

TWC/2022/0924

31, 33, 35, 39, 41 & 43 Market Street, Oakengates, Telford, Shropshire, TF2 6EL & 1 - 8 & 10 - 22 (evens) Limes Walk, Oakengates, Telford, Shropshire, TF2 6EP

Redevelopment of Oakengates Town Centre comprising of the demolition of units 31, 33 and 35 Market Street, and 1, 3, 5 and 7 Limes Walk, refurbishment of 14no. retail units, erection of 10no. first floor residential dwellings and an improved public realm area

**APPLICANT**

**RECEIVED**

14/11/2022

**PARISH**

Oakengates

**WARD**

Oakengates and Ketley Bank

**THIS APPLICATION IS BEING BROUGHT TO COMMITTEE AS IT IS A MAJOR APPLICATION FOR WHICH THE COUNCIL IS THE APPLICANT AND IT REQUIRES FINANCIAL CONTRIBUTIONS VIA SECTION 106**

## **1. SUMMARY RECOMMENDATION**

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s), Informative(s) and the Applicant entering into a Section 106 Agreement in respect of bus shelter improvements.

## **2. APPLICATION SITE**

- 2.1 The application site is situated in Oakengates Town Centre and comprises the demolition of 6no. retail units (31, 33, 35 Market Street and 1, 3, 5 Limes Walk) and the refurbishment of 14no. retail units, creation of 10no. 1 and 2-bedroom apartments and an improved public realm area.
- 2.2 The site is situated in the centre of Oakengates and runs adjacent to Market Street and incorporates a number of retail units on Market Street and Limes Walk. Telford Theatre is to the north of the site providing a key focal point. Limes Walk is mostly pedestrianised with access for emergency vehicles and some small deliveries.
- 2.3 The units along Limes Walk have access to an existing service yard to the rear. No's. 33-35 Market Street and No's. 3-7 Limes Walk have servicing to the rear via Limes Walk, Units 39-41 are serviced via the frontages and the rear.
- 2.4 In the surrounding area there are a range of 2 and 3-storey buildings with a mix of retail and food offerings on the ground floor and residential provision on the upper floors. The site is accessed by large public car parks and on-street

parking nearby as well as strong public transport links. Oakengates Bus Station is situated at the end of Limes Walk and the train station is approximately 5 minutes' walk from the theatre. The Town Centre is also walkable from neighbouring residential areas around Oakengates.

- 2.5 A number of trees are present within the site, assessed as Category-B and Category-C, and including 3no. Hornbeams.

### **3. APPLICATION DETAILS**

- 3.1 The proposals focus on the area between Limes Walk and Market Street, which is located in the Primary Shopping Area of this District Centre.
- 3.2 This application seeks Full Planning Permission for:
- The demolition of 6no. units and removal of service yards;
  - Reconfiguration of 14no. ground floor retail units with improved shop frontages;
  - Improvement to and extension of the public realm plaza in front of Telford Theatre including landscaping;
  - Conversion of under-used first floor ancillary commercial space into 10 x 1 and 2-bedroom flats.
- 3.3 The proposed demolition of the retail units would remove physical and visual barriers between Limes Walk, the main car park and Market Street, with the intention that the improved environment and visual connectivity will encourage more visitor to spend time in shops and services in the wider Town Centre area.
- 3.4 The removal of poorly designed retail properties with inherent management issues, including 'eye sore' service yards and properties backing onto Limes Walk is intended to improve the appearance of the Town Centre.
- 3.5 The proposals include alterations and improvements to a number of existing retail units along Limes Walk. The existing canopy along Limes Walk and Market Street would be removed to open up the area and create a more welcoming approach as well as more natural light.
- 3.6 The glazed shop fronts on a number of retail units were replaced as part of regeneration works in 2014. These would remain in place and the new glazed shop fronts designed to match these existing units. The existing external security shutters would also be removed and replaced with new internal security shutters to improve the external appearance.

- 3.7 The energy performance of the buildings would be improved through new cavity walls and insulation as well as the installation of solar panels above the residential units. The retail unit would continue to be owned and managed by the Applicant.
- 3.8 Currently the first floors areas above the retail units are a combination of storage and office accommodation ancillary to each retail unit with limited elements of retail use. The Applicant advises these areas are underused and therefore proposes to convert the spaces into 7 x 1-bedroom flats and 3 x 2-bedroom residential apartments. At present these area are accessed via an existing internal staircase from the ground floor retails space. The proposals involve removing these staircases and the first floor slab closed off to fully separate the flats from the retail premises below.
- 3.9 No dedicated parking would be proposed as part of the redevelopment as the Council-owned public car parks accessed off New Street and Market Street are free to use.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 None

#### **5. RELEVANT POLICY DOCUMENTS**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford and Wrekin Local Plan (2011-2031):

SP1:	Telford
SP4:	Presumption in Favour of Sustainable Development
EC4:	Hierarchy of Centres
EC6:	Market Town and District Centres
EC9:	Evening and Night-Time Economy
EC10:	Shopfront and Advertisement Design
EC12:	Leisure, Cultural and Tourism Development
COM1:	Community Facilities
COM2:	Culture
NE1:	Biodiversity and Geodiversity
NE2:	Trees, Hedgerows and Woodlands
NE3:	Existing Public Open Space
NE4:	Provision of Public Open Space
NE5:	Management and Maintenance of Public Open Space
HO1:	Housing Requirement
HO4:	Housing Mix

HO5:	Affordable Housing Threshold and Percentages
HO6:	Delivery of Affordable Housing
COM1:	Community Facilities
COM2:	Culture
C1:	Promoting Alternatives to the Car
C3:	Implications of Development on Highways
C5:	Design of Parking
BE1:	Design Criteria
BE9:	Land Stability
ER1:	Renewable Energy
ER8:	Waste Planning to Residential Developments
ER9:	Waste Planning for Commercial, Industrial and Retail Developments
ER11:	Sewerage Systems and Water Quality
ER12:	Flood Risk Management

### 5.3 Homes for All Supplementary Planning Document (SPD)

## 6. NEIGHBOUR REPRESENTATIONS

- 6.1 The application has been publicised through a site notice, press notice and direct neighbour notification. One stage of consultation has taken place.
- 6.2 The Local Planning Authority received 19no. neighbour representations, including 18no. objections to the scheme and 1no. letter of support. The following summarised issues were raised:

#### *Planning, Regeneration and Town Centre:*

- This deprived area of Telford is in desperate need of redevelopment and the proposals are welcomed;
- Fails to comply with Local Plan (Policies BE1, EC7 and EC6);
- Pleased to see town receiving funding through Town Fund Scheme;
- Oakengates is badly in need of investment to make it more attractive to visitors and potential new businesses;
- Oakengates needs regeneration but Levelling Up could be achieved in better ways, such as increasing parking provision and plans are only focussed on one area of the town;
- Concerned about viability of proposals as they are expensive, unnecessary and do not improve the area in any way;
- Creating a larger and enhanced outdoor area around Telford Theatre with the loss of several established businesses would be of little benefit to local residents and businesses;

- Local residents and shoppers won't be attracted to the town by more seating and planting;
- Reducing the number of shops will reduce the amount of footfall during the day;
- Only The Place Theatre and The Wakes will benefit. The Wakes is the same age as the buildings proposed for demolition and its demolition would create more space for public realm;
- If the Wakes was demolished an extra 630 sq. metres would be available, nearly 50% more than from the proposed demolition of part of Market Street and half of Limes Walk;
- Move The Place to Telford and make the building an indoor shopping market.

#### Economy:

- Turning the centre of Oakengates into a building site during the time of a global financial recession will cause unnecessary financial pressure on the towns remaining Traders;
- If the planning application is successful then its implementation needs to be deferred until at least the end of the UK's recession (or refused and in the meantime subject to a meaningful public consultation);
- If the application gets full planning permission, then satisfactory compensation must be provided to any existing Traders who will have the challenge of surviving such a massive re-development of Oakengates centre during an expected very difficult trading period;
- Loss of jobs can't be justified;
- There will be disruption to businesses;
- Proposals will push more traders out of business;
- Plans will only benefit the night time economy and too many shops already geared to night time economy in this part of town;
- There are too few shops in the town that provide local people with essential items;
- Not everyone wants to shop in Telford Town Centre.

#### Housing:

- Access to flats is via stairwells and walkways in a similar fashion to the Wellington High Street flats currently being demolished;
- Do not see any value in having flats in Limes Walk.

#### Design, Appearance and Amenity:

- The older buildings need more maintenance as they are falling into

- disrepair and are becoming ugly but they have character and history;
- Proposals are not in keeping with their location nor does the local demographic lend itself to the proposals;
  - If people want a green space Hartshill Park has plenty and is adjacent to Oakengates Town Centre;
  - The space being created by the demolition is very small - is this enough to merit the planned demolition with its negative effect on businesses and livelihoods?
  - Many would like to see Oakengates on the up and looking good visually by improving derelict and neglected sites and improving footfall within the Town;
  - If the flat entrances and tree/raised planted areas aren't going to be subjected to emergency human urination etc. then the development needs to have an effective public toilet block incorporated into it;
  - The area around the theatre and Limes Walk could be improved without the removal of buildings;
  - The proposed open realm area is being labelled a gateway to the Theatre yet the majority of theatre-goers access the theatre from vehicles that they park on the main car park. An open public realm area would be more effective in place of the nursery area on the car park side of the Theatre.

#### Highways:

- Plans will do nothing to improve parking;
- Parking issues are because people leave cars in car parks to use shuttles to centre;
- The flats have adequate cycle parking but no car parking and this will make them unattractive.

#### Consultation:

- Not enough has been done to consult local people;
- New plans show no forethought for businesses.

#### Other:

- The Compulsory Purchase Orders do not provide enough money for the staff to pay their mortgages or rents;
- Public realm will need a lot of maintenance;
- A future Management Committee needs to be set up comprised of members of the local Chamber of Trade, The Town Council, Its Owners & Local Residents and a yearly inflation proof maintenance spend set on

the initially developed area calculated to provide an ongoing management cost;

- How is the demolition and resurfacing plan good for the environment?

## 7. STATUTORY REPRESENTATIONS

### 7.1 Lucy Allan MP: **Comment**:

- Welcome proposals for Oakengates which benefit residents and traders. Oakengates needs investment and renewal;
- Pleased when the Towns Fund Board chose Oakengates as a recipient of Levelling Up funding;
- At the Public Meeting on Friday 02 December 2022 held to discuss the proposals for Oakengates, it was clear that this is a controversial proposal and residents and traders present expressed their concerns;
- Many felt that there was a lack of transparency, with inadequate consultation and engagement with local residents and those affected by the regeneration plans. It is vital to ensure those with concerns feel listened to and are not disregarded;
- It was not clear from this meeting how Oakengates residents would benefit from the development gains that the Council expected to make from the introduction of Nuplace housing or whether those gains would be reinvested into Oakengates;
- It seemed that Towns Fund monies were to be used to create development gains for Telford & Wrekin Council as a primary objective. The creation of opportunities for the local community must be the primary objective and this needs to be a clear output of this project;
- There is more work to be done with those most affected by the proposals. Levelling Up is not something to be done to communities, it needs to be done with the consent and agreement of local people and high quality engagement is key to this;
- Having reviewed the material online, visited the location on many occasions and spoken to businesses and residents affected, it appears that concerns are being glossed over, and that engagement has been perfunctory rather than genuine;
- There is more work to do to make the case to local people that Oakengates will benefit;
- Would be pleased to work with the Council to ensure that local concerns are addressed;
- It would assist the Council's case if local Borough and Town Councillors were able to work with residents and Council Officers to resolve outstanding issues.

Oakengates Town Council: **No comments received**

7.2 TWC Highways: **Support subject to Condition(s)** in respect of:

- Provision of parking, loading, unloading and turning spaces; and
- On-site construction and traffic management

7.3 TWC Ecology: **Support subject to Condition(s)** in respect of:

- Lighting; and
- Bird/bat boxes

7.4 TWC Environmental Health: **Support, subject to Condition(s)** in respect of:

- Glazing specification;
- Mechanical ventilation to flats; and
- Noise attenuation between floors

7.5 TWC Healthy Spaces: **Support subject to Condition** in respect of Securing Landscaping and Planting Plan

7.6 TWC Drainage: **Support subject to Condition(s) in respect of:**

- Detailed Foul and Surface Water Design;
- SuDS Management Plan; and
- Exceedance Flow Routing Plan

7.7 TWC Affordable Housing: **Support:**

The proposed development is located within Oakengates Town Centre within the built up area of Telford and looks to provide a total of 10no. first floor residential dwellings. In accordance with Housing Policy it is considered that the housing mix is acceptable. In terms of providing Affordable Housing, further evidence in the form of a Viability Appraisal demonstrates that the site would be unviable and, on balance, is acceptable overall. In terms of accessibility, although the proposal is not compliant with the Council's Homes for All SPD based on submitted evidence this is also considered acceptable.

7.8 Coal Authority: **No Objection**

7.9 Shropshire Fire Service: **Comment:** Consideration to be given to information contained within Shropshire Fire and Rescue Service's Guidance document.

7.10 Cadent Gas: **No Objection** subject to an Informative



## **8. APPRAISAL**

8.1 Having regard to the Development Plan Policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development (and loss of existing retail facilities)
- Design and Amenity
- Affordable Housing
- Highways Impacts
- Drainage
- Healthy Spaces
- Ecology and Trees
- Planning Obligations

### **8.2 Principle of Development**

8.2.1 The site is a previously developed brownfield site within the urban boundary of Telford and located in Oakengates District Centre. The principle of developing it is acceptable provided the proposals are in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan consists of the Local Plan adopted in 2018. The NPPF is a material consideration.

8.2.2 The NPPF promotes a presumption in favour of sustainable development. The proposals are considered to represent social, economic and environmental objectives of sustainable development.

8.2.3 Policy EC4 of the Local Plan refers to the hierarchy of centres and states the Council will maintain and enhance the vitality and viability of the centres appropriate to their position on the hierarchy. For District Centres such as Oakengates this includes offering a mix of retail and community uses, and encouraging and promoting proposals which will make a positive contribution to the diversity and vitality of each centre commensurate with their role in the hierarchy.

8.2.4 Policy EC6 relates to Market Towns and District Centres, setting out that within the Primary Shopping Area (PSA) of each centre, the Council will only support changes of use from shops (Use Class E(a) formerly known as A1) to non-retail uses where the proposal would:

- i. Not harm the retail character of the Market Town or District Centre;
- ii. Complement the shopping function of the centre;
- iii. Not create a concentration of more than three adjacent similar non-retail uses; and
- iv. Have no significant adverse impact on surrounding amenity (noise, odour, waste collection, highways and parking).

Whilst the application is not proposing changing the use of shops with a PSA to a non-retail use, the above criteria are useful for providing a framework by which to assess the impact of the loss of the retail facilities proposed via demolition.

- 8.2.5 The 6no. retail units proposed for demolition would make way for a multi-functional public realm which the Applicant intends to be used for alternative retail uses such as markets and artisan fayres. The space created would allow for outdoor events connected to the theatre as well as community activities. Whilst not strictly retail uses these purposes would contribute to the diversity and vitality of the Distract Centre, thereby supporting the aims of Policy EC4.
- 8.2.6 Furthermore, the Applicant advises that all business owners currently occupying the 6no. units proposed for demolition have been accommodated elsewhere within Oakengates Town Centre and therefore there is no overall loss of businesses as a result of these proposals (this is with the exception of one business which is moving to larger premises elsewhere within the borough as part of consolidating its operations from several locations).
- 8.2.7 Taking into account for four criteria of Policy EC6, the proposals are considered to comply with the spirit of the policy as a guideline for assessing the proposals. On the basis of the above the principle of development is considered acceptable subject to provision of Affordable Housing and Financial Contributions towards bus shelter improvements.

### **8.3 Design and Amenity**

- 8.3.1 Policy BE1 requires new development to, inter alia, make a positive contribution to its context and to improve the quality of the built environment. The removal of the 6no. retail units would open up the space approaching Telford Theatre and enhance the place-making qualities and connectivity – both visual and walkable – of Oakengates Town Centre.
- 8.3.2 The resulting space would remain enclosed with continuous, active frontages providing natural surveillance and thereby increasing the safe and welcoming nature of the public realm. In these ways the proposals address the key principle of good urban design as well as meeting the key objectives of Policy BE1.
- 8.3.3 The proposed alterations to the 14no. retail units and new apartments above them would represent an improvement to the existing facades and can be supported.
- 8.3.4 In terms of the NDSS all units meet the internal floor space required under Policy HO4. One drawback with the residential scheme is that none of the apartments would have private amenity space, which is not desirable although neither is it uncommon in urban locations where existing buildings are being

converted and/or refurbished. Future occupants would be able to benefit from the improved public realm on their doorstep as well as nearby Hartshill Park for a green space.

- 8.3.5 The application has been accompanied by an Odour Assessment and Noise Assessment, which has been considered by the Council's Environmental Health Specialist. Subject to Condition(s), the proposals are considered satisfactory as discussed below.
- 8.3.6 The Odour Assessment concludes that odour produced in the area, although apparent and on occasions considered to be strong, would not create a significant adverse impact on the proposed residential properties. This conclusion is accepted. The Environmental Health Specialist advises that, given the setting as a Town Centre area, odour from cooking operations is considered part of the character of the area.
- 8.3.7 There may be some odour impact on proposed properties from existing premises, however, this in itself would not warrant action to be taken against existing businesses to mitigate this odour. This does not suggest that no action could be taken by the Council, or anyone affected, to take action to seek betterments in odour conditions should complaints be made and investigation find that systems in place to control odour at any premises are faulty, poorly maintained or are not considered best available according to relevant guidance.
- 8.3.8 The residential flats proposed would be positioned above proposed commercial properties. Two of the commercial units, 41 and 43, which both front onto Market Street, are being designed to accommodate foot outlets with internal risers leading to the roof for extraction and ducting above the ridgeline. The Council's Environmental Health Specialist advises it may be difficult to create odorous food production activities in the remaining proposed commercial outlets where there is insufficient space/ability to erect ventilation systems that emit extracted air above the height of the proposed residential property ridge line. Therefore, it is recommended that, should any commercial units other than No 41 and 43 Market Street be converted into a food outlet in future, the extraction system is proposed up front for consideration and includes odour mitigation measures and noise mitigation measures where necessary. Planning Condition(s) are proposed to manage this.
- 8.3.9 The assessment notes that all of the proposed flats fall within medium/high risk of adverse effect either in the day and/or night time period. This requires noise mitigation to be considered. The required mitigation through building envelope materials required to meet appropriate noise guidelines for internal noise conditions has been provided in the Noise Assessment. It is recommended that the noise attenuating properties are conditioned to ensure they are applied in all cases to the relevant property facades as denoted in the assessment. With this mitigation in place, despite reasonably high noise levels externally, internal amenity will be protected with windows closed. Given windows will be required

to remain closed it is recommended that all the habitable rooms are equipped with active ventilation in the form of Mechanical Ventilation with Heat Recovery (MVHR).

8.3.10 Noise impact from ground floor commercial land uses to first floor residential land use has been considered. This finds that the current performance of the material between the floors is concrete and requires additional noise mitigation. The Assessment reasonably suggests that noise attenuation should be provided between floors. It is recommended that this is Conditioned as per the recommendations in the Noise Assessment.

8.3.11 No hours of operation for the commercial units has been proposed as part of the application and therefore it is appropriate to require details of these for individual units via a Planning Condition.

8.3.12 Taking into account the overall scheme, the benefits it would bring are considered to outweigh the harms, which can be sufficiently mitigated against.

#### **8.4 Affordable and Specialist Housing**

8.4.1 The requirements for major developments under the Homes For All SPD adopted in January 2022 are:

- Open Market Housing - Minimum 20% M4(2) and minimum 3.5% M4(3);
- Affordable Housing - Minimum 45% M4(2) and minimum 6% M4(3)

8.4.2 A total of 10no. residential flats are proposed across the site. The Applicant advises that as all of the apartments are located at first floor level and are accessed by stairs none of them meeting the criteria for accessible homes contained within the Homes for All SPD. Officers consider that, on balance, the achievement of NDSS and wider benefits of the scheme can be accepted as outweighing the absence of specialist M4(2) and M4(3) homes.

8.4.3 The Local Plan requires Affordable Housing on schemes of 11 units and over, however, National Policy through the NPPF defines major development as 10 or more homes. Based on the NPPF, the application triggers the requirement to provide Affordable Housing.

8.4.4 The Local Plan aims to meet the Affordable Housing needs of the borough. Policy HO4 requires a mix of housing types, sizes and tenures to meet the range of household needs. The housing mix is sufficient for the purposes of complying with Policy HO4.

8.4.5 Policy HO5 states that the Council will seek 25% Affordable Housing in Telford. Policy HO6 states the presumption will be for the provision of new Affordable Housing on-site, unless there are justifiable and evidenced reasons why this would be inappropriate.

- 8.4.6 With regards to Policy HO5, no Affordable Housing units have been provided. The Local Plan expects that 25% of the apartments (equating to 2.5 units rounded up to 3 overall) be provided as Affordable Housing. In line with HO6 it is also considered that this should be provided on-site, unless justifiable and evidenced reasons are given.
- 8.4.7 However, on consideration of further evidence submitted through a Viability Appraisal the delivery of a policy compliant scheme would result in a marginal decrease in costs and reduction in value, reducing the profit margin to zero and below the threshold for investment. It is accepted that the scheme would be unviable and therefore acceptable to proceed.
- 8.4.8 Other material consideration to take account include the long term ownership and management of the flats and the wider regeneration aspirations for Oakengates.
- 8.4.9 In terms of ownership, the flats would be managed by NuPlace and therefore staying within the Council's ownership and management. As the retail units at ground floor would also stay in the Council's ownership it is more desirable for the whole building to remain managed and maintained by one landlord rather than separate parties.
- 8.4.10 With regards to the wider regeneration of Oakengates, these proposals amount to an economic-led approach to regeneration that will act as a catalyst for future prosperity. As these NuPlace flats would be available to rent on the open market, Officers understand that the intended demographic for occupying them would be younger, working professionals.
- 8.4.11 Given the above, Officers consider that the benefits in terms of allowing the site to come forward will significantly and demonstrably outweigh the harm brought about by lack of Affordable Housing provision and, on balance, can be supported.

## **8.5 Highway Impacts**

- 8.5.1 The Local Highways Authority (LHA) advises it agrees with the approach of not providing any dedicated private parking for the 10no. apartments proposed due to the site's highly sustainable location with very good links to bus and rail services. The merits of the application are such that the LHA is prepared to accept the departure from the Local Plan parking standards in this case.
- 8.5.2 The adopted carriageway close to the site is protected by parking restrictions and time restricted parking abys, and therefore it is unlikely that vehicles associated with the apartments would overspill onto the adopted highway to the detriment of public users. Residents who own vehicles would be able to utilise the unrestricted public off-street parking available at the Theatre, New Street and Station Approach car parks, which are all located close to the site.

8.5.3 Due to the reduction in internal floorspace associated with the refurbished retail units no extra parking provision would be necessary.

8.5.4 On the basis of the above the proposals are considered compliant with the Local Plan in terms of highways considerations.

## **8.6 Drainage**

8.6.1 The Council's Drainage Engineer has assessed the proposals and is satisfied they are policy compliant subject to conditions as requested.

## **8.7 Healthy Spaces and Recreation**

8.7.1 The Council's Healthy Spaces Specialist supports the scheme subject to a condition requiring a landscaping plan and planting specification.

## **8.8 Ecology and Trees**

8.8.1 Policy NE1 states that the Council will seek positive improvements to the quality of the Natural Environment through sustainable development which will result in net gains for biodiversity in the borough. The Council will, where applicable, expect development to provide opportunities, including through design, layout, and landscaping to incorporate new biodiversity features, enhance existing features and where necessary mitigate for features impacted or lost.

8.8.2 The Council's Ecology Officer has assessed the proposals and confirms they comply with Policy NE1 subject to conditions as outlined above.

8.8.3 Policy NE2 states the Council expects existing trees, hedgerows and woodland with biodiversity value, visual amenity value and landscape value to be retained, protected and appropriately managed.

8.8.4 Most of the across the site are growing within wide planted verges which run alongside Uxacona Way to the northeast and separate the bus station from the application site. More trees are scattered through the parking areas and 3no. trees are situated along the pedestrianised Limes Walk.

8.8.5 The majority of trees surveyed are mature, early mature or established and comprise a variety of species including lime, whitebeam, sycamore and hornbeam.

8.8.6 The Tree Survey confirms that no trees are being removed as part of the proposals and those remaining will have suitable protective fencing around the Root Protection Areas (RPAs).

8.8.7 On this basis the proposals are considered to comply with Policy NE2 of the Local Plan.

## **8.9 Land Stability**

8.9.1 The Coal Authority raises no objections to the proposal.

## **8.10 Planning Obligations**

8.10.1 The proposed development meets the requirement to provide contributions as directed through the Local Plan. Officers consider that these contributions are necessary to mitigate the impacts of the development.

8.10.2 The proposed contributions to be sought via a Section 106 agreement are therefore as follows:

- i) Financial Contribution towards Bus Shelter improvements on Lion Street (£TBC);
- ii) S.106 Monitoring Fee (*2% of the total value of contributions, £500 minimum and capped at £15,000*)

8.10.3 Due to ongoing increases in materials and costs, the Council's Public Transport team has not been able to confirm the exact cost of the bus shelter upgrades at the time of writing the report, although they are anticipated to be in the region of £11,000 to £12,000. Officers intend that an update can be provided to Members either before or at the time of Committee.

8.10.4 Subject to confirming the cost of the bus shelter upgrade, these contributions are considered acceptable mitigation and compliant with the Local Plan.

## **8.11 Other Matters**

8.11.1 To clarify objections raised through the public consultation process, there are no Compulsory Purchase Orders proposed.

8.11.2 The matter of a Management Committee is not material in planning terms and therefore cannot be taken into account in the determination of this application.

## **9. CONCLUSIONS**

9.1 The application site is located within the urban boundary of Telford & Wrekin and District Centre of Oakengates. In accordance with Policies SP1 and SP4, and Policies E4 and EC6, of the Telford and Wrekin Local Plan, the principle of development on this site is acceptable for retail, community and residential purposes.

9.2 The proposals have been designed to take account of the site constraints and deliver much needed development and regeneration in this area. The businesses currently operating out of the units to be demolished have been re-housed within Oakengates entre except where the business has sought a

different format of commercial premises, such as within an industrial estate. Therefore, there is no overall loss of businesses operating within Oakengates Town Centre.

- 9.3 There are no technical issues that would prevent the development from proceeding and no issues that cannot be mitigated against through the use of condition(s). Accordingly it is considered that the proposal represents a sustainable form of development which complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan.
- 9.4 The application is not proposing any Affordable Housing, however, on balance, taking into account the Viability Appraisal submitted and the wider aspiration for regenerating Oakengates longer term, this is accepted.
- 9.5 Taking all these matters into account, therefore, the Local Planning Authority considers that when the advantages and disadvantages of the scheme are weighed against each other the benefits outweigh the detriments and the application is therefore recommended for approval.

## 10. DETAILED RECOMMENDATION

10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** (with the authority to finalise any matter including Condition(s), legal agreement terms, or any later variations) subject to the following:

A) The applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority (items ii) to ix) subject to indexation from the date of committee), relating to:

- i) Bus shelter improvements on Lion Street (£TBC)
- ii) s.106 Monitoring Fee (*2% of the total value of contributions, £500 minimum and capped at £15,000*)

B) The following Condition(s):

- A04 Time Limit Full
- B150 Site Environmental Management Plan
- B126 Landscape Management Plan
- B145 Lighting Plan
- B149 Ecology - Suite of Nesting/Roosting Boxes
- B049 Provision of Parking and Turning Spaces
- C074 Tree Protection
- B121 Landscaping Scheme



C050 Completion of Noise Attenuation and Glazing Specification  
B089 Details of Mechanical Ventilation to Flats  
C002 Materials as Submitted on Plans  
C038 Development in Accordance with Plans  
Installation of Solar Panels  
B089 Details of Hours of Opening  
B029 Bins Detail and Installation  
B046 Construction Traffic Management Plan  
C029 Compliance with Demolition Method Statement  
B062a Details of Foul and Surface Water Drainage  
B076 SuDS Management Plan  
B079 Exceedance Flow Routing Plan  
B029 Details of Benches and Installation  
C089 Compliance with Tree Protection Plan  
D06 Restriction on food outlets (except 41 and 43 Market Street)