

Appeal Decision

Site visit made on 8 September 2016

by Nicola Gulley MA MRTPI

An Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/C3240/W/16/3152870

Chetwynd Aston Roundabout, A41/A518, Newport, Shropshire, TF10 9LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Churchill Real Estates against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2012/0859, dated 28 September 2015, was refused by notice dated 22 December 2015.
 - The application sought approval of details pursuant to condition Nos.3, 4, 6, 11, 12, 13, 14, 15, 18, 19, 20 and 21 attached to planning permission Ref TWC/2012/0859, dated 18 January 2013.
 - The development proposed is the erection of a motorist service area comprising of petrol filling station with ancillary shop, restaurant and motel with associated car and lorry park, tourist information and picnic facilities.
 - The details for which approval is sought are details of: external materials; hard and soft landscaping; means of enclosure; landscape management; construction management; the management of fumes and odours; pedestrian and vehicular access; drainage; external lighting and the tourist information point.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the conditions Nos. 5 (means of enclosure), 8 (landscape management), 10 (construction management) and 23 (tourist information point) were discharged by the Council on the 22 December 2015. As a consequence I have not identified these conditions as being part of this appeal.
3. Full planning permission for the construction of a motorist service area comprising of petrol filling station with ancillary shop, restaurant and motel with associated car and lorry park, tourist information and picnic facilities, ref W2009/0948, was granted originally in 2009. The permission was renewed, under permission reference TWC/2012/08592013, in 2013.

Main Issue

4. The main issue is the effect the proposals would have on the character and appearance of the area and on highway safety.

Reasons

Site and Surroundings

5. The appeal site comprises an area of undeveloped land located adjacent to the roundabout at the junction of the A41 and A518 by-pass on the eastern fringe of the Newport. The site is located within close proximity of a modern retail park which includes a number of substantial modern buildings which have been constructed using a uniform design and palette of colours. Pedestrian access would in part be provided via a public footpath which runs along the front boundary of the site and is contiguous with the A41.

External Materials

6. Conditions 3 and 4 require the appellant to provide details of the types and colours of all external materials including hard landscaping to be used in the development and the erection of a sample panel of brickwork including mortar, of at least 1 metre square, on the site.
7. I am advised by the Council that the Design and Access Statement submitted with the original application in 2009 indicated that the development would include: a petrol station with a curvaceous profiled cladding panel roof, a flat roof canopy, slender columns, predominantly brick walls, glazing terminated by a fascia band faced in cladding panels; a restaurant with feature canopies, a stainless steel feature and walls that are predominately brick with areas of stainless steel detailing; and a motel designed to include contrasting areas of brickwork, a tiled roof, coloured render and feature gables.
8. I note that in pursuance of this condition the appellant has erected a single panel of showing a sample of Charlbury Red bricks on site in October 2015. However, no detailed information has been submitted in respect of the types and colours of the external materials to be used in the construction of roof panels, tiles and canopies, columns, cladding panels, glazing, render, contrasting brickwork, stainless steel detailing or hard surfaces.
9. In the absence of any substantive information I consider that no meaningful judgements could be made about the suitability of the types and colours of the external materials to be used in the construction of the development, their inter-relationship or potential impact on the character and appearance of the area. As a consequence, I do not consider that the requirements of Conditions 3 and 4 have been met.

Hard and Soft Landscaping

10. Condition 6 requires the provision of detailed information in respect of hard and soft landscaping. The Council accepts that a substantive amount of information has been provided, but maintains that in order to discharge the condition details of vehicle tracking information in respect of lorries needs to be provided.
11. Whilst I am content that the information that has been submitted in respect of matters such as site levels; means of enclosure; car parking; artefacts and structures; litter bins; utilities; and soft landscaping are satisfactorily address the respective requirements of the condition. No substantive evidence has been presented by the appellant to address the requirement of the condition to provide information in relation to the movement of lorries into, and within, the site. Without that information I am unable to make an informed assessment of the appropriateness of the proposed site layout and its impact on pedestrian

and vehicular safety. In view of this I consider that insufficient information has been presented to allow Condition 6 to be discharged.

Construction Management

12. To ensure that highway safety Condition 11 requires the provision of details of measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway. Although I note that information in respect of this matter is annotated on the proposed site set-up plan (reference 15/048/06), the annotation contains general guidance about the approach that could be taken and not a detailed scheme outlining measures that would be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway. As a consequence, I do not consider that the requirements of Condition 11 have been met.

Drainage

13. The combination of Conditions 19 and 20 require the appellant to provide schemes for surface water and foul water drainage at the site. In pursuance of the discharge of these conditions the appellant has submitted a Phase 1 and Preliminary Phase 2 Geo-environmental Ground Investigation and Test Report (2007), a Drainage Strategy (2009) and a Proposed Drainage Plan, reference 15/048/04. The Council accepts that some information has been presented in respect of the possible drainage options including provisional layouts, indicative calculations and a preliminary soakaway test, but contends that the documents do not provide a detailed and definitive scheme for the management of surface water and foul at the site.
14. Based on the evidence presented, I consider that insufficient evidence has been presented in respect of: the sewer to be laid under the A41; the suitability of the watercourse to accommodate additional flows; interceptors; 'greenfield' run-off rates; and detailed soakaway test carried out in accordance with BRE Digest 365. In the absence of this information I am unable to make an informed judgement about the appropriateness of the intended surface water and foul water drainage strategy for the site. As a consequence, I am unable to discharge conditions 19 and 20.

External Lighting

15. In order to protect the visual amenities of the surrounding area Condition 21 requires the provision of detailed information in respect of all external lighting at the site, including column heights, lantern specifications and the lux spread. In pursuance of the condition the appellant has submitted a lighting and service layout plan (reference 15/048/07) which provides the siting and detailed specification for Phillips SpeedStar lights and separate product information in respect of the INDO Products – Road Specifications Reference RD09 lights and aluminium round tapered area lighting poles. It is not clear from the submitted information which of these products the appellant's are proposing to erect. Moreover, the submitted information does not fully address all aspects of the condition, specifically, the lighting and service layout plan does not provide details of the lux spread associated with Phillips SpeedStar lights, whilst no layout plans have been submitted to show the intended siting of the INDO RD09 lighting within the development.

16. Without a comprehensive submission on which to base an assessment of the potential impact of the external lighting scheme on the visual amenities of the surrounding area, I am unable to discharge the condition.

Pedestrian and Vehicular Access

17. To ensure a satisfactory means of access into the site and in the interests of highway safety, Conditions 14 and 15 require the provision of full details of the access to the site and its internal road layout. In addition Condition 18 requires details of the proposed footpath link from the site to the existing footpaths on Audley Avenue.
18. Matters in relation to drainage and external lighting were considered earlier in my decision. With regard to the access to the site and its internal road layout, I note that the appellant has submitted a plan, reference 15/048/03, longitudinal sections and a detailed specification in respect of kerb stones. Whilst I am content with the information that has been presented in respect of these matters, I am mindful that the internal road layout may require revision following the submission of additional tracking information required by Condition 12 and that no details have been presented in respect of the construction of roads and footpaths. As a consequence of this, and the deficiencies I have identified with the submitted drainage and street lighting information, I am unable to make an informed judgement about the impact of the proposed site access and internal road layout on pedestrian and vehicular safety. As a result, Conditions 14 and 15 cannot be discharged.
19. With regard to Condition 18, I note that the route of the recently construction of NCN 55 provides, in part, a link between the site and Audley Avenue and that plans, reference 15/048/03 and 15/048/02, show the route and gradient of the link within the development. However, I am mindful that the plans do not specifically illustrate how the pedestrian link would connection with the NCN 55 or provide details of the materials or method that would be used in the construction of the footpath. In the absence of this information I am unable to make an assessment about the suitability of the route or construction of the pedestrian link. In these circumstances I am unable to discharge Condition 18.

Other Matters

20. I note that in their statement of case the appellant has indicated their wish to amend Conditions 12. Whilst I note the appellants concerns I am mindful that the appeal before me relates to the discharge of conditions and matters in relation to the variation of conditions should be addressed through the submission of a planning application.

Conclusions

21. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal in respect of condition Nos. 3, 4, 6, 11, 14, 15, 18, 19, 20 and 21 should be dismissed.

Nicola Gulley
INSPECTOR