

TWC/2020/0347

Former Dun Cow Public House, New Street, Dawley, Telford, Shropshire  
Erection of a 77 bedroom Care Home (Use Class C2), erection of a 1.8m retaining wall and creation of a new access and car park

**APPLICANT**

Bondcare 5 Ltd

**RECEIVED**

24/04/2020

**PARISH**

Great Dawley

**WARD**

Dawley and Aqueduct

**THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS IT ENTAILS A S106 AGREEMENT**

Online planning file: <https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2020/0347>

**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 conditions, informatives and the applicant entering in to a S106 agreement to secure financial contributions and high level nursing accommodation.

**2. SITE AND SURROUNDINGS**

- 2.1. The application site is located within the built-up area of Dawley, close to the local centre. It is the site of the former Dun Cow Public House and is a brownfield site currently being reclaimed by nature.
- 2.2. Vehicular access to the site would be from Duce Drive, which provides access to the Telford Langley School and Sports Centre, Library and other new development. The new development in that area has been developed taking into account the existing access point.
- 2.3. Within the site is a tree subject of a Tree Preservation Order.
- 2.4. Opposite the site is Dawley Town Hall and existing built up development. A car park is located to the north. To the south the site appears to be an area of landscaping associated with residential development.

**3. PROPOSAL**

- 3.1. The application seeks full planning permission for the erection of a 77 bed care home providing constant care. The building will be 3 storey and is a U-shape around the protected tree. The entrance to the building will be to the internal courtyard. A car park would be located to the east of the proposed building and a small garden area is proposed to the south of the car park.
- 3.2. The ground floor of the building would incorporate the entrance foyer, two day rooms and the offices and associated ancillary facilities, such as kitchen and

laundry. The remainder of the ground floor will be bedrooms and communal bathrooms. Floors 2 and 3 both have three dayrooms and a hairdressers is also proposed. This is similar in scale and appearance to the previously approved scheme.

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

- 4.1. TWC/2012/0781: Application for a new planning application to replace an extant planning permission in order to extend the time limit for implementation for the construction of a 72 bedroom care home. Full granted 18/09/2013.
- 4.2. W2009/0123: Erection of a 72 bedroom care home on site of former public house. Full granted 07/10/2009.

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

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

- SP1 Telford
- SP4 Presumption in favour of sustainable development
- HO7 Specialist housing needs
- NE1 Biodiversity and geodiversity
- NE2 Trees hedgerows and woodlands
- C3 Implications of development on highways
- C5 Design of parking
- BE1 Design Criteria
- ER12 Flood Risk Management

#### **6. NEIGHBOUR REPRESENTATIONS**

- 6.1 One letter of representation has been received but is addressed to the applicant raising concerns over how the site has been managed and local relationships with the community.

#### **7. STATUTORY REPRESENTATIONS**

- 7.1. Sport England, the Fire Service, West Mercia Police and Built Heritage Conservation have no comments to make on the application.
- 7.2. Healthy Spaces, Ecology and Drainage, support the application subject to conditions.
- 7.3. Highways: Satisfied that the plans show an appropriate and deliverable access arrangement. The proposals would generate a requirement for 49 car parking spaces. Although it is acknowledged that each site is to be assessed on its individual merits and that the provision of further detailed information regarding parking need can inform a degree of flexibility on this figure, the Local Plan parking standards are consistently applied across the borough and in this instance it is considered that the shortfall from Local Plan parking standards exceeds what the Local Highway Authority considers acceptable.

## 8. APPRAISAL

8.1. Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:

- Principle of the development
- Access and parking
- Character and appearance
- Ecology and Trees
- Flood risk and drainage
- Planning obligations

### Principle of the development

- 8.2. Section 38(6) of the Planning & 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 & 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 site is a brownfield site located within the built up area of Telford where Policy SP1 where the policy presumption is in favour of development, subject to compliance with other relevant policies.
- 8.4. Policy HO7 supports the provision of development within Use Class C2, including care homes, subject to appropriate form, scale and design. The policy seeks to locate such facilities in close proximity to community and support facilities, including shops and services. These are clearly provided within the vicinity of the site in Dawley local centre.
- 8.5. There is an identified need for high level nursing care homes as set out in the Council's Specialist and Supported (S&S) Accommodation Strategy. This shows an immediate requirement for 50 beds in 2020/21, and a medium term need for 200 beds by 2025/26. This proposal can help meet that identified need.
- 8.6. Planning permission has previously been granted for a care home on this site in 2009 and again in 2013. This scheme is principally the same scheme as previously approved, but with an extended southern wing to provide the additional 5 bedrooms, and some design amendments. Therefore, the principle of the development is considered to be in accordance with Policies SP1 and HO7.

### Access and parking

- 8.7. The proposed access to the site would be from Duce Drive, utilising an existing access point into the site. Recent development that has been undertaken in the area around the access has taken this access point into account.
- 8.8. The proposals have been considered by the Highway Engineer who initially raised concerns regarding the proposed access due to the original plans relating to the original road layout. Revised plans have now been submitted and have addressed the concerns raised. As such the Highways Officer is satisfied that the proposed access can be provided without giving rise to highway safety concerns. The proposals therefore comply with Policy C3.
- 8.9. The proposals include the provision of 19 car parking spaces, including 2 disabled spaces. Policy C5 requires the location, quantity and quality of car parking should reflect the nature, character and context of the development, its intended usage and relationship with the surrounding area. In this instance the site is located immediately adjacent to the local centre of Dawley and on two local bus routes.
- 8.10. The proposed development falls within use class C2 and the TWC Local Plan sets out the parking standards as being 1 space per 4 bed spaces and 1 space per staff. This would equate to 19 spaces in respect of bed spaces. The Application Form states that the proposal would generate 30 full-time equivalent jobs. This results in a requirement for 49 car parking spaces.
- 8.11. The applicant has submitted additional information in respect of travel to work patterns in respect of other care homes within the same ownership.
- 8.12. Firstly, the applicant explains that the uplift in car parking requirements would result in the scheme becoming unviable as the number of bedrooms would need to be reduced in order to accommodate the additional parking.
- 8.13. The staff questionnaire regarding travel patterns identified that just under 50% of staff arrive at work by car, and just over 20% arrive by bus and a further 20% walk. Employment patterns indicate that approximately 22% of employees live within less than 1 mile of their place of employment, and a further 27% live within less than 3 miles. Approximately 72% of staff are employed from a 5 mile radius of the care home. Only around 41% of employees park their car at work, with around 58% parking elsewhere or not using a car.
- 8.14. Applying these figures to the current proposals, the car parking requirement would generate an average of 13 car parking spaces, when staffing levels are at their maximum. With the parking provision being made on the site being sufficient to serve the number of rooms, this results in a shortfall of 13 car parking spaces on the site.
- 8.15. The Highways Officer has reviewed the information submitted with the application and object to the proposals given the shortfall of parking provision.

Whilst this is acknowledged, the site is located within a relatively sustainable location, close to the local centre of Dawley. The company has demonstrated that at other facilities a significant proportion of staff come from within a 5 mile radius and as such the proposals would generate local employment opportunities. As already stated, two bus routes with frequent services run within the vicinity of the site. In addition, the proposals meet an identified requirement in the S&S Accommodation Strategy and such accommodation is required to deliver a certain number of rooms in order to be viable. Given the fact that this proposal is capable of delivering around 38% of the identified need for this type of accommodation, those benefits need to be balanced in the planning considerations.

- 8.16. In order to mitigate the shortfall in parking provision it is possible to secure the requirement to implement a workplace travel plan. This can be secured by condition and the applicant has confirmed that they are willing to accept such a condition.
- 8.17. On balance, given the sustainable location, the potential for alternative means of accessing the site, the meeting of an identified need, and the creation of additional employment opportunities, it is considered that the benefits of the proposal outweigh the concerns of the Highways Officer regarding the shortfall of car parking spaces.

#### Character and appearance

- 8.18. The proposed development relates to a U-shaped building, predominantly 3 storeys in height. The mid-section of the western elevation, fronting onto New Street, is two storey in order to reduce the impact of the proposed development on the street frontage. The scale of development is in keeping with the new development carried out in the area, including the Telford Langley School and Sports Centre. The design is traditional with facing brickwork and render, with pitched tiled roofs, rather than taking the more contemporary approach of the adjacent development. The design approach is not too dissimilar to that previously approved in 2009 and 2012, although the flat roof elements previously incorporated have now been replaced with pitched roofs.
- 8.19. The proposed development would be similar in character to the development fronting onto New Street. It is considered that the proposals would be in keeping with the general character.
- 8.20. The proposed building provides outside space to future occupiers on each floor, with access to terraces on each floor, and there is a garden proposed in the south eastern corner of the site, as well as a courtyard garden area adjacent to the protected tree. The proposal also includes day rooms at each level. All bedrooms meet the current requirements for the type of accommodation proposed and the building will be constructed to meet Part M of the Building Regulations, as would be expected for this type of development. The proposals comply with the requirements of Policy BE1.

## Ecology and Trees

- 8.21. The site includes a tree the subject of a Tree Preservation Order. This is a Sycamore tree, identified as T9 in the Arboricultural Impact Assessment (AIA) submitted with the application. The tree is identified as being obscured by ivy and categorised as B2 – ‘trees present in numbers, usually growing in groups, such that they attract a higher collective rating’. It is proposed to retain the tree and the building and parking have been designed to ensure that all development will occur outside of the Root Protection Area. Recommendations are made in respect of the proposed wall to be constructed around the tree and the AIA notes that seating is proposed around the tree and this is not recommended due to the risk of people sitting on the benches in the event of limb failure.
- 8.22. A number of other trees and groups of trees are identified in the AIA, including some on adjoining land. H1 and H2 are groups of Leyland cypress trees and these are proposed to be removed and replaced with Hornbeam hedges at 2m in height. The retention of these trees would adversely impact on the proposed garden area resulting in significant overshadowing.
- 8.23. Other trees identified for removal are T3, a young Common ash, and T4, an early-mature Field maple, are both located within the footprint of the proposed recycling store; T5, a young Goat willow located adjacent to the southern boundary which has the potential to affect the future stability of the boundary wall; T7, a young Goat willow, and T8, a Silver birch, are located at the front of the site and are required to be removed to enable the erection of the new boundary wall.
- 8.24. The AIA sets out the recommendation for root protection areas and these are shown on the tree protection plan. Subject to the compliance with these recommendations, there are no objections to the proposed works to the trees on site and the proposals will comply with Policy NE2.
- 8.25. Turning to ecology, the application is accompanied by a Preliminary Ecological Assessment. This identified that the site provided good potential habitat for reptiles and that further reptile surveys would be required. It also identified suitable habitat for nesting birds.
- 8.26. Five reptile surveys were undertaken with only one male common lizard being found. The PEA recorded that reptiles have previously been captured and relocated from the area during the Dawley Regeneration project and as such there is no viable population present and conditions are unfavourable.
- 8.27. The PEA and Reptile survey were also accompanied by a Reasonable Avoidance Measures Method Statement and a further letter from the applicant’s ecologist dated 17 September 2020. These have all been assessed by the Ecologist who raises no objections to the proposals, subject to conditions. As such the proposals are in accordance with Policy NE1.

### Flood risk and drainage

- 8.28. The application is accompanied by a Flood Risk Appraisal and an Outline Drainage Strategy. This identifies the site falls within Flood Zone 1, the area least likely to be affected by flooding. The site is brownfield and the assessment has been carried out on the basis of 40% betterment on 1 year flows. This results in a 1 in 100 year + 40% climate change allowance flows of 12.6 l/s.
- 8.29. The proposed drainage strategy has been prepared based on the above calculations and this has been assessed by the Drainage Officer who has raised no objections to the proposals, subject to conditions. As such, the proposals are in accordance with Policy ER12.

### Planning obligations

- 8.30. The application site, while now largely returned to nature following the demolition of the original public house and the general non-use of the site. However, the application site originally included a bowling green. This has now been lost to use and as such it is required to request appropriate mitigation measures for the loss of the sports facility. The original 2009 and subsequent 2013 consent were subject to a s106 Legal Obligation requiring a £50,000 financial contribution towards the provision of alternative sports facilities in the area. It is considered appropriate that this requirement should be secured in respect of this application.

## **9.0 CONCLUSIONS**

- 9.1 Having regard to the above considerations, the proposal represents a sustainable form of development and complies with the National Planning Policy Framework, together with relevant policies in the Telford and Wrekin Local Plan.

## **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 **GRANT PLANNING PERMISSION** subject to the following:

A. The following contributions to be agreed through a s.106 Agreement (with authority to finalise the planning obligations to be delegated to Development Management Service Delivery Manager):

- £50,000 towards development in respect of sports facilities in the area
- securing the delivery of the accommodation as high level nursing home

B. The following Condition(s) (with authority to finalise Condition(s) and reasons for approval to be delegated to Development Management Service Delivery Manager):

Time Limit – Full  
Materials Conditions  
Travel Plan  
Landscaping Conditions including landscape management  
Drainage Conditions  
Ecology Conditions  
Tree Protection