

Appeal Decision

Site visit made on 13 August 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2024

Appeal Ref: APP/C3240/W/24/3341621

1 Slaney Street, Oakengates, Telford, TF2 6ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Luxhom Invest Ltd against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2023/0210.
 - The development proposed is described as "demolition of existing pair of semi-detached dwellings, erection of 10no. 1 and 2 bed apartments with retail at ground floor and amenity at first floor."
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing pair of semi-detached dwellings, erection of 10no. 1 and 2 bed apartments with retail at ground floor and amenity at first floor at 1 Slaney Street, Telford, TF2 6ET in accordance with the terms of the application, Ref TWC/2023/0210, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on drainage and highway safety.

Reasons

Drainage

3. Policy ER11 of the Telford and Wrekin Local Plan (2018) (LP) requires that the drainage system of a development is designed and constructed so surface water does not adversely impact the water quality of receiving water bodies. The Flood Risk and coastal change Planning Practice Guidance (PPG) states that the layout and function of drainage systems needs to be considered at the start of the design process for new development, as integration with road networks and other infrastructure can maximise the availability of developable land.
4. The appellant has submitted a drainage scheme which details the use of a precast reinforced concrete underground tank with 100-year life expectancy, blue roof storage, and details the location of the control chamber within a bin store.

5. The Council's SuDS Handbook states that they will not approve any drainage layout where attenuation features serving more than a single property are located on land in private ownership. All features serving more than one property must be located in public or shared space. The Council's land drainage team have commented that if this would not be feasible then alternative justification should be provided, including examples. They go on to state that where there are no suitable alternatives then the current proposal would be supported.
6. Whilst I have had regard to the contents of the SuDS Handbook, I am mindful that the LP policies do not restrict the location or type of drainage features. Whilst the provision of attenuation features underneath a building may be more difficult to maintain, the submitted drainage evidence details a drainage scheme that successfully accommodates water from the site. Furthermore, control and inspection of the attenuation features would be via a hatch in a shared space within the building.
7. The proposed development would cover most of the appeal site, therefore attenuation features would not be able to be provided within any open space and could only be able to be constructed under the building. Apart from the location of the proposed attenuation features the drainage team advised that the scheme could be supported subject to detailed information being provided.
8. I am mindful that the PPG notes that developable land can be maximised where drainage features are appropriately integrated with development. The appeal site is located within Flood Zone 1 and I am not aware of any other drainage issues at the site or in the immediate area.
9. Given the above, I am satisfied that an appropriate method of surface water drainage can be accommodated on the site. As such, the proposal would comply with LP Policy ER11 which seeks to ensure that surface water drainage does not harmfully impact on water quality. It would also comply with paragraph 173 of the National Planning Policy Framework (the Framework) which seeks to ensure the incorporation of sustainable drainage systems in developments.

Highway Safety

10. LP Policy C5 states that the location, quantity, and quality of car parking should reflect the density, nature, character, and context of the development as well as its intended usage and relationship with the surrounding area. Appendix F of the LP provides parking standards and states that these should be viewed as a guide and can be applied flexibly depending on a range of factors including proximity to public transport, district centres and availability of existing parking.
11. The proposed development would comprise ten apartments and a retail unit. No vehicular parking is proposed as part of the development, but cycle storage would be located within the ground floor of the proposed building.
12. No parking is provided within the appeal site, however public car parks are located in close proximity to the appeal site. During my site visit, which I

appreciate was only a snap shot in time, both nearby car parks had many parking spaces available.

13. The Council's highways department have concluded that, based on the parking standards, fourteen parking spaces should be provided. However, the appeal site is within three hundred metres of Oakengates train station, is located adjoining the Oakengates district centre, within one hundred metres of a bus stop and within 10 minutes' walk from a school. The site is therefore in a highly sustainable location with most services and facilities within walking distance.
14. There are no parking restrictions nearby as such, future occupiers of the proposed development would be able to park on the roads and car parks surrounding the appeal site if required. As they would not need a residential parking permit, the Council could not control this parking. However, a lack of parking provision on the appeal site could dissuade future occupiers of the dwellings from car ownership and the occupiers of the proposed 1 and 2-bed units are less likely to own a car than family, particularly those who are home working.
15. Paragraph 115 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The highly sustainable location of the proposed development combined with the lack of on-site parking could dissuade future occupiers from car ownership. If future occupiers were to own cars there is sufficient parking nearby to accommodate them. Even if the nearby theatre were to increase events, the nearby car park appears to be sufficiently large that accommodating the parking of that and the proposed development would be manageable.
16. The Council have noted in their reason for refusal that an area of land noted as a potential loading bay is not within the appellants ownership. The area of land appears to be an area of land and highway verge owned by the Council. During my site visit I note that this area is laid to grass with a dropped kerb which appears to provide access in to the rear garden of one of the dwellings to be demolished. The loading bay would be located off the road, as such, it would not impact on the access to the rear of Telford theatre or the adjoining church.
17. Typically land ownership are private matters between the relevant parties. It does appear, based on the access to the rear garden and dropped kerb, that the land has been used by the occupiers of the appeal site in recent years. In any event, the appellant has provided details demonstrating discussions between them and the Council relating to access to the land.
18. In light of the above, I am satisfied that the proposed development would not have a harmful impact on the highway safety. The proposed development would therefore comply with LP Policies C3 and C5 which seek to ensure that the location, quantity, and quality of car parking should reflect the density, nature, character, and context of the development. It would also comply with paragraph 115 of the Framework.

Other Matters

19. I have had regards to the comments made by interested parties. The appeal building would appear as a large modern addition to the area covering most of the site. Buildings along Slaney Street are traditional in their design and appearance and moderate in scale. However, the proposed development is located close to the Telford theatre. This is a large modern building and the proposed development would be seen in the context of this building. Whilst it would appear as a modern addition, the sensitive use of materials ensures that it would not have a harmful impact on the character and appearance of the surrounding area.

Conditions

20. Conditions controlling the time for implementation of the permission and listing the approved plans are required in the interests of certainty.
21. To protect environment and biodiversity interests' conditions are required to secure site investigation and remediation, landscaping, nesting/roosting boxes, external lighting, a site environmental management plan, hours of operations and compliance with the preliminary ecological assessment. In the interests of reducing travel demand as far as possible, conditions relating cycle parking is necessary.
22. I have included a condition relating to the implementation and maintenance of the drainage scheme in order to ensure it is provided and fully implemented prior to the use of the proposed development. In their submission the appellant noted that they would be content with pre-commencement conditions relating to drainage.
23. The Council request a condition relating to the submission of details of materials. Details of the materials to be used are provided on the approved drawings. I have therefore not imposed this condition.
24. Some of the Council's conditions included reasons for their imposition, lists of details to be submitted or reference to other approval processes, guidance, and legislation. My conditions focus on the actions required to be taken in the interests of precision, and I have omitted generic lists so that the parties can agree the relevant factors for this site, in accordance with prevailing guidelines at the relevant time. I have made some other changes to the Council's suggested conditions to avoid duplication and in the interests of consistency and clarity, and to ensure compliance with the Framework and Planning Practice Guidance.

Conclusion

25. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the approved plans listed below:
 - Plan Number: SST-BML-XX-XX-DR-C-0500 Rev P05
 - Plan Number: 9764/PL101 Rev C
 - Plan Number: PL100revA
 - Plan Number: PL102revA
 - Plan Number: PL103
 - Plan Number: PL104A
 - Plan Number: PL105
 - Plan Number: PL106
 - Plan Number: PL107
 - Plan Number: SST-BML-XX-XX-DR-C-0501 P01
 - Plan Number: SST-BML-XX-XX-DR-C-0100 P01
 - Plan Number: SST-BML-XX-XX-DR-C-0505 P01
 - Plan Number: SST-BML-XX-XX-DR-C-0504 P01
 - Plan Number: SST-BML-XX-XX-DR-C-0502 P01
3. Prior to the commencement of development a scheme of intrusive investigations has been carried out on site to fully establish the risks posed to the development by past coal mining activity and; any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed
 - The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
4. Prior to the first occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
5. Prior to the commencement of development full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed in writing with the Local Planning Authority.

Any trees or plants that within a period of 5 years after planting, are removed, die, or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of a similar species, size, and number by the end of the first available planting season.

6. Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in full as approved.
7. Prior to the first occupation of the buildings hereby permitted a suite of artificial nesting and/or roosting boxes shall be submitted to and approved in writing by the Local Planning Authority. The type and location of the features shall be set out and agreed and the scheme shall then be undertaken in accordance with the agreed details.
8. Prior to the installation of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan must show the location of proposed external lighting as well as the specification and design of the fixtures to be erected. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
9. Prior to the commencement of development, a Site Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
 - Location of site compound
 - Parking of vehicles of site personnel, operatives, and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials in constructing the development
 - Storage of oil, fuel, and chemicals
 - Protection of ecology and archaeology
 - Prevention of mud being deposited on highway.
 - Measure for the control and reduction of noise from construction works.
 - Measure for the control and reduction of vibration (including from piling) from construction works.
 - Measures for the control and prevention of dust spreading beyond the boundaries of the site from construction works.
 - Measures for control of construction traffic within the site and on the surrounding highway network
 - Hours of operation of construction works and others works on the site.
 - Measures for the monitoring and enforcement of the plans

- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate

The agreed plan shall be complied with at all times during construction work.

10. Prior to commencement of development details of the siting, design, number, and location of cycle parking facilities have been submitted to and agreed in writing with the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the agreed details before the premises is first brought into use and opened to the public.
11. The development hereby permitted shall be carried out in accordance with the Preliminary Ecological Appraisal (PEA) by Haslam Ecology, dated January 2023. Works shall be completed in accordance with the Reasonable Avoidance Measures Method Statement in respect to bats contained within the PEA document.
12. The hours of opening for the use hereby permitted Retail unit shall be restricted to 08:00 to 18:00 Monday-Friday, 09:00-18:00 on Saturdays and between 10:00-16:00 on Sundays, Public and Bank Holidays. For the avoidance of doubt this does not include the hours of operation for the delivery of goods, servicing etc.
13. No development shall take place until the following has been provided;
 - A timetable for the implementation of the surface water drainage scheme;
 - A management and maintenance plan for the surface water drainage scheme for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.