

TWC/2020/0696

Site of former Cheshire Cheese, Doseley Road, Dawley, Telford, Shropshire  
Demolition of former public house and erection of 10no. dwellings together with  
access drive, drainage and associated external works \*\*\*AMENDED PLANS  
RECEIVED\*\*\*

**APPLICANT**

Clutton Homes

**RECEIVED**

06/10/2020

**PARISH**

Dawley Hamlets, Great Dawley

**WARD**

Dawley and Aqueduct

**CLLR. JAYNE GREENAWAY HAS REQUESTED THAT THIS APPLICATION IS  
DETERMINED BY MEMBERS OF PLANNING COMMITTEE**

**FINANCIAL CONTRIBUTIONS ARE SOUGHT TOWARDS PLAY AND OPEN  
SPACE AND EDUCATION**

Online planning file:

[https://secure.telford.gov.uk/planning/pa-  
applicationssummary.aspx?ApplicationNumber=TWC/2020/0696](https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?ApplicationNumber=TWC/2020/0696)

**1.0 SUMMARY RECOMMENDATION**

1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the  
Development Management Service Delivery Manager to **GRANT PLANNING  
PERMISSION** subject to Condition(s), Informative(s) and s.106 Contributions.

**2.0 SITE AND SURROUNDINGS**

2.1 The application site currently consists of a vacant, fire damaged Public House  
(PH) and car park for approximately 25 vehicles. The site is located  
approximately 3km southwest of Telford in the Dawley Hamlets area of the  
Telford urban area. The site is accessed off Doseley Road which runs along  
the western boundary of the site, and a spur off Doseley Rd runs along the  
south-western boundary of the site and leads to a site which has planning  
permission for 13no. dwellings (TWC/2018/0297).

2.2 Existing residential development lies to the north and east of the site. The  
topography of the site is relatively flat.

2.3 Immediately to the front of the sit and to the west, a Grade II Listed railway  
bridge crosses over Doseley Road and carries the Wellington and Severn  
Junction Railway.

2.4 Doseley Road sits at a slightly lower level than the site resulting in a small  
embankment up towards the built plateau.

### **3.0 APPLICATION DETAILS**

- 3.1 This application seeks Full Planning Consent for the demolition of the former Cheshire Cheese Public House and the erection of 10.no Dwellings. The submitted application follows pre-application advice provided by officers following a previously refused application ([TWC/2019/0873](#) – link to application).
- 3.2 The development on this 0.24 hectare site would provide 3 house types all of which would have two bedrooms with 3/4 bed spaces. The house sizes are compliant with the Nationally Described Space Standards (NDSS) and the development would provide a density of approximately 41dph.
- 3.3 Access would be via the existing pub entrance onto Doseley Road and two parking spaces would be provided for each dwelling (20 spaces in total).
- 3.4 The application is supported with a full planning pack including the following:
- Design and Access Statement
  - Marketing Report
  - Structural Report
  - Tree Survey and Arboricultural Impact Assessment
  - Heritage Statement
  - Bat Survey (2019)
  - Coal Mining Risk Assessment
- 3.5 The application is subject to the following financial contributions:
- Education Contribution of £30,738
  - Recreation Contribution £6,500

#### **Site History**

- 3.6 A previous application TWC/2019/0783 sought the demolition of the public house and the erection of 4no. Bungalows and 6no. Houses. In summary, the application was refused on the following grounds (a full copy of the decision can be found on the planning on-line portal):
1. Failure to demonstrate there is a lack of need for the Public House (PH) or that alternative provision exists.
  2. The demolition of the PH and replacement with dwellings of modern form, materials and layout would be harmful to the setting of the Listed Bridge due to the erosion of its historic context and that the building is a non-designated heritage asset which acts as an important signifier of the area's industrial past alongside the listed railway bridge and its demolition would have an adverse impact upon the character of the area.
  3. The proposed layout of the development fails to take the opportunity to enhance the setting of the Grade II Listed railway bridge due to the positioning of Plots 2 and 3.

4. The proposed development does not make a positive contribution to the quality of the built environment or enhance the quality of the skyline due to the absence of chimneys within the design.
5. The Local Planning Authority considers that the proposed dwellings do not meet the Government's Nationally Described Space Standards and would therefore result in an unsatisfactory level of housing and design quality.
6. The proposed layout would result in the future occupants of Plots 1 and 2 experiencing unacceptable levels of overlooking from the first floor windows of Plots 7 and 8. The lack of amenity would be caused by the proximity of Plots 7 and 8 as well as the small rear garden areas serving Plots 1 and 2.
7. Insufficient information to demonstrate that the development will not have an adverse impact on trees, hedgerows and woodlands through the provision of an arboricultural impact assessment and tree survey.
8. Insufficient information to demonstrate that the development will not have an adverse impact upon the existing foul sewerage network or surface water run-off.
9. Public Open space Contributions required.
10. Education Contributions required.

#### **4.0 RELEVANT POLICY DOCUMENTS**

##### **4.1 National Guidance:**

National Planning Policy Framework (NPPF)

##### **4.2 Local Development Plan:**

Telford & Wrekin Local Plan

#### **5.0 SUMMARY OF CONSULTATION RESPONSES**

##### **Local Member and Town/Parish Council Responses**

##### **5.1 Dawley Hamlets Parish Council: Object:**

- Building is a heritage asset and setting with Grade II Listed Bridge is an important part of the historic legacy of the area;
- Site is on a blind bend and there is already an increase in traffic in area due to a number of developments;
- Unpopular development with local residents whose views should be taken into account;
- More houses at any cost should be challenged due to impact upon historic part of Telford, including impact upon character and identity.

##### **5.2 Cllr. David Hopkins - Dawley Hamlets: Object:**

- The loss of the Public House as a heritage asset cannot be compensated for in the proposed development;

- The development will lead to an increase in traffic on an access with a blind bend. Further housing development should be refused until traffic issues are resolved;
- Plans should include the retention of the existing Public House building.

5.3 Cllr Jayne Greenaway - Horsehay and Lightmoor: **Object:**

- Development will create additional traffic to a difficult junction close to a blind bend along with already approved adjacent site – noting that Traffic Scheme for St. Lukes Road/Frame Lane has not yet come forward and makes this dangerous for pedestrians;
- There are no public transport or cycle routes;
- This is a windfall site of small proportions which would not provide through funding any relevant benefits to the local area only add additional impacts to stretched existing services.

**Standard Consultation Responses**

5.4 Highways: **Support subject to Condition(s):**

- It is acknowledged that the adjacent land has approval for an additional 13 dwellings under planning ref. TWC/2018/0297. It is considered in this instance that the proposed development will not result in any significant increase in the number of vehicular trips over the extant use of the site as a public house;
- Note that the vast majority of vehicular trips from the site will route northwards up Doseley Road as opposed to Frame Lane/St. Lukes Road to the west - acknowledge that there has been a significant quantum of recent development within the area, both at the Doseley Pipeworks site;
- Note that works to upgrade the existing access route into the site, along with the provision of pedestrian footways were conditioned as part of TWC/2018/0297, however should these proposals be implemented first, they must deliver the works to provide an appropriate access route between Doseley Road and the site;
- A Construction Management Plan has been requested which shall include details of measures to be taken to ensure appropriate PRow routes are maintained throughout the development construction where practicable;
- Additional Condition(s) in respect of:
  - o visibility splays;
  - o a scheme of improvement works along Public Right of Way (PRow);
  - o full design and construction details of the access road and footways;
  - o roads and footways related to or serving a property to be completed prior to occupation.

5.5 Drainage: **Support subject to Condition** in respect of Scheme for Foul and Surface Water Drainage and SUDs Management.

5.6 Built Heritage Conservation: **Object**:

Due regard has been taken to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), and the Local and National Policies and Guidance: Policy BE4 of the Telford and Wrekin Local Plan 2011-2031, and the National Planning Policy Framework (NPPF) 2019, part 16.

- Notes that The Cheshire Cheese is not a statutory Listed Building and has not been identified by the TWC register of Buildings of Local Interest. It lies close to the Grade II Listed railway bridge of circa 1858. Although there is no direct functional relationship between the bridge and the former public house, both are important reminders of the industrial heritage of the settlement of Doseley: the former railway network of the area and a focal building in a local mining community of mine workers;
- The proposed plans follow pre-application discussions following refusal of application TWC/2019/0873. The broad approach of a terrace of two-storey cottages is considered to better relate to the Grade II Listed Bridge than the previously proposed bungalows. However it remains that the loss of the non-designated heritage asset will have a negative effect and fails to protect the setting of the Grade II Listed Bridge;
- Consider that a balanced judgement is therefore required in accordance with para. 197 of the NPPF.

5.7 Ecology: **Support subject to Condition(s)**:

An Independent Bat Survey notes evidence of bats was recorded, however no bats emerged during activity survey work. Propose Condition(s) in respect of:

- Lighting Plan;
- Bat and Bird Boxes;
- Landscaping Plan.

5.8 Arboriculture: **No comments received** – any comments will be updated.

5.9 Education: **No Objection subject to s.106 Contributions**:

- Education requests Contributions of £30,738 towards Primary and Secondary Education.

5.10 Healthy Spaces: **Comment**:

- A Long Term Management Plan is required for any areas of open space;

- A Contribution towards local play and open space has been requested which could be put towards facilities in need of improvement at Dawley Park 650 metres north of the application site.

5.11 Coal Mining Authority: **Comment:**

- Confirm that the application site falls within the defined Development High Risk Area;
- Coal Authority records indicate that one mine entry (shaft) is within 20 metres of the application site. Records also indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth and that a thick coal seam outcropped across the site.;
- Concur with the recommendations of the Coal Mining Risk Assessment Report, namely that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development.

5.12 Shropshire Fire Service: **Comment:**

- A Swept Path Analysis should be undertaken and as part of the planning process;
- Consideration given to the information contained within Shropshire Fire and Rescue Service's Guide.

## 6.0 SUMMARY OF PUBLIC RESPONSE

6.1 49 Comments and Objections have been received making the following observations:

- Impact upon highway safety and highway capacity;
- Loss of historic PH;
- Impact upon Listed Bridge;
- Too many houses being built in area;
- No need for more houses in area;
- Increase in noise;
- Loss of local character;
- Pathways are too narrow in area;
- No car charging points;
- Use as a public house should remain or restaurant, shop or community centre;
- No community facilities;
- Needs to be a conservation area.

6.2 Full copies of consultation responses are available on the Council's planning on-line website:

<https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?ApplicationNumber=TWC/2020/0637>

## **7.0 PLANNING CONSIDERATIONS**

7.1 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 Public House
- Heritage Impact
- Scale and Appearance
- Highway Implications
- Drainage
- Ecology and Trees
- Other Matters
- Planning Obligations

### **7.2 Principle of Development and Loss of Public House**

7.3 In accordance with national planning policy guidance, applications that accord with an up to date development should be supported without delay unless material planning considerations indicate otherwise.

7.4 The application site sits within the built up area where residential development is supported in accordance with Telford & Wrekin Local Plan Policy SP1. This indicates that Telford will be the principal focus for growth to meet the borough's housing and employment development during the plan period and supports the delivery of approximately 14,950 net new homes up to 2031.

7.5 There is no specific mention on the retention or loss of Public Houses outside of district and local centres within the local plan although it could be considered as a community facility under Policy COM 1. Under this policy the loss of land or buildings previously used as a community facility will not be supported unless a lack of need is demonstrated or acceptable alternative provision exists or is proposed.

7.6 It is recognised that the Public House had been in decline for some time prior to sale which commenced on 02 May 2018 and its eventual closure. The PH had been up for sale for approximately 15 months prior to a sale being agreed with the current developer. The marketing report confirms that despite some interest in the building, no bids were made for its reuse as a PH due to the lack of commercial viability in the site or any offers that would secure the site as a shop or community building. The closure of PH's is a trend seen both across Telford and the UK, and this is presumably set to continue as a result of the ongoing pandemic situation. Whilst objections to the loss of the site as a PH are noted, Officers are satisfied that given the marketing already taken place and the current level of interest in pub sites there is a lack of need in this location in accordance with Policy COM1.

7.7 Officers note that there is also alternative provision in the locality including Travellers Joy – Frame Lane (0.4miles), Forresters Arms – Wellington Road (0.6miles) and Unicorn Inn – Holly Road (0.8miles). A number of PH are also

located within and around Dawley District Centre between 1-1.5 miles away. In accordance with Policy COM1 it has been demonstrated by the applicant that there is both a lack of need in this location and that alternative provision exists. This overcomes reason for refusal one of the previous application.

- 7.8 Officers note that the existing building has been fire damaged following two arson attacks in the last 12-months, one more recently. Whilst it is noted through the submission of a Structural Engineers Statement that this has effected the structural integrity of the building itself to the point that demolition is the only option this has no bearing on the principle of residential development on this site or the principals surrounding the loss of PH provision on this site.

## **7.9 Heritage Impact**

- 7.10 The existing Cheshire Cheese PH is a non-designated heritage asset which means that whilst it has no statutory protection, in accordance with para. 197 of the National Planning Framework, the effect of an application on the loss of such an asset should be taken into account and a balanced judgement will be required having regard to the scale of any harm or loss. The building is not on the Council's Local List.
- 7.11 In this instance, Officer's note the importance of the building itself to the local community, not just as a meeting place but due to it position within the locality near to the Grade II Listed railway bridge. Whilst this is not a direct functional relationship, as noted by the Heritage Officer they lie at a key junction in the settlement.
- 7.12 Whilst the re-use of existing building were this viable is encouraged there are no policies within the Local Plan which require the retention of non-designated heritage assets or their re-use within a proposed scheme and this must be taken into consideration when considering the overall planning balance.
- 7.13 It is clear that the loss of the building will change the character of the built environment in this location however, one must also consider that in order to make any residential scheme viable on this site, additional residential development would also be required which would itself significantly alter the built landscape and the relationship between the PH and the Listed Bridge.
- 7.14 The applicant has worked with the LPA through pre-application advice to overcome previous reasons for refusal. This has included issues relating to the impact upon the existing heritage assets. This has resulted in the current plans that include creating an attractive terrace to the front of the site and where the existing building would be demolished, a rendered semi-detached pair which has sought to take design inspiration from the existing building. This includes roof design, windows, doors and the formation of chimney stacks. Officers consider that as a result, the development would provide an attractive, well thought out design that would not be out of character with the visual appearance of the area or the existing building on the site. Whilst the loss of the heritage asset has a negative impact, on balance, the replacement



scheme would not lead to sufficient detrimental harm to warrant refusal of the application.

7.15 Notwithstanding the above considerations, it is again noted that the building has significant structural damage as a result of fire. A Structural Engineer has confirmed that the building is incapable of retention due to structural defects and that it is in their professional opinion unsafe. As per the considerations above, even if this was not the case, the view of the LPA is that on balance, the demolition and replacement of the building would be acceptable. However, it is apparent that the demolition of the building is now a requirement due to its structural state. On this basis alone, the demolition of the existing non-designated heritage asset would be considered acceptable.

7.16 Officers consider that the proposed development has therefore overcome reasons for refusal 2 and 3 on the previous application and conforms to the requirements of the NPPF.

### **7.17 Scale and Appearance**

7.18 As has been noted above, the submission of this application has been guided by pre-application advice and has included the advice the Heritage Officer on a suitable form of development. Officers are satisfied that the applicant has taken into account the advice provided and submitted a scheme that respects and responds positively to its context. In particular, the relationship of the site with the setting of the Grade II Listed bridge.

7.19 The design and layout of the scheme has been significantly improved compared to the previous application which included bungalows across the front of the site. The proposed terrace now proposed would have a positive impact on the street scene.

7.20 Officers note previous reason for refusal 4 relating to the omission of chimney stacks within the scheme. These have now been appropriately sited across the development and this reason has now been satisfactorily overcome.

7.21 The layout of the scheme is considered acceptable with suitable amenity space for each property. Garden depths of approximately 9 metres for Plots 1 to 5 are achieved where they do not directly back onto neighbouring gardens and minimum garden depths of 10 metres are achieved for Plots 6 to 10. Adequate parking is provided for each plot and the scheme indicates a good level of landscaping which will require suitable management. As a result of the changes to the layout, reason for refusal 6 has been overcome.

7.22 The size of properties meet NDDS standards. Reason for refusal 5 has therefore been overcome and the application complies with Policy HO4 of the Local Plan.

7.23 Due to the relationship of the site with the Grade II Listed Bridge, samples of materials will be required prior to the commencement of development.

7.24 The proposal is therefore compliant with Policy BE1 of the Telford & Wrekin Local Plan.

### **Highway Implications**

7.25 It is acknowledged that impact upon highway capacity and highway safety has been raised as a significant issue by residents and local Members.

7.26 The access from the site is existing having previously being used by the PH car park for visitors and deliveries. Furthermore, planning consent has previously been granted on land to the south of the application site with use of the same access onto Doseley Road without highway objections. There were no highway related objections on the previously refused application.

7.27 For the reasons above, and following the comments provided by the Council's Highways Officer, there are no concerns in relation to the use of the access where adequate visibility can be achieved or on the impact of the development on the existing road network. Whilst it is noted that concerns are raised in respect of the number of residential developments in the surrounding area adding to highway issues, there is no basis to warrant refusal of this particular application based on its own merits.

7.28 Adequate parking is provided within the scheme for each property in accordance with the parking standards contained within the Telford and Wrekin Local Plan.

7.29 The Conditions recommend by the Highways Officer in para 5.4 will be attached to ensure the acceptable layout and completion of highway works and parking in addition to the protection of the PRow route that passes the application site.

7.30 Based upon the above it is considered that the proposed development complies with Policies C4 and C5 of the Local Plan.

### **7.31 Drainage**

7.32 The Council's Drainage Officer raises no objections to the proposed development subject to conditions requiring further details of foul and surface water drainage for the development. The indicative drainage layout provided, which also considers the previously approved development to the south demonstrates how the site can be drained, therefore overcoming reason for refusal 8 on the previous application.

### **7.33 Ecology and Trees**

7.34 The applicant had provided a Bat Survey Report prepared by Star Ecology which has been considered by the Council's Ecologist with no objections. Whilst the report did not find evidence of bats at the time, this is now more certain given the fires that have taken place within the building.

- 7.35 The applicant has submitted a full Tree Report overcoming reason for refusal 7 on the previous application. It is noted that trees within the site have previously been removed and that protection would be required to trees located outside the edge of the site. Conditions will be attached to ensure that works are carried out in accordance with the Arboricultural Method Statement.
- 7.36 As a result, the proposed development complies with Polices NE1 and NE2 of the Local Plan.

### **7.37 Other Matters**

- 7.38 Officers note that despite the proposal providing adequate amenity space and separation within the scheme, should properties be extended in the future through Permitted Development (PD) Rights, this could prejudice the amenity of adjacent dwellings as well as reduce the size of the gardens. Officers consider that it would be appropriate in this instance to attach a condition which removes the rights to extend the dwellings, or add roof extensions without the need to apply for planning consent. This way, the amenities of neighbouring occupiers can continue to be safeguarded where required.

### **7.39 Planning Obligations**

- 7.40 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 and in this instance ensure funds are put towards nearby public recreation and education.
- 7.41 The proposed contributions to be sought via a s.106 Agreement are:
- Recreation - £6,500  
Primary and Secondary Education - £30,738

- 7.42 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:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development;
  - c) fairly and reasonably related in scale and kind to the development.

## **8.0 CONCLUSION**

- 8.1 The Local Planning Authority have taken all matters into account in order to decide whether the proposed application is acceptable in planning terms and in doing so has balanced the loss of the public house and non-designated heritage asset with the erection of 10 new dwellings. Officers have also considered whether previous reasons for refusal for development on this site

have been overcome. The fires that have taken place within the PH have significantly damaged the structure of the building to the degree that it is now considered unsafe. The need to demolish the building to make the site safe is therefore not in doubt. Despite this, Officers have considered that even if the PH remained without such damage, it would be difficult to resist its demolition and replacement given that the benefits of the 10 new dwellings which are of a suitable design and layout balance its loss.

- 8.2 In regards to the loss of the PH facility, officers are satisfied that the site has been marketed appropriately and that following a period in excess of 12-months, no offers were made to take on the PH or create an alternative commercial enterprise. Officers are also satisfied that there is satisfactory alternative provision of PH in the surrounding area.
- 8.3 The scale, design and layout of the development is considered acceptable and would respect the character of the surrounding area whilst also ensuring that the setting of the Grade II Listed Bridge is not harmed. The development provides reasonably sized gardens for all dwellings and parking requirements comply with guidance contained within the Local Plan.
- 8.4 Although the development will create some additional traffic, this is limited due to the small scale of development and it is not considered that this would cause sufficient detriment to warrant refusal of the application. Highway conditions ensure that there would be no risk to highway safety from the existing junction and that pathways and parking areas are implemented prior to occupation.
- 8.5 Drainage, Tree and Ecology matters can be sufficiently dealt with through appropriate conditions. Further Conditions are required in respect of Coal Mining.
- 8.6 The proposal therefore complies with the relevant policies contained within the Local Plan and National Planning Policy Guidance. Additionally all reasons for refusal on the previous application have now been overcome.

## 9.0 RECOMMENDATION

- 9.1 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:

1. Recreation - £6,500
2. Primary and Secondary Education - £30,738

B. The following Condition(s):

Time Limit – Full

Samples of Materials  
Landscaping Conditions (incl. Landscape Management)  
Highway Conditions (incl. Highway Works Management Plan)  
Coal Mining Recommended Conditions  
Drainage Conditions  
Ecology Conditions  
Tree Protection Implementation  
Development in Accordance with Plans  
Removal of Residential PD Rights