

TWC/2018/0960

Tibberton Village Shop, Maslan Crescent, Tibberton, Newport, Shropshire, TF10 8PB

Erection of single storey portable building for use as the Tibberton community shop

Amended Plans Received

APPLICANT

Tibberton Community Shop Group

RECEIVED

22/11/2018

PARISH

Tibberton and Cherrington

WARD

Edgmond and Ercall Magna

TIBBERTON & CHERRINGTON PARISH COUNCIL HAVE REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

1.0 SUMMARY RECOMMENDATION

1.1 Refuse Full Planning Permission.

2.0 SITE AND SURROUNDINGS

2.1 The application site is within the grounds of Tibberton Village Hall and lies on the main road close to the centre of the village of Tibberton. The Village Hall is a 1½-storey brick built building with a tiled gable roof; there is an unsympathetic flat roofed extension to the rear of the hall. The current Village Shop is a temporary portal building on the right hand side of the building which has a temporary canopy on the front constructed from wood and corrugated plastic sheets.

2.2 This application follows a pair of previous temporary permissions for the siting of the shop, the first for 2-years, ref.: TWC/2011/0529, and the second for 5-years, ref.: TWC/2013/0573.

3.0 APPLICATION DETAILS

3.1 This application seeks Full Planning Permission for the permanent retention of the Village Shop and canopy.

3.2 For clarification, the canopy does not have formal planning permission, having been omitted from both previous permissions. Since the initial submission, the application has been amended so that it now includes alterations to the canopy to improve its appearance by replacing the existing roof with a pitch roof.

4.0 RELEVANT HISTORY

4.1 TWC/2011/0529 - Erection of single-storey portable building for use as the Tibberton Community Shop - Full Granted 05 August 2011

- 4.2 TWC/2013/0573 - Amendment of Condition 1 from TWC/2011/0529 to allow an extension temporary consent for a further 5-years - Full Granted 11 September 2013

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:

National Planning Policy Framework (NPPF)

5.2 Local Development Plan:

Telford & Wrekin Local Plan 2011-2031

6.0 SUMMARY OF CONSULTATION RESPONSES

6.1 Local Member & Parish Council Responses:

6.1.1 Tibberton & Cherrington Parish Council:

Initial Consultation: **Support:**

- Wholly supportive of this planning application - the impact the Community Shop has had on Village life since its creation is immeasurable. The Village Shop also brings together residents, as customers and Volunteers;
- It is difficult to imagine Tibberton without the Community Shop. The Parish Council believes that the time is right to end the temporary planning arrangement under which the Shop has been operating;
- The Parish Council has only ever heard positive comments relating to the Shop - there have been no issues raised with the structure out of which it operates, which is totally suitable for the service it provides. The design and overall look of the Shop is clean and functional. It is well maintained and looks a credit to the community;
- The Shop is mentioned as a key factor in the TWC Local Development Plan and is cited as one of the reasons the Village has been designated as one of five rural locations for development in the Borough;
- The Council was concerned that the application is for the '...erection of a single-storey portable building...', as the unit is already in situ and, we have confirmed with the Community Shop Management, that no changes to it are planned. It was felt this application should in fact be a continuation of an existing principle of development that has previously been approved;

Secondary Consultation:

- The Parish Council called the application in so that it would be heard at the Planning Committee.

6.1.2 Ward Councillors: No formal, written comments have been received.

6.2 Standard Consultation Responses

6.2.1 Shropshire Fire Service: Comment:

Requires consideration to be given to advice provided in Shropshire Fire and Rescue Service's Fire Safety Guidance.

7.0 SUMMARY OF PUBLIC RESPONSE

7.1 Two rounds of consultation have taken place, 69 responses, all in support have been received from members of the public which are available in full on the planning file, however the key points have been summarised as follows:

- The shop is entirely run and staffed by volunteers, having been awarded the Queen's Award for Voluntary Service, it acts as a community and social hub for residents of Tibberton and Cherrington;
- The shop has been able to pull teenage volunteers working toward the Duke of Edinburgh qualification into the community;
- The nearest retail outlet would be Edgmond and it is a 10 mile round trip into Newport. Not allowing the shop would cause difficulties and isolation for many of the older village residents;
- Traffic would increase as a result; not the green sustainable outcome the Council should be aiming for;
- Funds from this non-profit making organisation are ploughed back into Local Community Projects;
- Now that the Village has so many new houses being built, the shop will become even more valuable to local people;
- The application should not be granted on a temporary basis. The Village needs a permanent shop which would enable the community shop to become more sustainable and plan for the future;
- There have been no complaints from any resident in Tibberton about the appearance of the shop;
- Despite the closure of the previous Village Shop, the planners persisted in nominating Tibberton as a Key Settlement. For Planners to not approve this as a permanent application would be absolutely unacceptable hypocrisy on their part and any disapproval should automatically revoke the Key Settlement status and invalidate the current planning approvals granted due to this status;
- The current proposal to change the extension to be 'more in-keeping with the street scene' makes no sense. The cost of the proposed change would place a financial burden on this modest, not-for-profit, wholly voluntary enterprise, sufficient to put it at serious risk of failure with the removal of the entire temporary structure, loss of the shop and its services. Were that to happen, the view from the street would be the flat roof of the village hall's kitchen extension - out of keeping with the street scene.

8.0 PLANNING CONSIDERATIONS

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
- Scale, Design and Impact on the Character of the Area
- Impact on Neighbouring Amenity

8.2 Principle of Development

8.2.1 This is the third application for a shop on this site, the first pair being temporary consents which clearly stated that the building was not suitable to form part of the permanent development of the area. This application is for the permanent retention of the existing single-storey portable building that is used as the Tibberton Village Shop. It also seeks to retain and alter the current canopy over the front of the building. For clarification, it must be noted that the canopy was not part of the previous pair of applications and therefore has not had the benefit of any previous consent.

8.2.2 Both previous approvals were temporary, granted as the building was considered unsuitable to form part of the permanent development of the area.

8.2.3 Condition 1 of Planning Permission TWC/2011/0529 reads: *'this permission shall be for a period of two years, from the date of this permission, by which date the building shall have been removed and the site reinstated to its previous condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The scheme shall be approved prior to the commencement of development.'*

Reason: This building is unsuitable to form part of the permanent development of the area and to enable the Local Planning Authority to give further consideration to the retention of the building at the expiration of this permission having regard to the circumstances existing at that time.'

8.2.4 Condition 1 of Planning Permission TWC/2013/0573 reads: *'this permission shall be for a period of five years, from the date of this permission, by which date the building shall have been removed and the site reinstated to its previous condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The scheme shall be approved prior to the commencement of development.'*

Reason: This building is unsuitable to form part of the permanent development of the area and to enable the Local Planning Authority to give further consideration to the building(s) retention at the expiration of this permission having regard to the circumstances existing at that time.'

- 8.2.5 For clarification, these conditions were not challenged or appealed at the time of approval of either application and additionally this current application was only valid as of 22 November 2018 which was after the 5-year temporary permission had elapsed.
- 8.2.6 The only difference in design between the first two applications and the current applications is that an unauthorised canopy has been added onto the front. Due to the nature and construction of this canopy, this current canopy is considered to be more unsuitable to form part of the permanent development than the actual shop building. During the course of the application, the canopy design has been altered to remove the existing corrugated plastic roof and replace it with a pitch roof.
- 8.2.7 It must be noted that the Local Planning Authority acknowledge the importance of the Village Shop in Tibberton and the principle of a shop within the grounds of the Village Hall is considered acceptable.

8.3 Scale, Design and Impact on the character of the area

- 8.3.1 There have been a series of letters of support submitted on this application which reinforces the importance of this shop on this rural community. A reasonable proportion of these reference that there is no issue with the appearance of the shop and mention that the shop is an improvement on the unsympathetic flat roof extension that is on the side of the Village Hall. This is an existing extension which was given planning permission in 1981 and therefore cannot be reassessed as part of this current application.
- 8.3.2 It has been demonstrated that the shop is of significant benefit to the local community and the Local Authority would be supportive of a more suitable permanent scheme. Notwithstanding this however, in the almost eight year period since the original application was granted, there appears to be no evidence of any progress made in order to find a suitable permanent solution.
- 8.3.3 The LPA notified the applicant very early on in the application process that the LPA would not support the permanent siting of this building as it would be contrary to the approach regarding the previous pair of temporary consents. The applicant was initially notified that the Local Planning Authority may only consider supporting a further temporary consent stating what would reasonably be expected to take place during that 1-year period, namely to develop a permanent building and solution. However, as a permanent application had been submitted, this would have required the agreement of the Applicant. The Applicant was also notified that the Local Planning Authority would be unlikely to grant a further temporary consent in the future as an additional 2-years would mean that the building would have been in situ for close to 10 years. Case Law states that when a temporary building has been in situ for more than 10-years, it has a degree of permanency and as previously stated, this building is not considered acceptable to form part of the permanent street scene.

- 8.3.4 Officers have had many discussions and meetings with the Applicant in order to find a suitable solution that would maintain this important facility in Tibberton. During an early Meeting with the Applicant, a further temporary 1-year consent was discussed in order for the applicant's to look into a more suitable solution for the building. However, the Applicant wished the LPA to grant a temporary consent until 2031 which is when the Local Plan runs to. Officers informed the Applicant that this was not considered an appropriate length of time, and as an appropriate compromise could not be reached, it was resolved that the application was to be refused and that the Applicant would pursue an Appeal.
- 8.3.5 Following further internal discussions, Officers proposed options for altering the existing shop which may allow for its permanent retention, whilst improving its appearance within the street scene. Officers suggested to the Applicant that they may wish to explore options to improve the appearance of the building and suggested external cladding, the removal of the unsuitable canopy and construction of a roof over the shop building. These was considered to be a cost effective way to improve the appearance of the building and may allow the Council to grant a permanent consent which would end the uncertainty over the future of the shop. The Applicant agreed to this approach and stated that they would look at ways to improve the appearance of the shop.
- 8.3.6 Amendments proposed by the Applicant showed the retention of the canopy on the front, albeit with a pitched roof over, however there were no alterations proposed to the actual shop building. The roof over the canopy was proposed to extend across an existing window within the side of the Village Hall which was considered to be inappropriate as it would detrimentally impact upon the external appearance of the Village Hall. Officers informed the Applicant that this was not a suitable solution and that works were required to the building itself in order to improve its appearance.
- 8.3.7 During a further Meeting, the Applicant was requested again about the possibility of erecting a roof over the main building. The Applicant stated that this could not be achieved as it would be too heavy for the building and that any alterations to the roof would weaken it and would void their Warranty and that it would be too expensive to achieve, however nothing has been submitted in writing from the Applicant to support this claim. Officers requested information relating to costings to prove that this was not financially viable which the Applicant has failed to provide. The Applicant also explained that the canopy at the front of the shop is a necessary part of the building as amongst other uses, it is where the newspapers are kept and there are tables and chairs where people meet. Furthermore, Officers proposed the potential regarding a freestanding roof which could be erected over the building and the front patio area in order to remove the canopy but not affect the roof of the building. The Applicant stated that they considered this would not improve the appearance of the building and would look worse than existing and stated this would be too expensive to achieve. Officers again sought evidence from the Applicant to demonstrate, however this has not been provided.

- 8.3.8 The Applicant agreed to amend the plans to show the roof of the canopy altered with a pitch roof but moved away from the building so that it did not cut through the window. Officers clearly stated that this would not address the concerns raised but by submitting the Amended Plan, this would necessitate re-consultation and offer either the Parish Council or the Ward Councillor a further opportunity to call-in the application for determination at Planning Committee.
- 8.3.9 During the initial consultation, Tibberton Parish Council had refused to call in the application as they did not feel it was their responsibility to refer the application and that they expected it to be referred to committee automatically.
- 8.3.10 Following Consultation regarding Amended Plans, Tibberton & Cherrington Parish Council formally called the application into Planning Committee.
- 8.3.11 Following the assessment of the Amended Plans, Officers are of the opinion that the proposed alterations do not sufficiently address the concerns over the suitability of giving the building permanent planning permission.

8.4 Impact on Neighbouring Properties

- 8.4.1 Whilst the shop is close to residential properties, it is within the grounds of the Village Hall which is not a residential property. Due to the position of the shop and the existing screening, it is not considered to have a detrimental impact on the residential amenity of any neighbouring residential property.

9.0 CONCLUSIONS

- 9.1 Whilst it must be noted that the Local Planning Authority acknowledge the importance and value of a Village Shop in Tibberton, and this is reinforced by correspondence in support of the application, the building that is in situ is not of a suitable form to warrant a permanent consent, hence the previous temporary consents. The applicants have had almost 8 years to investigate a more suitable permanent solution but this has not been forthcoming. The Local Planning Authority consider that suitable solutions and compromise has been afforded to the applicants. Other than the installation of a roof over the unauthorised canopy, the applicants have continuously refused any further amendments or to provide evidence that the council's suggestions are not financially viable.

10.0 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 **REFUSE PLANNING PERMISSION** for the following Reason:

- 1) By reason of the unsuitable temporary appearance of both the existing shop and the proposed amended canopy, the permanent retention of the

proposed buildings would not enhance the street scene and would have a detrimental impact on the setting of the village hall. Accordingly, the proposal is contrary to Policy BE1 of the Telford & Wrekin Local Plan and guidance contained within the National Planning Policy Framework.