report:

- the recognition of the fragility of Newport town centre;
- a food supermarket or discounter is more likely to help make delivery of this (or part of this) site viable, and thus available;
- it is reasonable to test availability over a longer period for uses such as food or general high street retailing which would be more beneficial in a town centre setting.

Having looked specifically at both the Water Lane area and the concrete batching plant site at Avenue Road, the Council's consultant concludes that: *"Opportunities exist in both the short term and longer term to accommodate the proposal on the edge of the town centre. A long term view to site availability is appropriate for a centre that is not strong"*. Therefore the Council would contend that there are sequentially preferable and available sites closer to the town centre that could accommodate the proposed food supermarket.

### Other Impact Tests

#### *Climate Change and Related Sustainability Issues*

The development is on a greenfield site and does not contribute to opportunities to recycle urban land. Issues relating to the energy efficiency and design of the building can be addressed through any reserved matters submission.

#### *Accessibility by a Choice of Travel and Addressing Congestion*

Shopping for food is an essential and frequent activity and a relatively high degree of accessibility should apply to locations likely to be used if social exclusion issues are not to arise. Whilst the site may benefit from a half hour inter urban bus service (481 Telford/Stafford) with a subsidy currently providing free travel between the garden centre and Newport bus station between the hours of 09:30 and 15:30, the majority of Newport's residential area is not particularly accessible by bus. The site scores poorly (particularly compared with the town centre) in terms of the number of households within an easy walking distance. Crossing the A41(T) at the A518/A41(T) roundabout is not an especially attractive proposition, although footways exist.

#### *Design Quality and Improving Function of the Area*

The built form of the proposal is described in the Design and Access Statement. A building *"of modern design"* that will *"complement the existing buildings"* is proposed. Materials will *"include a mix of brick and natural stone for the main building with a number of UPVC display windows"*. The roof materials will be *"coloured steel sheet roofing panels"*.

The development would sit alone to the south of the new access road into Mere Park and the hotel. It would not seem to address or improve any functional relationships in the area. For a building that will be visible on the edge of the town and currently located outside the urban edge, the suggested design seems rather utilitarian and little attempt has been made to compensate for the intrusion into the rural area. However, details of design and landscaping would be fully assessed in any reserved matters application, should outline planning permission be granted.

#### Economic and Physical Regeneration

The proposal does not achieve any local regeneration, ie. in terms of redevelopment or recycling of urban land. Instead, the proposed development would have adverse economic effects on the town centre.

#### Employment

PPS4 recognises that job creation is economic development. According to the applicant's Retail Statement the new store will provide in the order of 25 new jobs. However after allowing for related local job losses arising from retail impacts on existing outlets, the increase in jobs is likely to be modest.

#### Rural Area Considerations

The site falls outside the defined built up area of Newport. It therefore falls within the *"Rural Area"*. Core Strategy Policy CS7 limits development in such locations that is *"necessary to meet the needs of the area"*. Whilst there may be some qualitative benefits associated with the proposal (ie. enhanced local choice), these are not seen as constituting the kind of needs that the Core Strategy has in mind.

The site also falls outwith the area of land that constitutes the curtilage of the permitted garden centre. It cannot therefore be argued to be a brownfield site. As such the proposal unnecessarily extends development into the countryside.

The proposed development would tend to consolidate a mixed use, out of centre location which would be undesirable in terms of creating an alternative focus to the town centre.

#### Material Considerations in Favour of the Proposal to be Weighed in the Balance

These considerations include:

- The widening of retail choice for the consumer. In this regard, consideration has to be given to the modest capacity for, and the qualitative benefits arising from, additional convenience goods retailing that would serve the Newport area.
- The claw back of a limited amount of trade from outside the Newport area and consequential benefits that this might have for the town and its centre.
- The limited benefits arising from new employment.

These factors are to be weighed in the balance. However, it is officer's view that they do not, either individually or together, outweigh the harm that would be caused by the proposal and the breach of development plan policy it raises.

#### **CONCLUSION**

In the context of the fragile health of Newport town centre, and the role that discount retailing plays there, significant adverse impacts on the centre have been identified, concerning:

- prejudice to existing and future planned investment;
- effects on retail vitality, viability and diversity;
- a high level of trade draw, and
- risk of harm to the centre's heritage assets.

This will adversely affect efforts to regenerate Newport and strengthen its role as a market town and hence would be contrary to WMRSS Policy RR3, Core Strategy policies CS6 and CS8 and WLP S1.

Assessment of sequentially preferable sites identify prospects to accommodate the proposed development. Permitting the proposed development would thus reduce the prospects of addressing the need to enhance and regenerate the town centre. It would therefore be contrary to WMRSS Policy RR3, Core Strategy Policies CS6 and CS8 and WLP1.

The site is not accessible to the extent required to support food retail development. Discount food retail outlets ought to be easily accessible to most sectors of society, particularly those who do not have access to a car. The proposed development therefore conflicts with Core Strategy Policy CS9.

The development site lies outside the built up area and does not comply with the Rural Area policy CS7 of the Core Strategy.

**RECOMMENDATION:** Had the Council jurisdiction to determine this application, it would refuse for the following reasons:

1. The proposed development would have a significant adverse impact on Newport Town Centre and threaten its role as a market town and undermine its position in the retail hierarchy of the Borough and hence is contrary to PPS4, Regional Spatial Strategy policy RR3, Core Strategy policies CS6 and CS8 and Wrekin Local Plan policy S1.
2. The proposed development is capable of being accommodated on a sequentially preferable site and hence the proposal is contrary to PPS4.
3. Notwithstanding the bus service close to the site, the location performs poorly (particularly compared with the town centre) in terms of access by a choice of means of transport. The proposed location is not reasonably accessible for food retailing, where good access for those without a car is key and where social exclusion issues are to be avoided. The proposed development is therefore contrary to PPS4, Regional Spatial Strategy policy RR3 and Core Strategy policies CS7 and CS9.
4. The proposed development would not meet needs limited to the Rural Area and where development is strictly controlled. It would therefore be contrary to Core Strategy Policy CS7
5. There are insufficient material considerations in favour of the proposal to overcome the identified significant adverse impacts and breaches of development plan policy.

W2010/0146

Telford & College of Arts & Tech, Haybridge Road, Wellington, Telford, Shropshire.  
Change of use of highway land to college land (use class D1) construction of 1 no. full size 3G artificial football pitch and security fencing with erection of new retaining wall, boundary fence and outdoor lighting

**APPLICANT**

Telford College of Arts & Tech

**RECEIVED**

08/04/2010

**PARISH**

Wellington

**WARD**

College

**CASE OFFICER**

Emma Green

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Community facilities, Design, Green Network, Residential amenity and Highways

**PROPOSAL:**

The proposal is for the change of use of highway land to college use, construction of 1 no. full size 3G artificial football pitch and security fencing with erection of new retaining wall, boundary fence and outdoor lighting.

This application is part of a wider joint scheme between TCAT and AFC Telford for a new sports hall, artificial pitch and five a side football complex, for which funding from Sport England is being sought,

**SITE AND SURROUNDINGS**

The application site is the TCAT complex, situated on the junction of Haybridge Road and Bennett's Bank, Wellington. The college buildings are largely located on the Haybridge Road and Bennett's Bank junction, with playing fields to the east up to Whitchurch Drive and car parking and playing fields to the north up to the railway line which links Wellington and Telford.

There are residential properties adjacent to the south of the site along Bennett's bank and to the west of the site along Haybridge Road. The north of the site is bounded by the railway line with industrial use beyond and the east of the site is bounded by planting and Whitchurch Drive.

The siting of the proposed pitches and associated works is currently largely playing fields, which has levels and pitch quality issues. It incorporates a strip of highway land which forms the landscaping buffer with Whitchurch Road.

**PLANNING HISTORY**

W2009/0115

Demolition of existing teaching blocks and erection of 3 & 4 storey new teaching blocks, new replacement Fire Station, modifications to existing E, F and W Blocks and erection of single storey horticultural building and installation of all new weather pitch to include floodlights and relocation of 2 no. sports

pitches together with associated car parking Resolution to grant subject to S106 agreement

W2008/0306	Temporary Classrooms	Full grant
W2004/01181	Lift Shaft	Full grant
W2004/0456	Sports Academy and pitch	Full grant
W2003/0248	Teaching Block	Full grant
W2003/1519	Teaching Block	Full grant
W2003/0615	Relocation of Dismountables	Full grant

## CONSULTATION RESPONSES

Wellington Town Council has no objections to the proposal.

The Council's Highways Engineers: no objections to proposal.

The Council's Environmental Engineering requested additional information regarding slope stability, retaining wall design and impose a condition for earthworks specifications.

Sport England has no objection in principle and considers that the proposed development has the potential to deliver significant benefits to sports participation and will outweigh any likely detriment to sport that would occur from the playing field loss. Whilst Football associations continue to prefer natural turf grass, artificial grass facilities do provide durable and flexible provision. The facility will be for the college and wider community. A grass pitch to the north of the site is also proposed.

The Council's Drainage Engineer suggests a condition for details of drainage scheme.

The Council's Environmental Health officer has raised no objections to the scheme subject to a condition to ensure that the floodlighting is installed to ensure no glare affects neighbouring properties.

## POLICY

The following planning policies are relevant in the determination of this application

National Planning Policy

PPS1 – Delivering Sustainable Development

PPG13 - Transport

PPG17 – Planning for open space, sport and recreation

Core Strategy

CS10 – Community Facilities

CS15 – Urban Design

OL3 – Green Network

OL5 – Extensions and redevelopment in the Green Network

LR1 – Provision of community facilities

Wrekin Local Plan (saved policies)

UD2 – Urban Design

EH14 Land Stability

## Car parking Standards Annex B

### PLANNING CONSIDERATIONS

Members will be aware that Plans Board resolved to grant planning permission subject to a prior section 106 Obligation for significant development comprising teaching blocks, new replacement fire station and recreation facilities etc in October 2009. The development failed to secure Government funding and the section 106 remains un-signed and the planning permission has not yet been issued. However it is reasonable to conclude that the principle of development comprising significant enhancement to recreational facilities at this site was largely established by the previous application.

The application site is located with the Green Network. Policy OL5 relates to extensions and redevelopment in the Green Network. The principle of green network is that it is an inter-linked system of open space which has collective value for ecology, nature conservation, recreation, access and visual quality. The policy has 6 aims that seek to create an attractive area, retain or enhance identity, provide easily accessible space and land for a range of recreational activities, ecology and to encourage linkages. This proposal is for the redevelopment of football pitches within the college grounds. Your Officers consider that the proposal would not significantly affect the function of the green network, and is compatible with the 6 aims mentioned above in that the proposed pitches will increase ability for recreational participation. The proposal accords with 'saved' policy OL5 of the Wrekin Local Plan.

The proposal includes change of use of land currently forming part of the planting buffer along Whitchurch Drive to enable the creation of the 3G pitch. This will require the removal of some semi mature trees and other planting. This removal is acceptable provided a programme of replacement is agreed and this is to be a condition of the consent. A landscaping strip is still to be retained with Whitchurch Drive to create a buffer with this busy highway route.

The proposed pitches are to be available for the wider public along with the college use, and will add to the wider provision of sports and recreation facilities within the borough. The location of the site close to Wellington District Centre and with public transport links adjacent to the site comprises a sustainable location for additional community facilities in accordance with policy CS10 of the LDF core strategy and saved policy LR1 of the Wrekin Local Plan.

The design of the pitches, fencing and lighting are standard designs for these types of development, will be in keeping with existing characteristics of the site and reinforce the character of the area. Accordingly, the proposal satisfies the design requirements of policy CS15 of the LDF core strategy and saved policy UD2 of the Wrekin Local Plan.

The proposal will create a formal artificial floodlit pitch which will have the ability for use in the evenings as well as during day. The siting of the pitch is located in excess of 130 metres from the nearest residential property, so that issues of light pollution are not anticipated. An informative to ensure that installation to ensure no glare will be attached to the Notice of permission. In addition it is not anticipated that the proposal would result in adverse noise given the location if the development and

screening by other college buildings. It is therefore considered by officers that the proposed development will not have an adverse impact on the amenities of nearby residential properties.

The proposed development is to formalise existing pitches at the site and it is not anticipated to increase usage at peak times during the day. There is adequate parking provision within the site and there is a current arrangement with the AFC Telford United that permits use of the Bucks Head car park by students etc. which we believe will continue. Officers therefore consider that the proposed development would not have any highway implications.

In conclusion, the proposed development will benefit the College and also the community by creating recreational facilities; the location is considered to be sustainable with easy access to Wellington and good public transport links to the wider Borough. The development is of an appropriate design and will not have any adverse impact on amenities of occupiers of nearby residential properties. Furthermore, there are no highways implications. Any trees removed for the development are to be replaced along with a landscaping scheme following necessary earthworks.

**RECOMMENDATION:** that the Head of Planning and Environment be authorised to **GRANT PLANNING PERMISSION** subject to the following conditions;

Conditions:

1. A01 – Time Limit Full no reserved matters
2. B05 – Details of materials
3. B14 – Landscaping design
4. B16 – Details of earthworks
5. B23 – on-site construction
6. B24 – Mud on road
7. B34 – Drainage
8. B83 – Trees protective fencing
9. B88 – Trees – replacements
10. C09 – Trees soil levels
11. C38 – Development in accordance with deposited plans

Informatives:

1. Sie22 - Conditions
2. Reason for approval

The proposed development will benefit the College and the wider community by creating recreational facilities; the site is located in a sustainable location with easy access to Wellington and enjoys good public transport links to the wider Borough. The development is of an appropriate design and will not have any adverse impact on amenities of occupiers of nearby residential properties. Furthermore, there are no highway implications and any trees removed for the development are to be replaced as part of a landscaping scheme that will follow necessary earthworks.

TWC/2010/0137

John Randall County Primary School, Queen Street, Madeley, Telford, Shropshire,  
TF7 4DS

Erection of a rear extension

**APPLICANT**

John Randall Primary School

**RECEIVED**

29/03/2010

**PARISH**

Madeley

**WARD**

Cuckoo Oak

**CASE OFFICER**

Tom Lewis

OBJECTIONS RECEIVED: No

**MAIN ISSUES:**

Impact on the neighboring properties amenities and impact on the character and appearance of the area.

**THE PROPOSAL:**

The proposal consists of the erection of a single storey flat roofed extension to provide a conference room and additional teaching space.

**THE SITE AND SURROUNDINGS:**

The site is situated to the rear of the John Randall Primary School which is located on the corner of Queen Street and Bridgnorth Road in Madeley. The whole site is bounded by typical security fencing with some hedging in places. The main school building is mostly of flat roof construction at varying heights and fronts Queen Street with an area of car parking in the foreground. To the rear of the building there is a modest hard surfaced play area with a large grassed area incorporating a playground at a slightly higher level. The proposed extension is to be located on an area of hardstanding within a recess of two single storey projecting wings of the school.

**CONSULTATION RESPONSES:** The Council's Geotechnical Engineers have raised no objections subject to the placing of a condition with regards to gas protection measures and an informative with regards to caution being exercised on excavations.

**PLANNING HISTORY:**

W97/0420 – Demolition and replacement of a five bay demountable classroom –  
Granted

W97/0720 – Retention of 3 bay demountable classroom unit – Granted

W97/1009 – Proposed erection of additional 3m high chain link ball fencing –  
Granted

W2001/1008 – Erection of 2.4m high palisade and 2.1m high vertical bar security  
fencing – Granted

W2005/0041 – Erection of a single story class base extension, entrance alterations and courtyard infill – Granted

W2005/0064 – Extension to car park – Granted

W2008/0638 – Proposed extension to existing lobby and general office to main building and alterations to existing demountable nursery existing – Granted

W2009/0488 – Erection of a timber shelter to form covered area/outdoor classroom – 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

LR1 - Provision of Community Facilities

#### PLANNING CONSIDERATIONS:

The proposal consists of the erection of an extension to the rear of the building, this will have a flat roof to a height of that surrounding building and will be sited between the two projecting wings.

The proposed extension is of a relatively small size in comparison to the main site measuring approximately 6m by 8m with a height of approximately 3m. This extension will be entirely at the rear of the property, therefore the proposed small development will act in a subservient nature to the main building and will not dominate the surrounding area.

The proposed development will retain the form of the existing building with a flat roof to a similar height. The extension will be constructed from rendered walls painted alongside grey trespa panels, although this does not match that of the existing building, it would be sympathetic to that of the main building. Therefore the proposed development will be in keeping with the character and appearance of the main building and surrounding area.

The proposed development will be over 50m away from the nearest neighbouring property. The proposal is single storey and well screen by the existing building and is not considered to be of detriment to any of the neighbouring properties amenities. The school has extensive playground area and therefore the small extension will leave an adequate area of play.

In conclusion 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 the surrounding environment in accordance with policies

UD2 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. C120 - Development to be done in accordance with plans
3. Informative - Conditions
4. Informative - Reasons for granting planning permission

REASONS FOR APPROVAL:

The proposal would not adversely impact on neighboring properties amenities with regards to overlooking or overshadowing. The scale and design of the proposed extension will not have a detrimental impact on the architectural merit of the existing building, the visual amenities of the area and will provide key educational facilities.

TWC/2010/0066

Holmer Lake County Primary Sch, Brookside Avenue, Brookside, Telford,  
Shropshire, TF3 1LD

Erection of 2.4m high palisade security fencing and pedestrian gates

**APPLICANT**

Telford & Wrekin Council

**RECEIVED**

19/03/2010

**PARISH**

Stirchley and Brookside

**WARD**

Brookside

**CASE OFFICER**

Andrew Mackriell

OBJECTIONS RECEIVED: None

MAIN ISSUES: The impact of the fence on the amenities of the surrounding area.

**THE PROPOSALS:**

This is a retrospective application for a new boundary fence which has been erected to improve security in the school grounds. The fence is of a metal palisade type, 2.4 metres in height and finished in green.

**SITE AND SURROUNDING AREA:**

Holmer Lake Primary School is situated in an urban area of Telford with Holmer Lake to the east and the residential area of Brookside to the west. The school playing field adjoins the north side of the school building and is enclosed by a verdant screen of maturing trees and planting.

**PLANNING POLICY CONTEXT:**

LDF Core Strategy:

Policy CS15 Urban Design

Wrekin Local Plan:

'Saved' Policy UD2

'Saved' Policy OL3 Green Network

'Saved' Policy OL4 Development in the Green Network

'Saved' Policy OL11 Woodland and Trees

**PLANNING CONSIDERATIONS:**

The school grounds are situated within the Green Network and the main issue in this case is the visual impact of the fence in the surrounding area. The fence has been installed and is finished in dark green. It is unobtrusive and has little impact on the existing vegetation and planting which surrounds the school. There are existing green-painted 2.4 metre metal fencing and security gates at the school entrance.

The fence is considered an acceptable boundary treatment for the school site and provides increased security. The fence is of a satisfactory appearance and does not adversely affect the amenities of the surrounding area, it has little effect on the public footpath to the west of the school site. The siting of the fence accords with the general objectives of Green Network policy.

RECOMMENDATION: GRANT PLANNING PERMISSION

REASONS FOR APPROVAL:

The boundary fence provides increased security on the school site and is of a satisfactory design and appearance which has little impact on visual amenities in the surrounding area. The fence does not detract from the function and appearance of the Green Network in this area.