

TWC/2022/1021

The Warehouse, Cockshutt Road, Oakengates, Telford, Shropshire, TF2 6EB
Change of Use from furniture warehouse to Nursery School with single storey front extension and 1 no door and window. Over-cladding of various external walls, new fascia and cladding replacement, replacement of existing vehicular gates, hardsurfacing and landscaping

APPLICANT

Kaleidoscope Childcare Ltd

RECEIVED

16/12/2022

PARISH

St. Georges and Priorslee

WARD

St Georges

THIS APPLICATION CONTAINS A SECTION 106 THEREFORE IS TO BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

Online Planning File:

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2022/1021>

1.0 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 a Traffic Regulation Order and Section 106 Monitoring Contributions.

2.0 APPLICATION SITE

2.1 The application site is located to the east of Oakengates District Centre and consists of a vacant retail unit and associated hardstanding. The existing building is orientated south and currently bound by a brick wall and metal fencing along Cockshutt Road which stagger down to the gates which form the entrance to the application site. The site is bound by vegetation to the east. The site's topography slopes from north to south.

2.2 A residential property is located directly to the north of the site with Cockshutt Road leading to a cul-de-sac containing a small number of residential properties further north. Residential and commercial properties and their associated gardens bound the site to the east/south-east, which face onto Station Hill. The A442 Queensway runs overhead to the south of the site whilst a public car park is located beyond Cockshutt Road to the west leading to the Green Network / Open Space associated with Wrockwardine Wood which is located beyond.

3.0 APPLICATION DETAILS

3.1 This is a Full Planning Application for a Change of Use from a furniture warehouse to nursery with single storey front extension and external

alterations. The alterations involve the over-cladding of various external walls, new fascia and replacement cladding, replacement of existing vehicular gates, hard surfacing and landscaping

4.0 PLANNING HISTORY

4.1 W97/0808 - Change-of-Use for Display of Domestic Appliances and Repairs - Granted 19 February 1998

W96/0947 Change-of-Use to Motor Vehicle Repair Workshop - Refused 28 January 1997

W94/0457 - Extension of Use of Building to Sell and Display Second Hand Furniture and Effects - Granted 07 July 1994

W91/0674 - Change-of-Use of part of workshop building to include sale of second hand furniture (retrospective application) - Refused 18 September 1991

W88/0091 - Continuation of Use of Warehouse as Car Valeting Premises - Granted 10 March 1988

W86/0220 Change-of-Use from Warehouse to Car Valeting at Premises Known As - Granted 05 June 1986

W86/0105 - Change-of-Use from Warehouse to Car Valeting and Sales – Refused 03 April 1986

W78/0323 - Erection of Warehouse for the Storage of Building Materials - Granted 08 May 1978

5.0 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 Centre
EC6	Market Towns and District Centres
NE1	Biodiversity & Geodiversity
NE2	Trees, Hedgerows & Woodlands
C1	Promoting Alternatives to the Car
C3	Impact of Development on Highways
C5	Design of Parking
C6	Commuted Parking Payments
BE1	Design Criteria
BE9	Land Stability
ER1	Renewable Energy

ER9	Waste Planning for Commercial, Industrial and Retail Developments
ER11	Sewerage Systems and Water Quality
ER12	Flood Risk Management
COM1	Community Facilities

6.0 NEIGHBOUR REPRESENTATIONS

6.1 The application has been publicised through direct neighbour notification. No responses have been received.

7.0 STATUTORY REPRESENTATIONS

7.1 St Georges and Priorslee Parish Council: **No Objection**

7.2 Local Highway Authority: **Support, subject to Condition(s) and Financial Contributions for Traffic Regulation Order, if required**

7.3 TWC Education: **Support**

7.4 Drainage: **No Objection**

7.5 Shropshire Fire Service: **Comment, referring to Guidance**

7.6 Cadent Gas: **No Objection**

7.7 The Coal Authority: **No Objection, subject to Condition(s)**

8.0 PLANNING 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
- Design and Residential Amenity
- Highway Safety
- Land Stability
- Financial Contributions

8.2 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Telford and Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.

8.3 The application site was last used as a furniture warehouse. Following the changes to the Use Class Order in 2020, the existing and proposed use both now fall within Use Class E (Commercial, Business and Service) whereby planning permission is not required for a Change-of-Use, subject to no restrictions on the original consent, or Article 4 directions. However, in this instance, planning applications W97/0808 and W94/0457 contain restrictive conditions meaning the Change-of-Use requires permission in itself. The Condition states:

'Notwithstanding the provisions within the Town and Country Planning Use Class Order 1987 or for any subsequent Order which replaces, repeals or amends this Order, the premise shall be used only as a car valeting centre and for the storage, sale and display of second hand furniture and for no other purpose whatsoever.'

8.4 The application site is located within the built up area of Telford, as defined by the Telford & Wrekin Local Plan (TWLP) Policies Map (2018). The site is located circa. 60 metres from the edge of Oakengates District Centre. TWLP Policy SP1 states that Telford will be the principal focus for growth to meet the borough's housing and employment development needs during the plan period. Policy SP4 states that the Council will support development proposals that are considered to be sustainable, where it is in accordance with national and Local Plan policies, taking into account other material considerations. In respect of para. 11 of the NPPF, if the proposals accord with an up-to-date Development Plan they should be approved without delay. Therefore, if the proposed development complies with the Development Plan and is sustainable development the principle should be supported.

8.5 The proposal is for the conversion of an existing unused furniture warehouse into a children's day nursery, offering a maximum of 32 pre-school spaces which would be run by 4 staff members. Children would be supervised in groups of 8 with different groups involved in different play and creative activities. The applicant is Kaleidoscope Childcare Ltd, an established nursery provider, currently operating nurseries outside of the borough in Shifnal. Appendix 2 of the submitted Design and Access Statement states that the business is seeing an increase in enquiries and bookings from Telford families for their existing services in Shifnal and therefore have established a need for the facility within the borough.

8.6 The proposal is for a new nursery, which is considered to be a community use as defined by Policy COM1 of the TWLP. Policy COM1 states that developments that provide new social infrastructure and that meet the needs of local residents will be supported. The Council's Education Department have been consulted on the proposal and support the development of a new nursery in this location to meet a growing need.

8.7 As such, the principle of development is considered compliant with Policy SP1, SP4 and COM1 of the TWLP.

8.8 **Design and Residential Amenity**

Policy BE1 of the adopted Local Plan is concerned with securing high quality design in new development. It is criteria based and expects new development to be influenced by and respond positively to its context, demonstrating an integrated approach to design and layout, respecting landscape and creating a sense of place. New development should be energy efficient and promote sustainable building techniques.

- 8.9 The existing building on site is constructed of facing brickwork with industrial metal blue cladding above extending to the parapet. Existing openings are located on the principal elevation of the building, facing the car park. The existing car parking area has a hard core surface.
- 8.10 The proposed development would consist of an extension off the principal elevation of the building to form a staff room / office and entrance space. This would lead to an indoor play area, dining area and kitchen at the rear of the building. An outdoor play area is located to the east of the building whilst staff parking would be located to the front in the existing area of hardstanding.
- 8.11 In terms of appearance, the brickwork used in the construction of the extension would match the existing brown spectrum facing brickwork and new openings would be created on the eastern and southern elevation facing the outdoor play area and car park. There would continue to be no openings on the western and northern elevation of the building. The proposal involves the over-cladding of various external walls, new fascia and replacement cladding.
- 8.12 For the boundary treatment, a new gate would be inserted within the existing boundary wall adjacent to the pedestrian entrance. Children and parents would access the building via this gate as opposed to the car park entrance which would be used by staff vehicles only.
- 8.13 The business would operate Monday to Friday and close by 1800. It is proposed that the hours of operation are Conditioned to ensure that there is no significant adverse impact on the residential amenity of nearby properties by way of noise.
- 8.14 Any signage would be dealt with separately via the advertisement regulations.

8.15 **Highway Safety**

The main vehicular access into the site is as existing from a gated entrance to the south of the site. The proposal includes parking for 4 no. staff with space for staff to manoeuvre and exit the site in forward gear. There are no dedicated drop-off/pick-up facilities proposed within the application site and the applicant suggests parents would use the adjacent public car park, unless they are walking to the site.

- 8.16 Accessibility for the users to the site from the public car park located opposite the development site has been the primary concern for the Local Highway Authority given the lack of drop off space on site for users. During the determination period, additional information has been submitted and site visits

have been undertaken by officers to monitor the use of the public car park and its relationship with the application site.

- 8.17 The Applicant is proposing to construct two new pedestrian crossing points to allow for easier access to the site. Additionally a proposed pedestrian railing is proposed outside the gate to encourage children and parents to use the dedicated crossing points and avoid children running into the public highway. A contribution has been secured towards Traffic Regulation Orders along Cockshutt Road to discourage parents from parking and obstructing the adopted highway. Subject to securing the above mitigation through Condition(s) and Financial Contributions, the LHA is of the opinion that the site would be able to function safely, without having a severe negative impact upon the highway network.
- 8.18 As well as the public car park survey provided by the Applicant, the LPA have undertaken various site visits to the site to monitor car parking levels within the car park site visit which demonstrated that there is an availability of parking to allow for peak hour drop offs and collections. The LHA did raise the issue of parking capacity within the public car park during the day. However, the applicant confirmed that business operates a 'full day-care nursery' therefore mid-day picks are rare.
- 8.19 As such, the LHA offers no objection subject to Conditions and a Financial Contribution towards the potential extension of the double yellow lines in vicinity of the site. The monies are to be paid upon the completion of the development before opening, indexed and any unspent monies after 3-years refunded to the applicant. Should this development come forward, the Authority shall monitor the interaction of traffic directly associated with the proposed development within the vicinity of Cockshutt Road. Should an issue become apparent during the 3-years following occupation of the development then the contributions shall be called upon to mitigate any issues associated with the traffic associated to the establishment.
- 8.20 Owing to the sustainable location of the site and its proximity of the site to Oakengates District Centre, and the mitigation provided, the proposal is considered compliant with Policies C3, C4, C5 and C6 of the TWLP on balance.

8.21 **Land Stability**

The site is located within a High Risk Coal Mining Area and as such, the planning application is accompanied by a Coal Mining Risk Assessment (J 2439, 14 December 2022) prepared for the single storey extension at this site by Ground Investigation Specialist Limited.

- 8.22 The report author informs that it has not been possible to discount the risk of shallow coal mining within the Big Flint Coal seam (between 0.3m and 1.4 metres thick) beneath the site. Section 3 identifies that the Big Flint Coal seam could be present at only 15 metres depth beneath the site). Therefore, in order to ensure that there are no structural or safety implications for the

single storey extension, recommendations have been made that as this is only a small and light nature, the risk can be mitigated by foundation design. However the report author goes on to state that if rotary drilling is carried out to confirm the presence or otherwise of shallow workings, the results can inform the foundation design and conventional strip foundations may be appropriate, depending on the findings of the drilling works.

8.23 The Coal Authority were consulted as part of the planning application and provide no objection to the proposed development subject to the imposition of Condition(s) requiring a signed statement confirming the site is safe and stable prior to the occupation of the development.

8.24 The LPA are satisfied that the proposal is compliant with Policy BE9, subject to conditions requiring ground remediation measures.

8.25 **Financial Contributions**

Any planning consent would be conditional on the finalisation of a Section 106 Agreement to secure the following:

- i. Traffic Regulation Order to the value of £3,000;
- ii. Monitoring contributions at 2% of the value of the s.106

8.26 In determining the required Planning Obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- i. Necessary to make the development acceptable in planning terms;
- ii. Directly related to the development;
- iii. Fairly and reasonably related in scale and kind to the development.

9.0 **CONCLUSION**

9.1 This site is located within the built-up area of Telford, is previously developed, and located on the edge of Oakengates District Centre. In accordance with Policies SP1 and SP4 of the Telford and Wrekin Local Plan, the principle of development on this site remains acceptable.

9.2 The proposal is for a pre-school nursery, providing up to 32 no. child spaces. In accordance with Policy COM1 of the TWLP, the proposed use is considered acceptable. Planning Permission is only required for the change of use owing to a restrictive condition attached to the existing consent on the land.

9.3 The proposed appearance of the building would be similar to that of the existing building. Whilst it is not considered that the existing building provides a particularly positive contribution to the character and street scene in this location, the planning application only involves a small extension to the

existing building and therefore must be considered on its merits. It is considered that the proposals involving the recladding of the building and the alterations to the boundary treatment and landscaping would contribute positively and the proposal would bring a vacant building back into active use.

9.4 The applicant is proposing to construct two new pedestrian crossing points to allow for easier access to the site from the public car park to the west. Additionally a proposed pedestrian railing is proposed outside the nursery entrance to encourage children and parents to use the dedicated crossing points and a contribution has been secured towards traffic regulation orders along Cockshutt Road to discourage parents from parking and obstructing the adopted highway. The LPA are satisfied that that the proposal is compliant with the TWLP.

9.5 There are no technical objections to the planning application.

10.0 RECOMMENDATION

10.1 Based on the conclusions above, the recommendation to the Planning Committee is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the following:

A. The Applicant/Landowners entering into a Section 106 Agreement with the Local Planning Authority (items (i to vi) subject to indexation from the date of Committee), relating to:

- I) Contributions towards a Traffic Regulation Order to the value of £3,000;
- II) Monitoring contributions at 2% of the value of the s.106

B. The following Condition(s) and Informative(s) (with authority to finalise Condition(s) to be delegated to Development Management Service Delivery Manage.

Conditions:

Time Limit
Full Site Environmental Management Plan (incl. on-site construction)
Landscaping and Boundary Treatment Detail
Land Stability - Signed Statement or Declaration
Lighting Plan
Off-site Highway Works
Access Drive (bound material)
Car Parking
Tree/Hedge Protection Plan
Operation Management Plan
Operational Hours

Restriction on Use
Approved Plans

Informatives:

s.184
Section 106
Condition(s)