

TWC/2023/0673

Land off, Hadley Castle Works, Hadley, Telford, Shropshire
Erection of 5no. industrial units (up to 90,951m² of commercial floorspace) (Use Classes B2/B8 and E(g)(iii)) with ancillary office space (Use Class E(g)(i)) with associated parking, ev parking, gatehouses, cycle shelters, attenuation pond, landscaping and all associated engineering works and highway works, including site clearance and enabling works ****ADDITIONAL HIGHWAYS, DRAINAGE, ECOLOGY AND HERITAGE INFORMATION SUBMITTED AND AMENDED/ADDITIONAL PLANS SUBMITTED****

APPLICANT

Mercia Real Estate (HPE) Limited,

RECEIVED

23/08/2024

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AT THE REQUEST OF HADLEY AND LEEGOMERY PARISH COUNCIL AND CLLR. GEMMA OFFLAND

Online Planning File:

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2023/0673>

1.0 SUMMARY RECOMMENDATION

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

2.0 SITE AND SURROUNDINGS

2.1 The site subject to this application is located within Hadley and extends over an area of approximately 46.60 hectares. The site has been used for manufacturing/industrial processes for an extensive number of years prior to this application - most recently having been the home of 'GKN Sankey.'

2.2 The site comprises of a mixture of previously developed land and parcels of open space, with the former Trench branch of the Old Shropshire Union Canal running through the site. Furthermore, there are two examples of historic Locks on this stretch of the canal - the Turnip Locks and the Hadley Park Lock, both of which are Grade II Listed. The site is considered to be in a central location and is easily accessed via the A442, A518 and wider transport links, such as the M54.

2.3 The site is surrounding by a mixture of residential, commercial and industrial properties. Residential properties are predominantly present on the Western boundary of the site, with small clusters of properties also lying on the Northern and Southern boundaries. Commercial and industrial uses are

predominantly located on the Eastern boundary of the site with a small cluster also lying on the Northern boundary.

3.0 APPLICATION DETAILS

3.1 This application seeks Full Planning Permission for the erection of 5no. industrial units (up to 90,951 sq. metres of commercial floorspace) (Use Classes B2/B8 and E(g)(iii)) with ancillary office space (Use Class E(g)(i)) with associated parking, EV parking, gatehouses, cycle shelters, attenuation pond, landscaping and all associated engineering works and highway works, including site clearance and enabling works.

4.0 RELEVANT HISTORY

4.1 There are a number of historic planning applications on this site, however, these are largely relating to the sites previous uses and are not considered to be material considerations in the determination of the current application.

5.0 RELEVANT POLICY DOCUMENTS

National Guidance:

National Planning Policy Framework (NPPF):

There is currently a consultation underway in relation to a revised version of this document, however, as this has not yet been formally Adopted, this can only be given very limited weight at this stage.

Local Development Plan:

Telford & Wrekin Local Plan (TWLP):

SP1: Telford

SP4: Presumption in Favour of Sustainable Development

EC1: Strategic Employment Area

EC2: Employment in the Urban Area

NE1: Biodiversity & Geodiversity

NE2: Trees, Hedgerows & Woodlands

C1: Promoting Alternatives to Car

C3: Impact of Development on Highways

C4: Design of Roads and Streets

C5: Design of Parking

BE1: Design Criteria

BE4: Listed Buildings

BE8: Archaeology and Scheduled Ancient Monuments

ER1: Renewable Energy

ER2: Mineral Safeguarding

ER9: Waste Planning for Commercial, Industrial and Retail Developments

ER11: Sewage Systems and Water Quality

ER12: Flood Risk Management

Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

Climate Change SPD

6.0 SUMMARY OF CONSULTATION RESPONSES

6.1 Comments received from statutory consultees can be viewed in full on the planning file, but key points have been summarised as follows:

6.2 Hadley and Leegomery Parish Council: **Object**:

- request the application be determined by Planning Committee;
- Object to the proposal due to the height of the building, leading to overlooking/ loss of privacy, loss of daylight/ sunlight and overshadowing;
- appearance and design of development;
- highway safety and traffic and parking issues, extreme increase in traffic in the area;
- noise dust and fumes from the building works and ongoing when business is operational
- impact on the character and appearance of the area and Grade II Listed locks;
- impact on trees, wildlife and conservation areas, community and other services and health issues arising from, noise and pollution.

6.3 Cllr. Gemma Offland: **Object**:

- request the application is determined by Planning Committee;
- Object to the proposal based on (i) the layout of the loading bays facing onto residential properties; (ii) scale of the development nearby at residential area; (iii) highways congestion along the A44; (iv) noise and pollution from site to nearby residential area; (v) impact upon ecology; (vi) impact upon residential amenity; and (vii) impact upon Grade II Listed locks and an area of natural beauty.

6.4 Mark Pritchard MP: **Comment**:

- notes residents concerns in relation to (i) the scale and design of the proposal; (ii) impact on the highway network; (iii) impact of lighting and opening hours and access to public transport.

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

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

- requested £449,348.68 (RPI to April 2024) s.106 Financial Contribution towards the strategic highways network, £5,000 per unit contribution towards Travel Plan monitoring and £75,000 contribution towards existing bus stop enhancements (located on Hortonwood 30 and Hadley Road).

6.7 TWC Strategic Transport Team: **Support** subject to Condition(s):

Supportive of the submitted Travel Plan subject to a Section 106 Agreement contribution of £5,000 per unit for Monitoring (for a five-year period).

6.8 Drainage: **Support** subject to Condition(s)

6.9 Built Heritage Conservation: **Object**:

- further to the additional information provided by the Applicant, the clarification regarding the 'red line' boundary is appreciated and it is highlighted that the proper maintenance and repair of the Listed Locks could provide some mitigation for the identified harm;
- it is appreciated that at pre-application, the principal of commercial development on the site was supported, however this must be subject to protecting the setting of the Grade II Listed lock structures by appropriate design, including the scale and height of development as well as distance and landscape buffering, however whilst the location of the building has been moved further away from the lock, its height has not been reduced;
- given the proposed height of the building, any comparison with the existing residential developments at a comparable distance to the west is meaningless, although it is noted that built structures including the proposed 'retaining wall' would be significantly closer to Turnip Lock than any built structures to the west;
- there is no fundamental disagreement about the impact on the setting of the Grade II Listed Buildings, in that there would be 'less than substantial harm' to the setting of the Grade II Listed Buildings, particularly in respect of Turnip Lock, although this would be at the higher end of the scale, given the substantial intrusion on the rural setting of Turnip Lock.

6.10 Shropshire Fire Service: **Comment**:

- confirmed that adequate access for emergency vehicles should be included and provided guidance in respect of water supplies for fire-fighting;
- consideration should be given to advice provided in Shropshire Fire and Rescue Service's 'Fire Safety Guidance' document.

6.11 Cadent Gas: **No Objection**

6.12 RAF Shawbury: **No Objection**

6.13 Canal & River Trust: **Comment**:

- confirmed that there are no concerns from a reservoir safety perspective;

- outlined that the Canal may still be hydraulically connected to the Shrewsbury and Newport Canal and therefore, the proposed drainage scheme for the site would need to take this into account and would also need to be agreed by the Canal & River Trust;
- it is requested that the proposed drainage scheme takes account of any species present in the canal such as white-clawed crayfish and requested that a CEMP is secured via Condition.

6.14 National Highways: **No Objection**

6.15 Active Travel England: **Support** subject to Condition(s)

6.16 Shropshire Council Archaeology: **Comment**:

- the site has some archaeological and historical interest - in relation to Para. 205 of the NPPF, a phased programme of archaeological work shall be Conditioned. Phase 1 of this programme of archaeological work should comprise a field evaluation in the form of a geophysical survey followed by targeted trial trenching of Plot 1. Dependent on the results of the geophysical survey and trial trenching, further archaeological mitigation may be deemed necessary thereafter.

6.17 Pollution Control: **Comment**: Agree that the noise impact arising from the development would be low to slightly adverse as per the submitted Noise Assessment.

7.0 SUMMARY OF PUBLIC RESPONSE

7.1 Three consultation exercises have been undertaken since the registration of this application. One consultation exercise was undertaken upon Validation of the application with a further taking place following receipt of Amended Plans/Documents. The first consultation exercise saw receipt of 276 letters of objection, 2 comments of support and 4 comments. The second consultation following receipt of amended plans/documents received 41 letters of objections and 1 comment.

A further consultation is currently underway and is not expected to expire until after consideration by Members at the Planning Committee. The Consultation relates to the required Notice not having been served on one landowner. This has now been rectified and appropriate Notice Served, thereby triggering the noted Consultation. The landowner has provided a letter to confirm that they have no comments to make on the proposal and as such, it is not considered that any new material considerations are likely to be raised as a result of this Consultation.

It is noted that these totals include instances whereby (i) more than one comment has been received from the same property (under different names); (ii) where duplicate comments have been submitted from the same person; (iii) where comments from one person have been spread over different submissions; and (iv) comments received from residents who live in different

areas of the borough (such as Ironbridge and Newport). All responses received are available to view in full on the planning file, but the key points raised have been summarised as follows:

- detrimental impact upon the character and appearance of the area;
- detrimental impact upon the landscape character of the area;
- will result in an increase of noise, dust and light pollution;
- will have a detrimental impact upon air quality;
- will have a detrimental impact upon the amenity of neighbouring properties;
- there will be an increase in traffic and will have a detrimental impact upon highway safety/the highway network;
- detrimental impact upon biodiversity;
- detrimental impact upon the adjacent, listed locks;
- would result in a loss of green space;
- height of the proposed buildings are excessive;
- construction works will have a significantly detrimental impact upon neighbouring properties;
- poor public transportation links to the site, result in a reliance on car;
- submitted noise and air quality assessments are insufficient;
- off-site BNG mitigation should not be encouraged;
- requires an Environmental Impact Assessment (EIA);
- consultation of the proposal may affect residents access;
- will have a detrimental impact upon the drainage of the area;
- may lead to land contamination;
- insufficient sustainable features have been provided on the site

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
- Site Layout, Scale and Design
- Impact on Heritage Assets
- Impact upon Residential Amenity
- Highway Impacts and Sustainable Travel
- Site Drainage
- Impact upon Ecology

8.2 Principle of Development

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. The Development Plan comprises the Telford & Wrekin Local Plan (TWLP) which was adopted in January 2018. The National Planning Policy Framework (NPPF) is also a material planning consideration.

- 8.3 The site falls within both the urban boundary of Telford and is located within the Strategic Employment Area of Hadley Park. Policy SP1 supports development within the urban boundary of Telford and Policy EC1 recognises the importance of Strategic Employment Areas within the Borough, noting that such areas are expected to deliver 'B' Use Classes along with 'Sui Generis' uses which support the Strategic Employment Area.
- 8.4 Objections have been received raising concerns that the scheme will result in the loss of green, open spaces which are used by members of the community for dog walking and recreational purposes. It should be noted that the land subject to this application is under private ownership and as such, is not defined as Public Open Space (POS). Any access to the land that members of the public have, is given at the discretion of the land owner.
- 8.5 Therefore, the principle of development on this site can be supported in principle, subject to all technical constraints and all other material considerations being adequately addressed.
- 8.6 Site Layout, Scale and Design
- Policy BE1 of the TWLP outlines that developments should respect and respond positively to its context and should enhance the quality of the local built and natural environment.
- 8.7 As outlined within the application description, this scheme seeks consent for the erection 5no. Industrial units with associated office space, parking, EV parking, gatehouses, cycle shelters, attenuation pond, landscaping and all associated engineering works and highway works, including site clearance and enabling works. The site itself extend over an area of approximately 46.60 hectares.
- 8.8 The submitted overall site plan shows that that the site will be split into four distinct sections. The most Northerly parcel of land will accommodate Units 1 and 2, with an access road and landscaping separating the two. This parcel of land will also accommodate the parking, landscaping and loading areas associated with these units along with attenuation features.
- 8.9 The parcel of land located to the South-East of residential properties on 'Warwick Way' will accommodate Unit 3 and the associated parking, loading bays and landscaping.
- 8.10 Unit 4 and its associated parking, landscaping and loading bays will be located within the most Southerly parcel of land on the site, which is located to the East of residential properties on 'Parkdale.' This parcel will also accommodate a further attenuation pond.
- 8.11 The most Easterly parcel of land on the site, which lies to the South of the site currently occupied by BAE Systems, will accommodate Unit 5 with associated parking, landscaping and loading bays.

- 8.12 When considering the development site as a whole, Officers are satisfied that each parcel of land is of an appropriate scale to accommodate the individual units and associated works without appearing as a cramped form of development. The individual parcels are considered to be of comparative sizes to large-scale developments of this nature, and have been well spaced across the site to reduce the overall massing of the development from the wider streetscene.
- 8.13 When considering the height of the individual buildings and the impact that the proposal will have on the character and appearance of the area, it is acknowledged that the buildings would be prominent features within the immediate area, due to their height. The height for each building is as follows:
- Unit 1: Overall height of 21.5 metres (eaves height 19.6 metres);
 - Unit 2: Overall height of 13.7 metres (eaves height 11.6 metres);
 - Unit 3: Overall height of 15.9 metres (eaves height 14.1 metres);
 - Unit 4: Overall height of 16.1 metres (eaves height 14.1 metres);
 - Unit 5: Overall height of 18.6 metres (eaves height 16.6 metres)
- 8.14 During the application process, the height of Units 3 and 4 have been amended considerably and lowered, due to the Local Planning Authorities concerns over the impact that they would have upon the amenity of neighbouring, residential properties. The originally proposed height of units 3 and 4 were as follows:
- Unit 3: Originally proposed to have 18.7 metre height (eaves height 6.6 metres);
 - Unit 4: Originally proposed to have 21.5 metre height (eaves height 19.6 metres)
- 8.15 Discussions have taken place between the Applicant and the LPA during the course of the application in respect of the height of the proposed buildings, whereby it was requested that justification for the proposed heights was provided. The Applicant has outlined that discussions have been taking place with potential occupiers and that for many of the larger companies who are likely to undertake such a significant investment in units which provide these levels of floor space, the height of the building is an important factor.
- 8.16 For units of this scale, occupiers are exceedingly likely to be national and well-established companies who will either be using specialist equipment within their business operation or will be required to hold significant numbers of stock. It has been highlighted within the objections received that there are a number of units within the Telford area which are unoccupied. This is noted, however these existing units would not be likely to meet the operational requirements of many national and well-established buildings, given their limited height and floor area. Officers consider that the attractiveness of such units rely on both the level of floor space and height being provided to occupiers. At present, only a small number of industrial buildings of this floor area and height are located within Telford (MOD Donnington and the Muller factory in Donnington being two examples), however, these buildings are

already occupied. The delivery of buildings of this scale, will attract a significant amount of investment into the Borough, either through companies already in Telford who wish to expand their operations or from National companies who wish to invest in a unit of this scale. As such, Officers consider that sufficient justification for the buildings heights have been provided and that the scale of development is acceptable.

- 8.17 In terms of the impact that the proposal will have upon the character and appearance of the area, it is considered that as the area lies within a designated Strategic Employment Area, where larger and taller buildings are to be expected and are directed towards such areas. The proposed layout of the site and the positioning of the building does allow visibility through the buildings, breaking up the massing of the scheme from the streetscene.
- 8.18 Whilst there is no disagreement that the units will be visible from the wider streetscene, Officers consider that in the industrial context that the large majority of the site is currently characterised by, the proposal would respect and respond positively to this context and would not have a significantly detrimental impact upon the streetscene.
- 8.19 In respect of materials, the Applicant has provided a number of CGI images, which demonstrate how the units will appear in situ from the streetscene. These indicate a high-quality development with the use of appropriate materials for such context, incl. flat panel cladding, metal half round wall cladding and aluminium windows and doors.
- 8.20 Officers consider that the design of the proposed units would be visually similar to other developments of this nature and due to appropriate materials being used, are considered to be acceptable in respect of design.
- 8.21 In respect of the green credentials of the scheme, the Climate Change Checklist provided by the Applicant confirms the inclusion of a number of features, such as solar panels, air/ground/water source heat pumps, EV charging points and Hydro/Geothermal/Battery storage facilities. The LPA consider the inclusion of such features to be favourable to improve the energy efficiency of the site overall and details of these features will be conditioned accordingly.
- 8.22 In light of the above assessments, it is considered that the proposal is acceptable in respect of site layout, scale and designs, in accordance with Local Plan Policy BE1.

8.23 Impact on Heritage Assets

Policy BE4 of the Telford & Wrekin Local Plan outlines that the Council will have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Council will not support development that would detract from or damage the setting of a Listed Building.

- 8.24 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) also outlines that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.25 As outlined within the Conservation Officers comments, the site lies within close proximity to a number of heritage assets. To the East of 'Unit 1' lies the former Trench Branch of the Shropshire Union Canal and the Grade II Listed Building which is described as the 'Turnip lock, Hadley Park Lock and adjoining bridge' in its listing. Furthermore, a substantial stretch of redundant canal basin is located within the red line boundary and is considered to be a non-designated heritage asset.
- 8.26 Within the immediate area, two further Listed Buildings are also present - Hadley Park House and Hadley Park Windmill. Upon assessment of the application, the Conservation Officer has confirmed that due to the nature of the Business Park developments already surrounding these buildings, it is considered that there is little surviving of their historical setting beyond their immediate curtilages. There would be some views to the application site from the upper floors of Hadley Park House, but the application site would be seen only in the background beyond the existing business units. Officers are therefore satisfied that the proposal would not detract from or harm the setting of these buildings.
- 8.27 Through the application process, amendments have been made to the proposal and additional information has been submitted following receipt of the Conservation Officers comments. A response from the Applicant's Heritage Specialist has been provided, which has provided further assessment and clarity on the proposal and allowed the Conservation Officer to provide an updated set of comments, following on from their originally submitted objection.
- 8.28 The main concerns raised within the Conservation Officer comments relate to the impact that the proposal would have on the adjacent Listed Locks. Concerns were also raised that no elevations of 'Unit 1' were submitted with the application, however these have now been provided.
- 8.29 It is acknowledged that this part of the canal was historically set within an open agricultural setting and that the setting to the East of the locks has remained unaltered for a significant period of time. To the West of the Locks, a modern housing development has been constructed however, a buffer of green space was maintained in order to protect the setting of the canal and the historic canal structures. Notwithstanding this buffer, Officers note that there is still indivisibility between the locks and the housing estate, which is considered to already have harmed their setting to some degree.
- 8.30 The building labelled as 'Unit 1' will be located the closest to the Listed Locks. This unit will have a height of 21.5 metres and there will be a maximum

distance of approximately 64 metres between the rear elevation of this building and Turnip lock. This distance has been increased from the originally submitted plans following receipt of the Conservation Officer's first set of comments.

- 8.31 The Conservation Officers concerns relating to the mass of 'Unit 1' and its proximity to the listed locks are noted however, it must be acknowledged that the applicant has included several forms of mitigation which will need to be weighed against the harm identified.
- 8.32 The submitted plans in relation to 'Unit 1' demonstrate that a 10 metre buffer is included alongside the canal in order to offset the harm which may be caused to the setting of the locks by the erection of boundary treatments. Due to the location of the boundary treatments, there would only be two sections of palisade fencing which would be visible from the Locks, with the rest set-back considerably behind a landscape buffer.
- 8.33 The landscape buffer shown would sit behind the 10 metre buffer from the canal and at its deepest point, would be nearly 27 metres deep – resulting in a distance of nearly 40 metres between the locks and the loading bay area for this unit, at its deepest point. Whilst no specific species of landscaping has been identified at this point, it has been outlined to the applicant that a semi-mature species would be required in order to achieve maximum screening. The retention in perpetuity of this landscape buffer would be secured by Condition.
- 8.34 Officers do acknowledge that this landscaping would take a period of time to grow to full maturity, however it is considered to provide a significant belt of screening in front of 'Unit 1' when viewed from the listed locks and should be afforded great weight in the planning balance.
- 8.35 The Applicant has also orientated 'Unit 1' so that the open space for the attenuation pond is located to the North of the site, in order to allow a buffer of open space around the Hadley Park Lock and Bridge. At its deepest point, this area of open space would have a depth of approximately 95 metres. Behind this area of open space, a further landscaping buffer would then be installed, which would have a depth of approximately 8 metres. There would therefore be a distance of over 100 metres between the Hadley Park Lock and Bridge and the loading area for 'Unit 1.'
- 8.36 Furthermore, the Conservation Officer comments have highlighted that no mitigation has been offered in terms of the outstanding repairs and enhancements to the grade II listed locks. Following the submission of these comments, the Applicant has offered to include the following works to the locks as part of this application:
- re-pointing of Hadley and the Turnip locks;
 - desilting of the canal;
 - installation of appropriate fencing around Hadley Lock;
 - creation of a viewing area at Turnip Lock;

- installation of interpretation boards around the locks.
- 8.37 Para. 205 of the National Planning Policy Framework outlines that when considering the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.38 Para. 208 of the National Planning Policy Framework outlines that where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset (as confirmed to be the case in this instance by the Conservation Officer), this harm should be weighed against the public benefits of the proposal, including, where appropriate, its optimum viable use.
- 8.39 Policy BE4 of the Telford & Wrekin Local Plan outlines that the Council will only support proposals likely to cause substantial harm to Listed Buildings, where it has been demonstrated that there would be substantial public benefits associated with the proposal that would outweigh any harm to the loss of the Listed Building.
- 8.40 In this instance, Officers would re-iterate that the application site is located within the Strategic Employment Area, where this form of development is directed to within the Local Plan. The proposed units are expected to deliver approximately 1,800 jobs and will secure a significant amount of investment within the Borough.
- 8.41 From a heritage perspective, the Applicant has sought to include significant areas of landscaping buffers and areas of open space in order to mitigate the less-than-substantial harm identified by the Conservation Officer, in respect of Unit 1. The inclusion of such features is considered to significantly lessen the harm caused to the setting of the heritage assets and should be given considerable weight in the planning balance.
- 8.42 In relation to the Locks themselves, the Applicant has proposed a significant number of works relating to these, including the desilting of the canal, the repointing of the locks, installation of appropriate fencing, creation of a viewing area at Turnip Lock and the installation of interpretation boards around the Locks. The condition of the Locks is considered to be poor, despite restoration works being carried out by the Council and previous land owners, which included the restoration of the Guillotine Lock Gates and winding mechanisms.
- 8.43 It is acknowledged within the objections received that the Locks are visited by a number of tourists and local residents, wishing to view the early examples of guillotine locks. The restoration works agreed to by the Applicant, would see the locks future-proofed and safeguarded for future generations to view and appreciate. The details of the restoration works would be secured via condition and the applicant will be required to deliver these prior to the first occupation of the units subject to this application.

8.44 When weighing the public benefits that the scheme would secure, along with the mitigation measures proposed by the applicant, Officers consider that the benefits of the proposal would outweigh the less-than-substantial harm caused by the proposal, in accordance with Para's. 208 and 208 of the National Planning Policy Framework and Policy BE4 of the Telford & Wrekin Local Plan 2011-2031.

8.45 Impact on Residential Amenity

Policy BE1 of the Telford & Wrekin Local Plan outlines that the Council will support development which demonstrates that there is no significant adverse impact on nearby properties by way of noise, odour or light pollution or that new development does not prejudice or undermine existing surrounding units.

8.46 With regard to residential amenity, it is acknowledged that there are a number of existing residential properties around the boundaries of the application site with the streets being located within the closest proximity to the site being: 'Yew Tree Meadow,' 'Porchester Close,' 'Sandal Close,' 'Hedingham Road,' 'Warwick Way,' 'Longthorpe Drive,' 'Wheatley Crescent,' 'Parkdale' and 'Sankey Drive.'

8.47 A number of objections have been received from the owner/occupiers of properties located within these streets, which relate to the impact that the proposal will have on residential amenity. Officers have worked proactively with the Applicant to secure amendments to the originally submitted scheme, largely in relation to Units 3 and 4, which are within the closest proximity to residential properties in order to lessen the impact that the proposal would have on these properties.

8.48 In respect of Unit 1, the residential properties which will be located within the closest proximity of this unit are located on 'Yew Tree Meadow' to the North of the unit and 'Porchester Close', 'Sandal Close' and 'Hedingham Road' to the West of the unit. The height of Unit 1 will be the largest across the five buildings - measuring at 21.5 metres at its highest point and 19.6 metres to the eaves.

8.49 When measuring the submitted site plan, there will be a distance of approximately 39 metres between the nearest residential property located on 'Yew Tree Meadow' and the closest elevation of the proposed unit. In between Unit 1 and the properties on 'Yew Tree Meadow,' lies the Silkin Way, an existing pond and an established landscaping bund of Trees. None of these features would be removed as part of this proposal.

8.50 The Applicant has provided Sun Shading Assessments for all Units in order to demonstrate the level of shading that the units would produce in all four seasons of the year. These have taken account of landscaping around the site. In respect of Unit 1 and the properties on 'Yew Tree Manor,' the shading assessment has demonstrated that no shading would directly affect these properties during the Spring, Summer or Autumn months. A level of shading is

shown on the Winter months which would affect the properties on 'Yew Tree Manor,' however, due to the sun path and the landscaping around the periphery of the site, this is only predicted to last for less than one hour - starting at approximately 0926.

- 8.51 Due to the position of the Unit, distance separations and boundary treatments present, Officers are satisfied that the construction of Unit 1 will not result in significant overbearing impact or any issues of overlooking/loss of privacy to the occupiers of properties located on 'Yew Tree Meadow'. As the submitted shading plans demonstrate that the unit will only produce a shadow affecting these properties in winter months only, for less than an hour a day; Officers do not consider that this would result in such a significantly detrimental impact which would warrant the refusal of the application.
- 8.52 Officers are satisfied that given its location and positioning, Unit 2 will not result in any overbearing impact, excessive shadowing or significant issues of overlooking/loss of privacy to the occupiers of neighbouring, residential properties.
- 8.53 In respect of Unit 3, the residential properties which will be located within the closest proximity of this unit are located on 'Warwick Way' and 'Longthorpe Drive' which lie to the North-West of the unit and 'Wheatley Crescent' which lies to the West of the unit. The height of Unit 3 will measure 15.9 metres at its highest point and 14.1 metres to the eaves. The height of the building has been reduced through the application process and initially measured 18.7 metres to its highest point and 16.6 metres to the eaves.
- 8.54 When measuring the submitted site plan, there will be a distance of approximately 17 metres between the nearest residential property located on 'Warwick Way' and the closest elevation of the proposed unit. In between Unit 3 and the properties on 'Warwick Way' and 'Longthorpe Drive', lies an established belt of mature trees and a public footpath. These features would be retained as part of this application. In addition to these features, the applicant is proposing a significantly dense landscape buffer within the application site, with the Local Planning Authority being able to Condition the retention of this accordingly.
- 8.55 The Sun Shading Assessment provided for this unit has demonstrated that in the Spring months, the end properties on 'Warwick Way' and 'Longthorpe Drive' would be overshadowed by the proposed unit for approximately an hour between the hours of 0719 and 0819. After this time, these properties would only receive the shadow of the existing trees located on the periphery of the site. During the summer months, the unit would not produce a shadow which would affect these properties.
- 8.56 In the Autumn months, the Shading Assessment shows that the end properties on 'Warwick Way' and 'Longthorpe Drive' would be overshadowed by the proposed unit for approximately an hour between the hours of 0700 and 0800. After this time, these properties would only receive the shadow of the existing trees located on the periphery of the site. In the Winter months,

the Assessment shows that the properties on 'Warwick Way' and 'Longthorpe Drive' would be overshadowed by the proposed between the hours of 0926 and 1026 however, due to the season of the year, these hours will be naturally darker and this is considered to lessen the impact of this shadowing. After this time, these properties would only receive the shadow of the existing trees located on the periphery of the site.

- 8.57 Due to the reduced height of the unit, distance separations and boundary treatments present and the landscaping scheme proposed; Officers are satisfied that the construction of Unit 3 will not result in significant overbearing impact or any issues of overlooking/loss of privacy to the occupiers of properties located on 'Warwick Way' and 'Longthorpe Drive'. As the submitted shading plans demonstrate that the unit will only produce a shadow affecting these properties in Autumn and Winter months only, each lasting for approximately one hour a day; Officers do not consider that this would result in such a significantly detrimental impact which would warrant the refusal of the application.
- 8.58 In respect of Unit 4, the residential properties which will be located within the closest proximity of this unit are located on 'Parkdale' which lie to the West of the unit and 'Sankey Drive' which lies to the West of the unit. The height of Unit 4 will measure 16.1 metres at its highest point and 14.1 metres to the eaves. The height of the building has been reduced through the application process and initially measured 21.5 metres to its highest point and 19.6 metres to the eaves.
- 8.59 When measuring the submitted site plan, there will be a distance of approximately 10 metres between the nearest residential property located on 'Parkdale' and approximately 24 metres between the nearest residential property located on 'Sankey Drive' and the closest elevation of the proposed unit. In between Unit 4 and the properties on 'Parkdale,' lies an established belt of mature trees which would be retained as part of this application. There is an existing car park in-between the proposed unit and the properties on 'Sankey Drive' which is also being shown as being retained.
- 8.60 As there was previously a building constructed on this part of the site until recent years, Officers requested an existing and proposed sun shading assessment for this unit, so that a comparison over the shading impact that the proposal would have compared to the previous building could be undertaken. Both assessments have taken account of existing and proposed landscaping.
- 8.61 The existing assessment has demonstrated that the previous unit cast a shadow on to the properties located on 'Parkdale' between the hours of approximately 0719 and 1119 during the Spring months, between the hours of approximately 0553 and 0953 in the Summer months, between the hours of approximately 0700 and 1100 in Autumn months and between the hours of approximately 0926 and 1226 in the Winter months. The plans have demonstrated that the previous unit on the site did not overcast a shadow on the properties located on 'Sankey Drive.'

- 8.62 The proposed assessment has demonstrated that the proposed unit will cast a shadow on to the properties located on 'Parkdale' between the hours of approximately 0719 and 1119 during the Spring months, between the hours of approximately 0553 and 0953 in the Summer months, between the hours of approximately 0700 and 1100 in Autumn months and between the hours of approximately 0926 and 1226 in the Winter months. The plans have demonstrated that the proposed unit will not overcast a shadow on the properties located on 'Sankey Drive.'
- 8.63 The existing and proposed sun shading assessments in relation to this unit have demonstrated that the shadowing projected on to the properties located on 'Parkdale' would not be worsened, when compared to the shadow previously cast on to these properties from the previous unit on this part of the site.
- 8.64 Due to the reduced height of the unit, distance separations and boundary treatments present and the landscaping scheme proposed; Officers are satisfied that the construction of Unit 4 will not result in significant overbearing impact or any issues of overlooking/loss of privacy to the occupiers of properties located on 'Parkdale' and 'Sankey Drive'. As the submitted shading plans demonstrate that the shading produced by these units would not be any worse than the shading produced by the previous unit on the site, Officers do not consider that this would result in such a significantly detrimental impact which would warrant the refusal of the application.
- 8.65 Officers are satisfied that given its location and positioning, Unit 5 will not result in any overbearing impact, excessive shadowing or significant issues of overlooking/loss of privacy to the occupiers of neighbouring, residential properties.
- 8.66 A vast number of objections have been received in relation to the proposed uses which may occupy the site and the hours of operation being applied for by the applicant – 24 hours a day, seven days a week. Officers have discussed this matter at some length with the Applicant and have raised concerns over the type of Business which may fall within the uses applied for as part of this application and the impact that they would have on neighbouring properties. These concerns also apply in respect of the opening hours – some business which fall under the 'B2' and 'B8' Use Classes may not be appropriate in close proximity to neighbouring properties on a 24/7 basis. In agreement with the Applicant, Officers would be satisfied to include a condition on any approval which requires the full details of the proposed occupiers of each unit prior to occupation, so that the Local Planning Authority can assess whether the specified operations undertaken by the business would be acceptable within the respective units and within the hours being applied for by the individual business. This will allow the Local Planning Authority to retain control of the units and be able to assess the impact on neighbouring properties fully.

- 8.67 In relation to Noise, it is appreciated that whilst a Noise Report has been submitted to accompany the application, the amount of Noise generated from a Unit will largely be dependent on the specific operations carried out by the occupier and the working hours. As such, the Local Planning Authority would be satisfied to include a condition which requires the submission of a Noise Report for each individual unit prior to occupation. This will allow the Local Planning Authority to assess the Noise impact that the individual occupiers will generate and request mitigation measures if required.
- 8.68 In respect of Air Quality, an Air Quality Assessment has been submitted as part of this proposal, which covers both the construction and operational phases of the development. This report has concluded that the proposed development is expected to comply with all relevant national and local air quality policy. Officers are therefore satisfied that the proposal would not have a significantly detrimental impact in respect of air quality.
- 8.69 Concerns have been raised in relation to the construction period and the impact that this will have on neighbours in respect of issues such as noise and dust. Officers are satisfied that these impacts can be appropriately managed through the submission of a Construction Environmental Management Plan, which will agree working hours and days and mitigation measures for dust and noise. This document would be enforceable by the Local Planning Authority and the applicant is aware that the details approved within this document would need to be strictly adhered to.
- 8.70 In light of the above assessment, Officers consider that the proposal would not have a significantly detrimental impact upon the amenity of neighbouring residential properties and is compliant with Policy BE1 of the Telford & Wrekin Local Plan.

8.71 Highway Impacts and Sustainable Travel

In respect of the impact that the proposal will have on the highway network, the Local Highways Authority, National Highways and Active Travel England have all been consulted on the application.

- 8.72 As part of the planning application, an extensive Transport Assessment and travel plan have been submitted for consideration. When the application was initially registered, further information was requested by all three of the above parties in order to be able to carry out a full assessment on the impact that the proposal would have on the highway network. This information has been duly provided by the Applicant.
- 8.73 Upon assessment of this information, it is considered that the documentation submitted has used appropriate modelling to take account of the surrounding highway network and its current use (including at peak times), along with the anticipated increase in trips to/from the site as a result of this proposal. The submitted Transport Assessment has taken into account the highway safety record of the local highway network, which have not raised any concerns in relation to the safety of the road network.

- 8.74 Furthermore, Junction Capacity Assessments have been carried out in relation to peak hour traffic flows at the following junctions - A442/Hadley Park East/Hortonwood 30, A442/A518/Trench Road/Trench Lock, Hollinswood Interchange and the wider estate access/Hadley Park East which have concluded that the proposal can be easily accommodated within the local highway network and will not have a significantly adverse impact upon the operation of the surrounding network.
- 8.75 In regards to the Local Highways Authority, the submission of the Transport Assessment, Travel Plan and additional information requested through the application process are considered sufficient for the Local Highways Authority to be able to support the scheme subject to s.106 Contributions, Condition(s) and Informative(s).
- 8.76 When considering Parking Standards, it is noted that the application seeks an open ended consent for the Units - noting that both 'B2' and 'B8' Uses have been applied for with Use Class 'E(g)(i)' also being mentioned, however, the latter Use Class relates to Office space which would be ancillary to the 'B2' and 'B8' Uses. These Uses attract marginally different parking standards under Appendix F of the Telford & Wrekin Local Plan. The Applicant has demonstrated on the submitted site plan that there are sufficient areas within the boundary of each unit to provide significant numbers of parking (with a total of 1,482 spaces currently being indicated). As the application proposes two uses, the Local Planning Authority will require confirmation on the use to be implemented for each unit once tenants are found, so that confirmation can be given on the precise number of spaces which will need to be provided. The Highway Officer has requested a number of Condition(s) to be attached to any approval, which requires the applicant to provide confirmation of the first use class of each unit and the parking numbers to be provided for each, prior to occupation, in order to ensure that an adequate number of parking spaces can be provided for the unit. Officers consider this to be a reasonable approach.
- 8.77 Additional conditions have also been requested in order to ensure that the parking and cycle facilities (with a total of over 1,400 cycle spaces being provided across the site) are delivered prior to the first occupation of each unit. Details of the works required for the two, proposed two pedestrian and cycle access routes between the site and Hadley Road are also requested to be Conditioned. Officers consider these conditions to be reasonable.
- 8.78 In regard to Section 106 Contributions, the Local Highways Authority have requested £449,348.68 (noting that this figure only includes an RPI to April 2024) towards the strategic network, £5,000 per unit for the monitoring of the submitted travel plan and £75,000 towards upgrades to two existing bus stops located on Hortonwood 30 and Hadley Road, which are most likely to be used by those accessing the site.
- 8.79 As per the NPPF, the LPA are only able to request financial contributions if they meet the tests of being: (i) necessary to make the development

acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably related in scale and kind to the development. Officers consider that the above financial contributions meet the above tests and have been agreed with the applicant(s) for the application.

- 8.80 National Highways have also been consulted on the proposal given the sites proximity to a Strategic Road Network (the M54) and have reviewed the submitted Transport Assessment/discussed the proposals at some length with the Applicant. Following review of this information, comments have provided confirming that they have no objections to the proposal - noting their confirmation that they do not consider that the proposal would have an impact upon the Strategic Road Network. They have not requested the inclusion of any Condition(s) or Informative(s).
- 8.81 Active Travel England have reviewed the submitted information and have confirmed that they are able to support the application subject to Condition(s) being placed on any approval. The requested Condition(s) include securing the proposed upgrades to the pedestrian and cycle access to tie into both the site and Hadley Park Road and a Condition/s.106 Contribution to secure the upgrades to existing bus stops. A further condition has been requested which requires the monitoring of the submitted Travel Plan. Officers consider these to be reasonable requests. The comments provided by Active Travel England also make reference to the installation of a pedestrian crossing on Hadley Park Road to the bus stops but have requested that the Council secure the delivery of this, if deemed to be required. The applicant has indicated the installation of a dropped kerb and tactile crossing within this location instead, and Officers consider this to be acceptable, given the number of people that it would serve.
- 8.82 In light of the above comments received by the Local Highways Authority, Highways England and Active Travel England, the proposal is deemed to be compliant with Policies C3 and C5 of the Telford & Wrekin Local Plan and is considered to be acceptable from a technical highways perspective.

8.83 Site Drainage

In respect of the proposed drainage of the site, the concerns raised by occupiers of neighbouring properties in relation to possible flooding are noted by the Local Planning Authority. As part of the application submission, the applicants have provided an extensive Flood Risk Assessment (which includes exceedance flow plans and technical calculations and a drainage layout plan for each unit) to identify and assess the possible risk of flooding on the site.

- 8.84 Throughout the application process, further information and clarity has been requested by the Council's Drainage Team in order to be able to establish the principle of drainage on the site. The information requested has included an increase to the storage capacity of the drainage system to ensure that it is capable of storing all flows during the 1:100-year storm event plus 40% for

climate change and revisions to flood flow routing to ensure that this is directed away from surrounding residential properties.

- 8.85 Following the submission of these documents, it has been confirmed that the drainage scheme proposed can be agreed in principle by the Council's Drainage Team, subject to a number of conditions being placed on any approval to obtain further details - such as copies of relevant third-party agreements (with Severn Trent Water and the Environment Agency), an updated exceedance flow routing plan (to ensure that flows are not directed towards adjoining residential properties), an updated scheme of foul/surface water drainage (to provide the final drainage scheme for the site once ground conditions and site levels are fully known) and minor details such as paving details.
- 8.86 It has been highlighted that upgrades to the existing drainage system may be required in order to accommodate the proposed development. This would be a matter for the developer to discuss with Severn Trent Water. Whilst these discussions fall outside of the planning process, a condition has been requested by the Council's Drainage Team which outlines that no development shall commence until confirmation is provided by Severn Trent Water to either confirm that no upgrade works to the system are proposed or confirmation on what upgrade works will be required. These works will need to be implemented in full, prior to development commencing on the site.
- 8.87 It is considered that the drainage scheme shown on the submitted plans and documents are acceptable in principle from a technical perspective and demonstrate that the site can be adequately drained. As such, the proposal is therefore deemed to be compliant with policies ER11 and ER12 of the Telford & Wrekin Local Plan 2011-2031.
- 8.88 Impact upon Ecology
- In respect of the ecological impact that the proposal will have on the site and surrounding area, the concerns raised by occupiers of neighbouring properties in relation to loss of habitats and wildlife are noted by the Local Planning Authority. As part of the application submission, the applicants have provided a number of different ecology surveys - namely a Preliminary Ecological Appraisal (PEA), Preliminary Roost Assessment, Ecological Impact Assessment, Biodiversity Net Gain Assessment and a Biodiversity Metric 4.0 Calculation Tool.
- 8.89 In respect of Biodiversity Net Gain, the application is exempt from mandatory BNG requirements due to it being submitted before the date of mandatory BNG introduction in February 2024. However, this application is still required to adhere to the Telford & Wrekin Council Local Plan Policy NE1 which states that the LPA will not support any application which results in a net loss of biodiversity.
- 8.90 The submitted Biodiversity Net Gain Assessment and accompanying Metric have identified that proposals will result in an overall net loss of 58.14%

(82.98BU) on area habitats. A net gain of 3.66BU on hedgerows is achieved, representing an exponential gain for this habitat type as the baseline value for hedgerows was 0BU.

- 8.91 Following extensive conversation between the Officers and the applicant, it has been proposed that the site will use off-site units to compensate for the losses created through this scheme in order to achieve the no net loss of biodiversity, as required by Policy NE1. It is understood that the Applicant is working with Legacy Habitat Bank to purchase the units required to offset the losses and the delivery and management of this will be secured via Condition(s).
- 8.92 The Council's Ecology Officer has reviewed the submitted information and has confirmed that in relation to the submitted Ecological Impact Assessment, an appropriate and satisfactory assessment of the impact that the proposal will have on a number of potential ecological receptors including habitats, protected and priority species and the wider environment has been undertaken.
- 8.93 The Technical Reports submitted in respect of Ecology are considered to be acceptable, resulting in the Ecology Officer being able to support the application subject to Condition(s) and Informative(s).
- 8.94 In relation to the existing trees on the site, none are protected by a Tree Preservation Order and as the site is not located within the Conservation Area, permission would not be required for the removal of any trees on the site. Notwithstanding this, the Applicant has submitted an Arboricultural Impact Assessment (AIA) as part of this application which demonstrates that the vast number of existing trees on the site are to remain. Twelve individual Trees, one portion of hedgerow and four small groups of Trees are to be removed because they are either dead or in very poor condition. These have all been categorised as being of 'U' quality due to either being dead or of very poor arboricultural quality. The submission of a Tree Protection Plan will be conditioned accordingly to ensure that the retained trees will be adequately protected.
- 8.95 In light of the above assessments and their being no technical objections towards the proposal in this regard, it is considered that the scheme is compliant with Policies NE1 and NE2 of the Telford & Wrekin Local Plan.

9.0 CONCLUSION

- 9.1 The proposed development is considered to be acceptable, given that the site falls within the urban boundary of Telford, within a Strategic Employment Area and given all technical constraints have been adequately addressed. The proposed scale, design and layout of the proposal is considered to be acceptable and would not have a significantly detrimental impact upon the streetscene. The public benefits of the scheme are considered to outweigh the harm caused to nearby heritage assets and Officers consider that it has been demonstrated that the proposal would not have a significantly

detrimental impact upon the amenity of neighbouring properties. There are no technical issues, such as drainage, highways or ecology that would warrant the refusal of the application. Accordingly it is considered that the proposal represents a sustainable form of development which complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan, subject to a Section 106 Agreement, Condition(s) and Informative(s).

10.0 RECOMMENDATION

10.1 Based on the conclusions above, it is recommended that, following the expiration of the consultation process, and subject to this raising no new material planning considerations, and in consultation with the Chair of Planning Committee and the Service Delivery Manager, **DELEGATED AUTHORITY** be granted to the Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** (with the authority to finalise any matter including Condition(s), Legal Agreement Terms, or any later variations) subject to the following:

- A) The applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority (subject to indexation from the date of committee with terms to be agreed by the Development Management Service Delivery Manager) relating to:
 - i) Travel Plan Monitoring (£5,000 per unit);
 - ii) Strategic Highway Network (£449,348.68);
 - iii) Enhancements/Upgrade to off-site Bus Stops on Hortonwood 30 and Hadley Road (£75,000);
 - iv) Delivery of off-site Biodiversity Net-Gain Mitigation and 30-year monitoring fee of Biodiversity Net Gain Mitigation Plan;
 - v) 1% Monitoring Fee for Section 106 Contributions

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

Condition(s):

Time Limit
Samples of Materials
Travel Plan
Confirmation on Proposed Use and Occupiers (incl. Operational Hours)
Parking Details
Details of Works to Pedestrian and Cycle Access Routes
Foul and Surface Water Drainage
Drainage: Environment Agency Agreement
Details of Upgrade Works to Existing Drainage System
Schedule of Works – Desilting and Repointing of Canal
Schedule of Works and Details of Heritage Improvements
HE: Watching Brief

Landscaping Details
Landscape Management Plan
Tree Protective Fencing Plan
Ecological Mitigation Strategy and Method Statement
Erection of Artificial Nesting/Roosting Boxes
Lighting Plan
Construction Environmental Management Plan
Construction Environmental Management Plan: Biodiversity
Biodiversity Net Gain Monitoring Plan – On-site
Biodiversity Net Gain Monitoring Plan – Off-site
Details of Solar Panels, Heat Pumps and Battery Storage Facilities
Noise Assessment Prior to Occupation
Parking, Loading, Unloading and Turning
Development in Accordance with Deposited Plans
Works in Accordance with Ecological Impact Assessment
Works in Accordance with Arboricultural Impact Assessment
Works in Accordance with Site Waste Management Plan
Delivery of Cycle Parking/Storage
Delivery of Internal Accesses, Roads, Parking, Turning and Servicing Areas

Informative(s):

Section 106 Agreement
Coal Authority Low Risk Area
Nesting Wild Birds
Fire Authority
S184/S278 Agreement
Impact upon restricted byway
Cadent Gas
Biodiversity Net Gain
Conditions
Reasons for grant of approval
Approval Following Amendments