

TWC/2021/0937

Land adjacent Golden Bear Products Ltd, Hortonwood 40, Hortonwood, Telford, Shropshire
Erection of 24 mixed use units across 8 buildings comprising 5,574sq metre floor area with
accompanying amenities and provision for 26no. electric vehicle charging spaces

AMENDED DESCRIPTION

APPLICANT

Telford & Wrekin Council & Homes England

RECEIVED

28/09/2021

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

THIS APPLICATION IS BEFORE PLANNING COMMITTEE AS IT REQUIRES FINANCIAL CONTRIBUTIONS VIA SECTION 106 AND TELFORD & WREKIN COUNCIL ARE THE APPLICANT

Online planning file:

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?ApplicationNumber=TWC/2021/00937>

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 receipt of amended planting specification, Condition(s), Informative(s) and the Applicant entering into a Section 106 Agreement in respect of highways, ecology and trees, and Monitoring.

2. APPLICATION SITE

- 2.1 The application site is approximately rectangular in shape and is located within the North Telford Hortonwood, Donnington and Hadley Park Strategic Employment Area (SEA) towards the north eastern edge of the urban area. With the exception of the north eastern tip of the site, it is formed of an allocated employment site E6 in the adopted Local Plan. It extends to approximately 2.6 hectares in area. An area to the west of the site forming approx. 1 hectare is within the Applicant's landownership however this is not included within the red line boundary (referred to in the report as the land edged blue).
- 2.2 Currently, the site remains undeveloped being relatively flat open ground in use as a paddock that also contains substantial numbers of trees and hedges, predominantly around the boundaries and its centre. Those within the site tend to follow a NW-SE axis and are a feature of the surrounding landscape. The western boundary to Hortonwood 40 is delineated by a post and rail fence and several trees. The land within the Applicant's ownership but outside of the site boundary contains a pond located in the south eastern corner.

2.3 The surrounding area is predominantly commercial in character being part of the allocated employment area at Hortonwood and dominated by large scale commercial and employment buildings. To the south sits Golden Bear Products (toy manufacturing) and Epson (technology production including printers) sits opposite.

3. APPLICATION DETAILS

3.1 The proposed development comprises the erection of 24no. mixed use industrial units across 8no. buildings (Use Classes E(g), B2 and B8) with accompanying amenities and provision for 26no. electric vehicle charging points (EVCPs) with ducting to be provided to allow for a further 6no. EVCPs to be installed in the future. Total proposed floor space amounts to approx. 5,575 sq. metres. Proposed access for this site is to be taken off Hortonwood 40 to the west.

3.2 The development would be served by two new accesses off Hortonwood 40 on the Western boundary. The northern access will serve units 1 and 2 and the southern access will serve units 3, 4, 5, 6, 7 and 8. Each unit would be provided with car parking to the front, situated adjacent the main entrance of each unit for accessibility with each unit provided with service and vehicle access doors.

3.3 The 8no. buildings would comprise the following:

- Building 1 is subdivided into a pair of units. Unit 1A has a floor area of 177 sq. metres and Unit 1B has a floor area of 176 sq. metres;
- Building 2 is a single unit with a floor area is 918 sq. metres;
- Building 3 is a single unit comprising of a floor area of 340 sq. metres;
- Building 4 is a terraced building, split into 3 separate units with a total floor area of 536 sq. metres;
- Building 5 is a terraced building, split into 4 separate units with a total floor area of 626 sq. metres;
- Building 6 is a terraced building, split into 6 separate units with a total floor area of 803 sq. metres;
- Building 7 is a terraced building, split into 6 separate units with a total floor area of 1,028 sq. metres;
- Building 8 is a single unit comprising a floor area of 970 sq. metres.

3.5 The Applicant has submitted a Supporting Statement to justify the layout and arrangement of units, stating there is a lack of provision of small and medium sized commercial units in Telford and the delivery of the units proposed would deliver economic benefit for the borough.

3.6 In terms of scale the larger units stand up to 9 metres in height. The smaller units stand approx. 5.7 metres high to the eaves and 7.3 metres to the peak.

3.7 The total number of car parking spaces being provided is 189no. with an addition 16no. accessible parking spaces and 26no. EVCPs. There are EVCPs located amongst the parking outside each unit.

3.8 The buildings would be constructed of materials to improve their thermal efficiency. The roof areas on all units would incorporate solar panels.

4. PLANNING HISTORY

4.1 TWC/2018/0159 - Erection of 2no. industrial units (Use Class B1(c), B2 and B8 - Full Granted 03 December 2018

5. RELEVANT POLICY DOCUMENTS

5.1 National Planning Policy Framework (NPPF)

5.2 Telford and Wrekin Local Plan 2011-2031

6. NEIGHBOUR REPRESENTATIONS

6.1 None received

7. STATUTORY CONSULTTEES

7.1 Hadley and Leegomery Parish Council: **Comment:**

- Supports provision of units suitable for small to medium-sized enterprises at this site;
- Welcomes provision of EVCPs but disappointed that the total provision of 20no. EVCPs is fewer than the proposed number of units (24no) and that only Units 1, 2, 3 and 8 have their own charging spaces;
- Rather than being dispersed across the site, most of this EVCP provision is centred on a communal charging area adjacent to unit 6 and this may result in inadequate parking provision for conventional vehicles and inappropriate use of the EVCPs by other vehicles, particularly where units are used for 'trade counter' operations where high numbers of vehicle movements may be expected;
- Parish Council welcomes the sustainable features, in particular the measures to maximise thermal efficiency of the buildings and use of roof space for solar panels, although there is no mention of rainwater harvesting to reduce impact on the drainage network and remove demand from the drinking water supply;
- Absence of a roof plan makes assessment of the amount of roof space given over to photovoltaic generation difficult and the Parish Council would strongly recommend that maximised photovoltaic generation and increased provision of dispersed electric vehicle charging spaces should be conditions for this and subsequent similar developments.

7.2 TWC Highways: **Support:** subject to Condition(s) necessitating provision of visibility splays, parking and turning areas, construction details of hard surfaced areas and details cycle parking. In addition, S106 Contributions towards the Strategic Transport Network (£59,400.01), footway/cycle linkage alongside Hortonwood 60 (£14,728.00) and Travel Plan Monitoring (£5,000.00).

- 7.3 TWC Drainage: **Support**: the scheme subject to a Condition requiring a detailed design for surface water drainage to be submitted with a restricted runoff rate of 7.6 litres/second.
- 7.5 TWC Ecology: **Support**: subject to Condition(s) for works to be undertaken in accordance with Protected Species Survey and under supervision of Ecological Clerk of Works, the erection of artificial nesting and/or roosting boxes, provision of a lighting plan, landscaping design, strategic newt licencing, and Ecological Management Plan. In addition, S106 Contributions towards off-site biodiversity enhancements (£86,249.00) and tree replacement (£52,800.00).
- 7.6 TWC Arboricultural: **Object**: due to loss of irreplaceable mature and over mature trees in conflict with Policy NE2.
- 7.7 Shropshire Fire Service: **Comment**: referring to Fire Safety Guidance for Commercial and Domestic Planning Applications.

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
- Design and Visual Impact
- Highway Safety
- Impact upon Residential Amenity
- Drainage and Flood Risk
- Ecology and Arboriculture
- Other Matters

8.2 *Principle of Development*

8.2.1 Related to the principle of the proposal is the site's allocation in the adopted Local Plan as a Key Employment Site (E6). The allocation covers almost entirely the 3.8ha site and is allocated for a mix of B-Class Uses.

8.2.2 A previous consent for 2no. industrial buildings on this site was approved in 2018, although this scheme retained the mature trees now proposed for removal through this layout and design - this consent has now expired.

8.2.3 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. Hortonwood is identified as one of the key locations for the majority of employment and jobs in Telford. Therefore, if the proposed development complies with the Development Plan and is sustainable development the principle should be supported.

8.2.4 The remainder of the report sets out where the proposals do and do not meet the requirements of the Development Plan and discusses the planning balance.

8.3 *Design and Visual Impact*

8.3.1 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.

8.3.2 The appearance of the buildings is typical of similar development within the Hortonwood locality. They are substantial structures of a form following the proposed function as industrial or storage and distribution centres. However, in order to reduce the perceived massing of the buildings, it is proposed that materials are used in coloured bands to emphasise horizontality thereby reducing the perceived height of the buildings, as was approved for TWC/2018/0159.

8.3.3 The proposed layout of the site seeks to retain 3no. mature Oak Trees located in the north-western part of the site which is positive in terms of respecting the landscape of the site, however 7no. Oak Trees, 2no. Lime Trees and groups of Scots Pine and Lime Trees would be lost through the layout proposed, in addition to other lesser specimens.

8.3.4 The number of EVCPs have been increased in response to the Parish Council's comments and distributed more evenly through the site rather than the communal area outside Unit 6 originally proposed.

8.4 *Highway Safety*

8.4.1 The application has been not accompanied by a revised Transport Assessment (TA) and instead relies on that submitted as part of TWC/2018/0159. Due to the slightly smaller footprint now proposed the Council's Highways Engineer expects the impact to be similar. However, the 2018 consent did not include for Office Use only (known as Use Class B1(a) formerly) and therefore the Council's Highways Engineers recommends that any grant of approval is restricted to Use Classes B2, B8, E(g)(ii) and E(g)(iii).

8.4.2 The site meets the Strategic Employment Area Parking Standards for Use Class E(g)(ii) when the total parking is considered. A total of 215no. spaces are provided, comprised of 189no. standard parking spaces, 26no. EVCP spaces and 16no. accessible spaces. The distribution around the site means that some units have lower parking provision in the immediate vicinity than they may require, particularly Unit 7, and there is limited communal parking as much of this is given over to EV spaces.

8.4.3 The development would trigger a contribution to the Strategic Network of £59,400.01, a contribution towards enhanced footway/cycle linkage alongside Hortonwood 60 of £14,728.00 and a Travel Plan Monitoring sum of £5,000.00.

8.5 *Impact upon Residential Amenity*

8.5.1 Policy BE1 expects new development to respect and respond to its context and, amongst other things, demonstrates that there will be no significant adverse impact on nearby properties by noise, dust, odour or light pollution.

8.5.2 The vast majority of the site is an allocated strategic employment site (E6) and the discourse that led to its allocation considered a range of issues, including the potential impact on local residential amenity.

8.5.3 The site is located within an enclave of commercial businesses. The nearest residential property is located on Horton Lane, approximately 350 metres away as the crow flies. Given the distance involved and the presence of intervening buildings and landscape features, there is unlikely to be any adverse impact on residential amenity arising from the proposed development.

8.6 *Drainage and Flood Risk*

8.6.1 The application has been accompanied by a Flood Risk Assessment (FRA). The application site falls within Flood Zone 1 and is at low risk of fluvial, reservoir and overland flow, but is at moderate risk of groundwater flooding. There have been instances of surface water flooding affecting small areas of the site, which need to be taken into account when designing the drainage system for the development. The development will incorporate SuDS, which will provide attenuation and surface water treatment in line with the Council's Local Flood Risk Management Strategy.

8.6.2 The FRA has been assessed by The Council's Drainage Engineer who recommends a planning condition requiring the submission of a detailed drainage design. Further water quality treatment should be considered as part of the finished design including oil bypass separators as a minimum. Subject to this, there is no objection from a drainage and flood risk point of view and the development accords with Policies ER11 and ER12 of the adopted Local Plan.

8.7 *Ecology and Arboriculture*

8.7.1 *Ecology*

Policy NE1 refers to biodiversity and geodiversity and requires that such assets will be protected, maintained and enhanced. As noted earlier in the report the site is divided into the red line and blue line areas on the site plans.

- 8.7.2 The red line site comprises species poor semi-improved neutral grassland, scattered trees, tall ruderals and hedgerows. The habitats present are assessed as having site value and will be largely lost to development. The majority of the site will be developed with small areas of landscaping provided on site. The blue line area includes a pond, further trees and grassland.
- 8.7.3 The Ecology Report recommends that basic reasonable avoidance measures are taken to ensure that bats and nesting birds are appropriately protected during site works. There is no evidence of badgers or reptiles (other than Great Crested Newt) on site.
- 8.7.4 The pond in the blue line area of the site has been assessed several times in the last 5-years for Great Crested Newts (GCN). In 2019 GCN were confirmed to be present with a small population recorded. The site has been registered under the Strategic Newt Licencing in Telford & Wrekin Scheme which is the borough's District Level Licence. The Impact Assessment and Conservation Payment (IAPC) Certificate (IAPC) has been signed and the Conservation Payment has been set. If planning permission is granted the developer would pay the Conservation Payment and then receive their Developer Authorisation Certificate, which is their legal authorisation to work under the scheme.
- 8.7.5 The Council's Ecology Specialist advises this can be controlled by Planning Condition, as recommended below. The site has been assessed as Moderate Complexity which means that the licence will require the developer to follow a set of reasonable avoidance measures relating specifically to GCN.
- 8.7.6 *Biodiversity Net Gain*
- The development of the land within the red line area results in a biodiversity loss of 99.48% in habitat units and 39.61% in hedgerow units. Mitigation has been set out within the blue line area and wider within land owned by Telford & Wrekin Council to the north of the development site.
- 8.7.7 In the blue line area: the existing pond would be restored and three new ponds would be created (these works will be funded by the Strategic Newt Licencing Scheme, species rich grassland will be created over areas and would be managed appropriately. In the woodland to the north woodland management works would occur to raise the quality of the woodland here.
- 8.7.8 The result of these mitigation works, as set out in the submitted biodiversity metric, is that the scheme delivers a 3.70% gain in habitat units and a 15% gain in hedgerow units. The Council's Ecology Specialist advises this is sufficient to satisfy Policy NE1 which requires 'no net loss' in biodiversity. The financial contributions required to secure this management over a 25-year period have been calculated at £86,249.00 and would be paid over to the Council via S106 Agreement.

8.7.9 The Council's Ecology Officer advises that this position is not ideal, and is compounded by the tree loss described in more details from para. 8.7.10 onwards, but acknowledges that the development has applied the avoid, mitigate, compensate hierarchy whilst having regard to the fact that this site is a plot within an allocated employment site. The Council's Ecology Officer has worked with the developer to secure off site contributions to address some of the impacts associated with biodiversity and trees.

8.7.10 *Arboriculture*

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. Aged and Veteran Trees, Ancient Woodland and important hedgerows will be valued and protected.' Under this Policy, and specifically referencing trees, the Council expects developments to:

- i) Assess potential impacts on trees. Proposals that involve felling or removal of trees (including aged and veteran trees), or are considered likely to cause demonstrable harm will normally be resisted unless acceptable mitigation or compensation measures can be secured. Loss or damage to irreplaceable habitats, including Ancient Woodlands and Veteran Trees, cannot be practically compensated and will not be acceptable;
- ii) Demonstrate that any proposed removal or damage to trees is outweighed by the wider benefits of the scheme and that the trees cannot be retained without prejudicing the economic viability of the development. However where a development will cause significant harm to an irreplaceable habitat (including ancient woodland and veteran trees) which, by its nature, cannot be mitigated or compensated for permission will be resisted;
- iii) Provide replacement and enhancement planting which maintains local amenity, character of the local area and biodiversity value and should primarily include native species of local provenance;
- iv) Incorporate trees as an integral part of a scheme and ensure protection measures before and during construction and appropriate management, maintenance and protection thereafter;
- v) Provide replacement planting both in terms of habitat and amenity value where tree woodland loss is unavoidable.

8.7.11 The layout of the development results in the loss of a number of mature and over mature trees. A mature tree is one which has reached its ultimate size. An over mature tree is one which has survived beyond the normal life expectancy for its species and progressing towards becoming a Veteran specimen.

8.7.12 The Council's Arboricultural Officer has objected to the scheme as it would involve the loss of 8no. Category A trees, including 4no. which are potential Veterans. To be classed as a Veteran a tree must show four examples of any of the following: rot sites, holes and water pockets, dead wood, hollowing and/or fungal fruit bodies. The Council's Arboricultural Officer believes the trees in question to be 150-180 years old and date from circa 1840 to 1870.

- 8.7.13 In response the Applicant has submitted an additional Veteran Tree Assessment which confirms the 4 no. trees in question have up to three examples of the characteristics necessary to be deemed a veteran but not all four. The Council's Tree Officer advises that, given a relatively short amount of time, these trees would likely demonstrate four characteristics of a veteran. Even without demonstrating all four characteristics, the trees in question are clearly aged, being either mature or over mature, and their loss conflicts with Policy NE1(i), (ii), (iii) and (iv) set out above.
- 8.7.14 Furthermore, the proposed layout would involve the partial loss of G7, a cohesive group of Lime Trees standing approx. 24 metres high in the southern part of the site. The scheme proposes to remove part of the group and leave the remaining part standing. As the lost trees would be replaced by a road within the Root Protection Area of the remaining Lime Trees this would have significant implications for the future health of the remaining Lime Trees. The Arboricultural Officer advises that mature lime specimens do not react well to construction activity within their RPA and it is likely that in time the whole of G7 will be lost as a result of the development.
- 8.7.15 The Applicant is prepared to make a financial contribution towards the off-site replacement of these trees, which would be secured through a S106 Agreement. This has been calculated at £52,800.00. The Council's Arboricultural Officer acknowledges this offer but advises that a tree of 150-180 years old cannot be replaced and draws attention to the Applicant's own Veteran Tree Assessment, which concludes by recommending that the trees are retained where possible, due to their high biodiversity value.
- 8.7.16 For these reasons the Arboricultural Officer's objection to the scheme remains despite the offer of an off-site tree replacement payment. Consequently, the Arboricultural Officer has not recommended any planning conditions at this stage but were Members minded to approve the application this advice would be confirmed.
- 8.7.17 As the loss of these trees cannot be fully compensated for or replaced, Policy NE2 cannot be wholly satisfied and Members are therefore asked to make a planning judgment on whether the wider benefits of the scheme outweigh the loss of these aged trees, noting the previous, albeit no longer extant application for the site, alongside the recommendation by Officers whereby the proposal offers employment accommodation for smaller businesses alongside a development which includes greater energy efficient measures than the 2018 Consent.

9. CONCLUSION

- 9.1 The site lies within a Strategic Employment Area and has a previous planning permission for 2no. industrial buildings, ref.: TWC/2018/0159, on this site, which has now expired. The 2018 is a material consideration in the determination of this planning application; it is important to note that it accorded with the Policies of the Local Plan and on this basis established a principle of development for the site. In contrast, whereas the 2018 application retained the trees on site, the current proposals do not and therefore the application does not comply with Policy NE2(i), (ii), (iv) and (v) and therefore the current scheme is materially different to the previous planning permission. Furthermore, Policy BE1(ii) and (iii) requires new development to respect and integrate existing landscape features and therefore this policy is not met in full either. In terms of para. 11 of the NPPF, the application does not accord with the Development Plan although para. 12 makes provisions for Local Planning Authorities to make decisions that depart from an up-to-date Development Plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 9.2 The visual appearance of the development is typical of industrial development in this area and the materials proposed reflect closely what was approved under TWC/2018/0159. Additional energy efficient features have been incorporated such as solar panels and EVCPs.
- 9.3 The application relies on the Transport Assessment from the 2018 Consent but the Council's Highways Engineer considered that, on balance, this can be accepted as the quantum of development and trip generation is likely to be similar. The proposal offers the 215no. parking spaces required under the Local Plan, which includes EVCPs and accessible spaces.
- 9.4 The Applicant states there is a lack of provision of small and medium sized commercial units in Telford and the delivery of the units proposed would support Policy EC1 of the Local Plan, which would deliver economic benefit for the borough.
- 9.5 Financial contributions totalling £218,177.01 are offered in relation to the Strategic Transport Network, enhancement of footway/cycle link, Travel Plan Monitoring, biodiversity enhancement, off-site tree replacement and S106 Monitoring Fees.

- 9.6 In conclusion, whilst the proposals do not fully accord with the Local Plan or the NPPF, the development is considered to meet the Council's requirements in terms of drainage, and on balance highways and ecology, however it does fail the requirements of Policies BE1 and NE2, particularly with regard to the existing aged trees which have not been accommodated by the layout. For these reasons an 'on balance' judgement must be made which considers whether the benefits of the scheme outweighs the disadvantages. The proposals offer employment accommodation for smaller businesses and more energy efficient measures than the 2018 consent. In contrast they also propose the loss of aged trees which cannot be replaced, although the application has offered a financial contribution by way of mitigation towards this.
- 9.7 Taking all matters into account, Officers advise that, though the benefits and disadvantages are finely balanced in relation to one another, the application would see an allocated site brought forward for development and, therefore, is 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** subject to the following:

a) The following Contributions to be agreed through a S106 Agreement:

- £59,400.01 towards the Strategic Transport Network;
- £14,728.00 towards enhancement of footway/cycle links along Hortonwood 60;
- £5,000.00 towards Travel Plan Monitoring;
- £86,249.00 towards Biodiversity Enhancements;
- £52,800.00 towards Tree Replacement;
- £2181.77 S106 Monitoring Fee (*1% of total S106 contributions*)

b) The following Condition(s) and Informative(s) (with authority to finalise Condition(s) to be delegated to Development Management Service Delivery Manager:

Condition(s)

Time limit Full
Details of Materials
Scheme for Surface Water Drainage and Exceedance Flows
Visibility Splays
Parking, Loading, Unloading and Turning
Cycle Parking/ Storage
Site Enclosure
Travel Plan

Works in accordance with Ecological Survey
Erection of Artificial Nesting/Roosting Boxes
Ecological Clerk of Works
Landscape and Ecological Management Plan
Strategic Newt Licencing – European Protected Species Licence
Landscaping Design
Lighting plan (Ecology)
Installation of EVCPs prior to occupation
Installation of EVCP ducting outside Unit 6 prior to occupation
Installation of Solar Panels prior to occupation
Hours of Operation
Trees – Condition(s) to be confirmed by Arboricultural Officer