

TWC/2015/1064

Land east of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire Hybrid planning application. Part A: Outline planning application for the construction of an employment park comprising of up to 54,404 sq.m of general industrial / warehouse and distribution floorspace (Use Classes B8 and B2) with ancillary floorspace comprising offices, retail, restaurant/café and hot food take away (Use Classes B1, A1, A3 and A5) with all matters reserved except for the means of access to the site. Part B: Full planning application for the construction of two general industrial / warehouse and distribution units (Unit 9: 6,400 sq.m and Unit 10: 3,156 sq.m) with ancillary office accommodation (Use Classes B2, B8 and B1) along with site-wide infrastructure works (access, drainage, earthworks and strategic landscaping

APPLICANT

HCA & Telford and Wrekin Council
Sheila Dixon

RECEIVED

26/11/2015

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

OFFICER Daniel Owen

This application was deferred by Members at the 16th March Planning Committee to enable officers to review the proposed access arrangements in relation to the Queensway HLC School.

At the time of writing this report officers are in discussions with the Queensway HLC School, the Parish Council and the applicant and an update will be provided to the Planning Committee as a Committee update in advance of the meeting.

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OBJECTIONS RECEIVED: Yes.

This application is before Committee as the proposal is a departure from Policy, because the Council is the applicant and because a S106 agreement is required.

1. PROPOSAL

- 1.1 This is a hybrid application which is both an outline and a full planning application that is made up of the following elements:
- 1.2 Part A of the development is an outline proposal for the construction of an employment park comprising of up to 54,404 sq.m of general industrial / warehouse and distribution floorspace (Use Classes B2 and B8) with ancillary floorspace comprising offices, retail, restaurant/café and hot food take away (Use Classes B1, A1, A3 and A5) with all matters reserved except for the means of access to the site.

- 1.3 Part B is a full application for the construction of two general industrial / warehouse and distribution units with ancillary office accommodation (Use Classes B2, B8 and B1) along with infrastructure works including access and the internal estate road, drainage, earthworks and strategic landscaping for the whole of the site. The two units that are included within this part of the application are Unit 9 (that would measure 6,400 sq.m) and Unit 10 (that would measure 3,156 sq.m).
- 1.4 Occupiers have been identified for Units 9 and 10 which is why they form part of the full application whereas the future occupiers of the remainder of the development are not known at this stage. By applying for a variety of uses for Part A it provides flexibility for the marketing and future detailed development of the site.
- 1.5 An indicative masterplan plan has been submitted for the wider site showing how it could be developed. This shows a total of 10 units that would range in size between 418 sq.m and 18,655 sq.m and with ridge heights between 8 and 18 metres. Each of the units would have its own servicing and parking area. Two vehicular access points would be provided into the site from Queensway (A442). One of which would be at the western end of the site that would extend the existing access for the Queensway HLC. The other access would be formed at the eastern end of the site.
- 1.6 Units 9 and 10 would be located in close proximity to the A442 at the south of the site. They would be accessed and serviced from the rear and a landscaped bund would be formed to the west of Unit 10 to partially screen the site from the Queensway HLC.
- 1.7 There is scope for landscaping across the site and details have been provided that show a landscaped bund along the northern boundary of the site adjacent to Wheat Leasows as well as the retention of an existing hedgerow to the centre of the site.
- 1.8 The application has been supported by the following documents:
 - Acoustic assessment,
 - Air quality assessment,
 - Arboricultural report and implications assessment,
 - Bat activity survey,
 - Breeding bird survey,
 - Framework travel plan,
 - Great crested newt survey,
 - Landscape appraisal,
 - Transport assessment,
 - Statement of community involvement,
 - Planning statement,
 - Geo environmental desk study,
 - Flood risk assessment,
 - Construction environmental management plan,
 - Design and access statement,
 - Elevations, floor plans, masterplans and cross sections.

- 1.9 The proposals have been amended since the application was initially submitted at the request of officers in order to secure improvements to the scheme. Improvements have been made to the external appearance of Unit 9, a greater degree of separation between the proposed units and the existing houses to the north of the site has been provided and the maximum height of the tallest buildings has been reduced from 21 metres to 18 metres.

2. SITE AND SURROUNDINGS

- 2.1 The site extends to approximately 21.5 hectares and is situated outside but adjacent to the Telford urban area as defined in the adopted Development Plan (incorporating the saved policies of the Wrekin Local Plan and the Telford & Wrekin Core Strategy). Queensway (A442) forms the site's southern boundary and links the site to the M54 motorway, the A518 and A5.
- 2.2 The site is approximately 3kms to the north east of Wellington, and 1.8km to the south of Preston upon the Weald Moors. The Hortonwood Industrial estate is located to the east of the site; the Queensway HLC and adjacent solar farm are located to the west of the site. A British Gas valve station also forms part of the sites western boundary and part of the site falls within the Kynnersley/Wheatley Grange gas pipeline buffer. The A442 forms the southern boundary of the site and there are employment / industrial uses on the opposite side of the road. Wheat Leasows forms the northern boundary of the site and links the Leegomery Roundabout to the west with Humber Lane in the east. There are existing houses on the opposite side of Wheat Leasows and to the north eastern boundary of the site.
- 2.3 The site has previously been in agricultural use and is made up of a mixture of Grades 2, 3a and 3b agricultural land. The majority of the site is defined as being Grades 2 and 3a which is defined as being the best and most versatile agricultural land within the NPPF. There are trees and hedgerows to the sites boundaries and in small areas across the site including a group of trees to the south east.
- 2.4 The site is not allocated within the adopted Development Plan for any particular use and is classified as being within the rural area as it is outside of the urban area. It should be noted that the site is proposed to be included within the Telford urban area and for specific allocation as a Strategic Employment Site within the Telford & Wrekin Local Plan. The A442 is designated as a main transport corridor within the saved Wrekin Local Plan.

3. RELEVANT HISTORY

- 3.1 EIA/2015/0006: Environmental Impact Screening Opinion. Confirmed that the council does not consider the proposal to be an EIA development 16/11/2015.

4. RELEVANT POLICIES

4.1 National Planning Policy Framework (NPPF)

- Core planning principles
- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 11: Conserving and enhancing the natural environment

4.2 Core Strategy:

- CS2: Jobs
- CS3: Telford
- CS12: Natural Environment
- CS15: Urban Design

4.3 Wrekin Local Plan:

- UD2: Design Criteria
- UD6: Major transport corridors and gateways into Telford
- E6: Rural employment general
- OL6: Open land
- OL11: Woodland and trees
- T22: Planning obligations

4.4 Telford & Wrekin Local Plan:

- SP1: Telford
- SP4: Presumption in favour of sustainable development
- EC1: Strategic employment areas
- EC2: Employment in the urban area
- NE1: Biodiversity and geodiversity
- NE2: Trees, hedgerows and woodlands
- NE7: Strategic Landscapes
- C1: Promoting alternatives to the car
- C3: Impact of development on highways
- C4: Design of roads and streets
- C5: Design of parking
- BE1: Design criteria
- ER12: Flood risk management

5. SUMMARY OF CONSULTATION RESPONSES:

5.1 Ward Member / Parish Council

5.1.1 Hadley and Leegomery Parish Council: Parish Council: With regard to the current application the Parish Council makes the following comments and requests:

1. That the industrial unit closest to Queensway HLC in the original plan should be moved back to the position indicated at the meeting by a post in the field, making it less intrusive to Queensway HLC and the houses;
2. That a large mound with planting should be created in front of this unit on the side facing Queensway HLC so the unit is less visible from the school and to provide an acoustic barrier;

3. That additional car parking spaces will be created near Queensway HLC for visitors and the houses at the school (the current road is a cul-de-sac and is used for overspill parking; this will obviously not be possible when the road is in use as the secondary access to the development);
4. Signage will direct traffic for Hortonwood West to the traffic light controlled junction on the eastern side of the development and should indicate that the main entrance/exit to the Hortonwood expansion is not the road giving access to Queensway HLC;
5. That an acoustic fence will be erected at the Queensway HLC site to reduce noise and distraction; and
6. That access control will be installed on Queensway HLC gates so that the school can ensure students are safe;
7. It is the Parish Council's understanding that the cost of the measures identified above to mitigate the impact of the development on Queensway HLC will be met in full by the Borough and that there should be no financial burden placed on the school as a result of the development; and

The Parish Council requests that the above conditions be reported in full to the Planning Committee of Telford and Wrekin Council. Subject to the above conditions being met to the satisfaction of Queensway HLC, the Parish Council has no objection to the proposed development.

5.2 Standard Consultee Responses

- 5.2.1 Highways England: Recommended that planning permission should not be granted until further information and clarification is provided by the applicant regarding the potential impact on the strategic road network and the necessary mitigation. This issue is covered in more detail in paragraphs 6.3.1 to 6.3.12 below.
- 5.2.2 Shropshire Fire Service: No objection subject to an informative being added to the decision notice relating to fire safety guidance.
- 5.2.3 Severn Trent Water: No objection subject to a condition relating to foul and surface water drainage plans.
- 5.2.4 National Grid: No objection.
- 5.2.5 Environmental Services (Arboricultural): No objection subject to conditions relating to tree protection and a landscaping scheme that includes replacement tree planting.
- 5.2.6 Environmental Services (Drainage): No objection subject to conditions relating to details of the surface water drainage scheme, run-off rates, surface water treatment and the control of land levels adjacent to the Crow Brook.
- 5.2.7 Environmental Services (Highways): No objection subject to conditions relating to the detailed design of the roads and footways etc, a phasing plan,

Travel Plans details of the signalised junction, the provision of parking areas and to ensure that gates are set back from the carriageway edge. Financial contributions will also be required towards the Transport Growth Strategy.

- 5.2.8 Ecology: No objection subject to conditions and informatives.
- 5.2.9 Public Protection (Pollution Control): No objection subject to the submission of a noise assessment and a construction environmental management plan.
- 5.2.10 Public Protection (Contaminated Land): No objection subject to conditions.
- 5.2.11 Telford and Wrekin Local Access Forum: No objection. The development could provide a footway/bridleway route through the site and out onto the road to Horton to the north. This would be a wonderful opportunity to provide off-road access to and through the site allowing non-motorized users to avoid the A442.
- 5.2.12 Telford and East Shropshire Ramblers: This development could incorporate an additional public right of way (either bridleway or footpath) that could link communities on the south of the main road to the countryside on the north of the main road.
- 5.2.13 Preston Village Meeting: The development will have a detrimental effect upon the lifestyle of the inhabitants of properties to the north of the site. Noise and light pollution will be an inevitable result. It also brings industrial development into the countryside despite large tracts of brown field land lying idle within the Telford and Wrekin boundary. This development is a prime example of taking an easy option by removing farm land from future food production, instead of creatively utilizing the available non-productive land. There is concern that the proposed mound bordering the northern edge of the development will be inadequate to minimise intrusion to the residents, and should be considerably higher. Additionally, this area should be increased in depth to create a larger wild-life corridor, with more trees and mixed shrubs. This would minimise the 'hard edge' effect of industrial buildings intruding into the rural landscape. This development could be far more imaginative bearing in mind the sensitivity of its location and I hope that the planning committee share a sense of the legacy our Borough is laying down for the future
- 5.2.14 Horton Action Group: Objection on the following grounds:
- Road Safety at a known bottle neck section of the A442. This will increase the risk of accidents, serious injury and death, not only on the A442 but also on the surrounding roads and lanes through Hadley, Leegomery, Preston, Wheat Leasows and Horton. No physical objective traffic survey has been carried out, only computer simulations. Actual speeds and volumes of traffic are already reported to be high on side roads and lanes.
 - The site is not within the current Strategic housing land availability assessment (SHLAA) Plan.
 - The local development plan with regard to "Open Countryside" clearly states " protect for its own sake – applicants to show NO HARM".

- The size of proposed buildings, with units up to c.19m, is far higher than anything on the existing Horton wood site. The density of buildings in the proposed area is far higher than the existing Horton Wood estate. Proximity to existing properties: - The current plan has buildings within 40m of existing residential properties. No current industrial buildings in Horton Wood are closer than 100m from any residential properties.
- Loss of large established hedgerow and trees including oak. The plan clearly shows building over established existing hedgerow and trees.
- The properties adjacent to the proposed development will be exposed to noise and pollution with the potential of 24 hour working, HGV movement, power for units HVAC and other industrial related noise. This will impact on local residents
- Air Pollution and light pollution:
- Loss of grade 2 and 3a Agricultural land.
- Impact on bats and owls
- HLC Queensway was specifically built to be in a semi-rural environment. This will be destroyed.

5.3 Neighbour consultation responses

5.3.1 Notification letters were sent to 150 neighbouring properties in the vicinity of the site and the application was also advertised within the local press and with site notices. A review of the consultation process showed that approximately 67 of those letters were sent to properties that are currently under construction within the residential development to the south east of the site on the opposite side of the A442 (Yew tree Crescent). As a result of that consultation process 23 letters of objection have been received raising the following points:

- Impact on residential properties through noise and disturbance;
- Increase in traffic and highway safety concerns;
- Noise and disturbance during construction;
- A bund should be provided to screen the site;
- Potential loss of property value;
- Impact on quiet nature of surrounding rural villages;
- There are a lot of available factories and sites in the surrounding area;
- Impact on wildlife and habitats;
- Overshadowing of neighbouring houses;
- Out of character with the visual appearance of the area;
- Concern over light pollution from security lights;
- Impact from cooking odours;
- Loss of green belt land;
- Height restrictions should apply;
- Lack of information about the proposed business types;
- The site is outside of the existing development boundary;
- If the companies are already local then this is not new job creation;
- Concerns have also been raised regarding the consultation process.

5.3.2 During the application process the plans were amended to reduce the overall height of a number of the buildings included within Part A of the application

and to increase the separation distance between the existing houses on Wheat Leasowes and the consultation process was undertaken again. During this second consultation the properties that are still under construction were not written to again and additional site notices were posted along Horton Lane. As a result 3 letters of objection have been received raising the following points:

- Unit 9 is too high in such close proximity to the A442 with no landscaped bund, this would create a tunnelling affect for motorists and would spoil the streetscape;
- Concern raised that the development could prevent the future widening of the A442;
- There are several empty properties within Hortonwood;
- Concerns over noise and disturbance;
- Traffic and highway safety issues;
- Concern over flooding;
- Buildings up to 21m in height would be invasive;
- Ecology impact.

5.3.3 The applicant undertook a period of public consultation including holding a public exhibition at the pre-application stage and the outcome of this has been included within the Statement of Community Involvement submitted in support of the application.

6. PLANNING CONSIDERATIONS:

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

- The principle of development,
- Access and highways matters,
- Layout and design,
- Impact on neighbouring properties;
- Landscaping and visual impact;
- Ecology,
- Flood Risk and drainage,
- S106 contributions,
- Other matters

6.2 The principle of development

6.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance the development plan consists of the Telford & Wrekin Core Strategy (CS) together with saved policies within the Wrekin Local Plan (WLP).

6.2.2 The National Planning Policy Framework (NPPF) is the most up to date national policy guidance and states, at paragraphs 13 and 196, that it is a material planning consideration in the determination of planning applications.

The Telford & Wrekin Local Plan (T&WLP) is currently at the Regulation 19 consultation stage and is also a material consideration which can be given weight in the determination of planning applications.

- 6.2.3 There are 12 core planning principles within the NPPF which state that planning should “proactively drive and support sustainable economic development to deliver homes, business and industrial units...” and “seek to secure high quality design”. The NPPF also advises at para 19 “significant weight should be placed on the need to support economic growth”.
- 6.2.4 There is no specific allocation for the application site, it is situated outside of the current Telford urban area but immediately adjacent to it as urban fringe, as defined on the WLP proposals map and is therefore within the rural area, which includes all land not within the urban area. The CS seeks to focus new development within the Telford urban boundary (Policies CS2 and CS3) and also states that development within the rural area will be limited to that necessary to meet the needs of the area with a focus on the settlements of High Ercall, Tibberton and Waters Upton (Policy CS7).
- 6.2.5 The proposal is contrary to the adopted development plan due to the combination of the location and scale of the proposed development. Although the site is not designated for a particular use and the proposal is a departure from the development plan it does not automatically follow that the application should be refused on this basis alone. None of the policies within the adopted development plan state that proposals for such development should be refused for that reason alone.
- 6.2.6 The NPPF states that proposed development that accords with an up-to-date Local Plan should be approved and that proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is necessary to consider whether there are any material planning considerations in favour of the proposal and whether any harm would be caused by the development.
- 6.2.7 The NPPF is a material consideration that should be given significant weight in the determination of planning applications. Paragraph 14 of the NPPF (and which para 197 reiterates) states that “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”. The NPPF identifies three elements to sustainable development: an economic role; a social role and an environmental role.
- 6.2.8 The Government is committed to securing economic growth in order to create jobs and prosperity and it is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. In order to help achieve this economic growth local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century (paragraphs 18 to 20).

- 6.2.9 The WLP, that establishes the Telford urban boundary, was adopted in 2000 and covered the period 1995 to 2006. The CS covers the period up to the end of 2016 and no alterations were made to the boundary at that time. The T&WLP will replace both the WLP and the CS and will provide a framework for development in the borough until 2031. This proposes alterations that would extend the urban boundary to include this site and to designate it as part of a wider strategic employment area in order to help meet the anticipated required delivery of 76 additional hectares of employment land over the plan period.
- 6.2.10 Paragraph 216 of the NPPF states that weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation the more weight that may be given); the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.
- 6.2.11 The initial draft of the plan included the extension of the urban boundary and the allocation of this site as a strategic employment site and this was the subject of public consultation during August and September 2015. No objections were received to that proposal. The publication version of the plan is currently out to consultation (until March 15th 2015) that also includes this proposed change and no objections have been received regarding this to date. Additional weight can therefore be given to Policies EC1 and EC2 in the T&WLP that allocate the site as part of a strategic employment area and seek to locate new employment sites within those areas.
- 6.2.12 The proposed strategic employment areas (which incorporate the existing areas of Hortonwood, Halesfield, Stafford Park and T54) would create an arc of employment land to the north and east of Telford. These broad locations would provide scope for the planned expansion of employment opportunities within the borough in accessible locations with excellent connections to the M54 and other main roads. Their proximity to new housing proposals would also help to support regeneration in some of the most deprived parts of the borough.
- 6.2.13 Whilst the proposal is contrary to the adopted development plan it is considered that there are significant material considerations that weigh in favour of this application, namely national planning policy as contained in the NPPF and the policies within the T&WLP and the investment and jobs that would be generated by the development.
- 6.2.14 The NPPF places significant weight on the need to support economic growth through the planning system and advises that local planning authorities should apply the presumption in favour of sustainable development. The proposed development is in broad accordance with the guidance contained in the NPPF and in particular the strong focus on economic growth.

6.2.15 The proposal would be delivered through the Marches Local Enterprise Partnership as part of their vision to create 70,000 new homes and 40,000 new jobs across Telford, Shrewsbury and Hereford over the next 20 years. The proposed development would benefit from funding from the Telford Growth Package which is funded through the central Government Marches growth Deal. The package will involve improvements to a series of junctions located along the strategic highway network in Telford. The applicant has stated that the proposal could generate up to 1000 full time equivalent jobs across the whole site and this is a significant material planning consideration that weighs in favour of the application.

6.2.16 The T&WLP has been written in light of the guidance contained within the NPPF and has been prepared in a greater degree of conformity with the framework than the adopted development plan as a result. The proposed development is in accordance with the policies contained within the plan that seek to focus new employment development within the proposed strategic employment areas. Therefore it is considered that the development of an employment use on this site is acceptable in principle despite some policy conflict with the adopted development plan.

6.3 Access and highways matters

6.3.1 The means of access to the site is being sought as part of the full application and includes two vehicular access points. In addition the internal estate road is to be constructed under the full application. A new signalised access point will be provided onto the A442 to the eastern end of the site frontage. This will contain dedicated right and left turn lanes for vehicles exiting the employment park and the signals will include a dedicated pedestrian and cycling crossing phase. The second point of access will be taken from the existing junction off the A442 that currently serves the Jigsaw School.

6.3.2 The Council recognises that the amount of development proposed for the Borough over the T&WLP period (2011 to 2031) will necessitate improvements to the local highway network. Areas of network constraint have been identified across the borough that requires improvements including the A442 and Junction 4 of the M54. The Council has successfully bid for LEP/SEP funding but the required works will also require contributions from development that would be secured through S106 agreements as applications come forward. The requirement for a highway funding strategy is recognised in the T&WLP and WLP Policy T22 (planning obligations) states that necessary improvements to meet the needs of the development will be provided and funded by the development.

6.3.3 The Council's Highway Officers consider that there would be a material impact on the local highway network arising from this proposal and that mitigation is therefore required. This view is also shared by Highways England.

6.3.4 The financial contributions to the highway strategy will be dependent on the final details of the development in terms of the size and use of the units and

how they are operated. The Council's Highways Officers have calculated what the required contributions would be for both parts of the proposal. For Part A the worst case scenario (approximately 55,000sqm of Use Class B8 storage and distribution) a financial contribution of £540,919 would be necessary to mitigate the impact of the development and to make it acceptable in planning terms. The S106 agreement would need to be drafted in a manner that would allow for the range of potential uses and scale of development proposed by the applicant to be considered as each reserved matters application comes forward. If other uses come forward that would have less of an impact on the highway network then the financial contributions would be less than this.

- 6.3.5 For Part B the required contributions would be as follows: Unit 9 (5,574 sq.m of Use Class B8 and 688 sq.m of Use Class B1) would be required to make a contribution of £40,025.54. Unit 10 (2,767 sq.m of Use Class B8 and 300 sq.m of Use Class B2/B8) would be required to make a contribution of £22,748.94. This would also need to be secured through a S106 agreement and would be payable upon the commencement of the development.
- 6.3.6 This is based on the approach that has been taken to other developments across the Borough (including the recently approved application at T54 Plot 6). The contribution would be directed towards identified schemes in the LEP/SEP along the A442 corridor within the vicinity of the site.
- 6.3.7 Highways England has reviewed the information submitted in support of the application which includes a Transport Assessment and Framework Travel Plan. They have advised that in line with Department for Transport Circular 02/2013 adequate consideration needs to be given to the traffic impact of the proposed development site on the Strategic Road Network (SRN), and that the required level of information has not been supplied with the application. Without additional information it is not possible to determine the need or otherwise for mitigation on the strategic road network.
- 6.3.8 For this reason Highways England recommend non-determination of the application for a period of 3 months (beginning 27th January 2016) until the above detailed information is submitted and an agreement has been reached with the applicant on any improvements necessary to mitigate the traffic impact of the development on the SRN.
- 6.3.9 Highways England have advised that once they receive written confirmation from the Council that the funding has been secured for the identified improvement works to Junction 4 of the M54 that this holding response will be withdrawn. The written confirmation has been sent to Highways England and an update on their response will be provided to the Committee.
- 6.3.10 A number of objections have been received based on the potential impact from additional traffic utilising Wheat Leasowes. It is likely that some traffic currently uses Wheat Leasowes in order to avoid the A442 during peak times. The vehicular access for the development is focused on the A442 and there would be no vehicular access points onto Wheat Leasowes so the

development should not result in any additional traffic using that road. The application includes a new signalised junction and financial contributions to wider highway improvement works that are intended to improve the movement of traffic along the A442 corridor. Even if the application resulted in a moderate increase in traffic along Wheat Leasowes as commuters seek to by-pass the signalised junction then this would not in itself be a sufficient reason to refuse the application. The Council's Highways Engineers have considered the application and have not raised any concerns regarding highway safety.

6.3.11 As stated above the Transport Growth Strategy identifies improvements to the A442 between Leegomery roundabout and the Hadley roundabout. Due to the level of funding required (approximately £16 million) this is regarded a longer term project within the plan period (2011 to 2031). The applicant has sought to ensure that the proposed development would be able to tie into those works (which are likely to result in the A442 being made into a dual carriageway between the two roundabouts) when they do come forward.

6.3.12 The development will be subject to a Travel Plan that would promote alternatives to the car. The site would be linked into the existing pedestrian and cycle routes within the area and a potential pedestrian access point onto Wheat Leasowes has been indicated on the indicative masterplan. Subject to the mitigation identified above the development would not result in a detrimental impact on the operation of the local or strategic highway network. The development is acceptable when assessed against Policies C1, C3 and C4 of the T&WLP and Policy CS9 of the CS.

6.4 Layout and design

6.4.1 Part A of the application, which is the majority of the proposed development, is an Outline proposal and the detailed matters of scale, layout, appearance and landscaping have been reserved for subsequent consideration. Part B of the application includes the detailed design and siting of Units 9 and 10 but it also includes the layout of the internal estate road and elements of landscaping. As the estate road forms part of the full element of the proposal the general layout of the estate is known at this stage as the buildings would need to relate to it. The later reserved matters applications that relate to Part A would cover matters such as the appearance and scale of each of the units.

6.4.2 The proposed estate road would loop around the site with the proposed plots being located within the loop with two other plots to the north of the site. This configuration would enable the units towards the centre of the site to back onto one another in a cluster. As the rear elevations of industrial units are generally blank this clustering would help to screen these elevations from the streetscene although the plans do show the servicing areas of the buildings facing the street.

6.4.3 Units 3 to 7, which are those within the centre of the site on the indicative masterplan, would range in size between approximately 3,500 sq.m and 18,650 sq.m and would have ridge heights of up to 18 metres in height. Units

1 and 2 at the northern edge of the site would be restricted to a maximum height of 8 metres. They would also be set in from the edge of the site by approximately 30 metres. This would provide space for a landscaped bund to be provided along the northern boundary to act as a visual buffer. This would measure approximately 3.5 metres in height and would have

- 6.4.4 It should be noted that these are maximum dimensions and that the development may come forward in a different format depending on the demands of the market, but the overall amount of floorspace would be limited to 65,000 sq.m (including Units 9 and 10) and the heights of the units would also be capped to those shown on the masterplan.
- 6.4.5 Subject to an acceptable design for each individual unit being secured at the reserved matters stage it is considered that the general layout and overall design of the estate is acceptable. In this regard the application would accord with the provisions of Policies UD2, CS15 and BE1.
- 6.4.6 Full consent is sought for units 9 and 10 and they would be located in close proximity to the A442 at the southern edge of the site. They would both be set approximately 15 metres back from the edge of the existing carriageway. There is an existing landscaped verge between the site and the highway that contains hedgerow and trees. The Council's arboriculturalist has requested that the conifer trees are removed as part of the development due to their close proximity to Unit 9 and the likely future pressure for works to be undertaken to those trees as a result. It should be noted that the A442 may be widened in the future to a dual carriageway and that this work would be likely to result in the removal of the majority of the existing landscaping.
- 6.4.7 The A442 is a main transport corridor and saved WLP Policy UD6 (Major transport corridors and gateways into Telford) is therefore relevant to this proposal in addition to Policies UD2, CS15 and BE1. The policy states that the Council will expect development proposals on or adjacent to the main transport corridors and gateways through and into Telford to be of a high visual quality. The design of new development along corridors should respect its role in the context of the corridor as a whole and relate positively to the corridor route in terms of scale, location, form and materials. Development should reinforce the sense of enclosure and existing views along and out of corridors. Buildings should be located positively to the route so as to make a positive contribution to the townscape quality of the area.
- 6.4.8 Unit 9 would measure approximately 110 metres by 55 metres and would have a ride height of approximately 13.5 metres. The building would be mainly warehousing and would include office accommodation in the north west corner. The appearance of Unit 9 has been raised in some of the letters of objection and this view was also shared by officers. The plans initially proposed a monotonous blank elevation facing towards the A442 and to the east which was not considered acceptable. The applicant has engaged with the Council to improve the design and appearance of the building which was considered necessary given its prominent location next to a main transport

corridor. The south and east facing elevations have been improved through the insertion of glazing, contrasting coloured cladding and additional detailing.

- 6.4.9 Unit 10 would measure approximately 60 metres by 50 metres and with a mono pitch roof that would measure between approximately 6.5 metres and 10.5 metres in height. The building has been specifically designed, with glazing included within the south and west facing elevations, to ensure that the building addresses the A442. The mono pitch roof, feature glazing on the most prominent corner and overall design represents an improvement over a standard industrial shed type building. The design of both Units 9 and 10 is of sufficiently high quality to ensure that they comply with WLP Policy UD6 as well as the more general design Policies UD2, CS15 and BE1.

6.5 Impact on living conditions of neighbouring houses

- 6.5.1 The houses that are most likely to be impacted upon from the development are those to the north of the site that are situated along Wheat Leasows. There are houses on the opposite side of the road from the application site and immediately to the north of the site, on the same side of the road. The main impacts that are likely to arise from the development would relate to the visual impact of the development and from associated noise and disturbance.
- 6.5.2 In terms of the visual impact from the development the layout plan that has been submitted as part of the outline element of the proposal shows that two units could be located towards the northern end of the site. Whilst this plan is indicative it does demonstrate how the site could be developed to provide the maximum amount of floorspace applied for (up to 54,404 sq.m). Due to concerns that were raised by both local residents and officers with the initial layout plan the application has been amended to improve the relationship between the existing houses and the proposed units. The amendments have resulted in an increase in the separation distance from the proposed units and the existing houses along Wheat Leasowes to a distance of approximately 40 metres. A landscaped buffer would be created along the boundary which would further reduce the visual impact on the occupiers of those properties on the opposite side of Wheat Leasows.
- 6.5.3 In addition the maximum height of the two units closest to the northern boundary has been reduced from 12 metres to 8 metres (approximately the height of a two-storey house). There would be a change on the outlook from the houses along Wheat Leasowes out across the site however the impact from a development on a view from a house is not generally considered to be a material planning consideration. The separation distance between the units and the closest houses would be sufficient to ensure that there was no loss of light to those properties. The bund would be approximately 3 metres in height, with landscaping on top of that would help to screen the development from the houses and would further reduce the visual impact.
- 6.5.4 With regard to potential noise and disturbance from the units the end users are not known at this stage other than for Units 9 and 10 at the southern end of the site. It would be reasonable to attach a condition to ensure that any

subsequent reserved matters application was accompanied by a noise assessment to ensure that there would be no detrimental impact on the living conditions of the occupiers of neighbouring properties. Similarly the operating hours of the units could also be controlled at the reserved matters stage when more details are known about how each individual unit would be operated.

- 6.5.5 There would be a change in the local environment for the occupiers of the existing properties along Wheat Leasows but it is not considered that this change would result in such a negative impact that it would justify the refusal of the planning application.
- 6.5.6 There are a number of other houses in the wider area, including those along Horton Lane to the north east of the site and within the housing estate currently under construction to the south west of the site on the opposite side of the A442. Given the separation distance from the site to those houses (the units would be located 400 metres from the curtilage of the closest house on Horton Lane and the houses to the south west would be located approximately 360 metres away) there is unlikely to be any direct impact on the living conditions of the occupiers of those houses.

6.6 Landscaping and visual impact

- 6.6.1 The site is relatively flat and slopes from approximately 68m above ordnance datum (AOD) in the south-west corner of the Site down to approximately 60m AOD in the north-west corner of the Site and 61m AOD in the north-east corner of the Site, with a ridge at approximately 64m AOD running north to south through the centre of the site. Within the wider landscape of the study area the land gently undulates, with the height of the landscape varying between approximately 50 and 70m AOD.
- 6.6.2 A hedgerow with trees running horizontally across the centre of the Site links into an established hedgerow with trees, along the north western edge of the Site. The northern boundary of the Site is edged with an established native hedgerow, whilst the southern boundary of the Site is edged with a mixture of native hedgerow and trees (both native and non-native). The eastern boundary is formed by Crow Brook, which is bordered by dense, predominantly native, vegetation. To the north and west of the Site the landscape is characterised by arable farmland, with occasional properties and farmsteads and immediately adjacent to the western edge of the site, are Jigsaw School and Wheat Leasowes Solar Farm. The fields are predominantly bordered by hedgerows, many of which have hedgerow trees within them. To the south of the Site, the land use comprises predominantly commercial and business estates including, Queensway Business Park. To the south-west and west of the Shropshire Union Canal, the land use is mainly residential, including the new Sutherlands development adjacent to Queensway. To the east of the Site are commercial and business estates, with the village of Horton to the north-east.
- 6.6.3 The site is identified as being of medium sensitivity within the updated Landscape Sensitivity Study (2014) and a Landscape Appraisal was

submitted with the planning application to address this. This concludes that there will be major and moderate adverse effects during construction on landscape character. These effects will dissipate to minor and negligible with increasing distance from the site. There would also be major and moderate adverse impacts during construction and year one of operation on views from residential properties and public rights of way within 1km of the site. More distant receptors will experience minor adverse or negligible adverse effects, due to their increasing distance from the site and/or the screening effects of existing intervening vegetation. Once established the proposed bund, tree and shrub planting will screen most views of the development from properties within 500m of the site, although the tops of buildings will remain visible due to their height from close distant locations including, Queensway HLC and the A442 Queensway.

- 6.6.4 The height of the tallest buildings will also mean they will remain visible from longer distance views. The proposed bund along the northern boundary and the associated planting, together with the additional tree and shrub planting along the other site boundaries and within the site will screen most views of the development from properties within 500m of the Site.
- 6.6.5 The appraisal concludes that only a very small number of locations are predicted to experience any potential adverse impacts from the development in terms of its visual impact; these effects are experienced predominantly to the south and east where views are more open and from elevated parts of the landscape. Those affected include public footpath users, local road users, and isolated residents. The limited number of people that will experience effects will typically view the upper parts of the built development appearing above the tree cover surrounding the site, and breaking the skyline. These are often oblique, passing views. For the majority of these receptors, Stafford Park and other large industrial buildings associated with Telford already feature within the view and it is considered that the impacts will be minimal.
- 6.6.6 The site is located approximately 1km away from the Weald Moors Strategic Landscape as identified in the T&WLP. It is considered that the impacts identified above, combined with the separation distance, would ensure that there would not be a detrimental impact on the Strategic Landscape. Whilst the site is open land adjacent to the built up area of Telford it is considered that the benefits that are associated with the development and its proposed allocation as a strategic employment site would outweigh this. As such it is considered that the proposal is acceptable in terms of Policies OL6 and NE7.
- 6.6.7 The development would result in the loss of approximately 21.42 hectares of agricultural land. Approximately two thirds of this would be grade 2 and 3a (regarded as being best and most versatile land). Paragraph 112 of the NPPF confirms that local planning authorities should take account of the economic and other benefits of the best and most versatile agricultural land. Where significant development land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

- 6.6.8 The loss of agricultural land is acknowledged but this has to be balanced against there being an identified need for additional employment land and buildings to 2031. It is also recognised that in order to meet the required employment land requirements, the boundaries of the currently adopted Proposals Map will have to be amended in order to accommodate the required employment growth over the plan period within the most appropriate areas of the borough (as states above the T&WLP seeks to promote the north and east of the Telford for as the borough main areas of growth). The site's allocation in the T&WLP as part of the Hortonwood strategic employment area is also a material consideration that can be given more weight due to the lack of objection to the relevant policies during the consultation period of the plan.
- 6.6.9 An analysis of the land surrounding the built-up area boundary of Telford further highlights that in order to meet the required housing growth, the loss of some best and most versatile agricultural land will be necessary. It is therefore considered that the loss of approximately 21.42 hectares of agricultural land is necessary when viewed against the benefits of bringing forward the proposed development in accordance with Paragraph 112 of the National Planning Policy Framework.

6.7 Ecology

- 6.7.1 The site comprises arable fields with semi-improved grassland areas, hard standing, scattered broadleaved trees and semi-natural broadleaved woodland according. The site boundaries are narrow defunct hedgerows with standard trees on the west boundary, regularly managed hawthorn hedge on the north and south boundaries. The east boundary is treed and a tributary to the Crow Brook runs approximately 5m from the site boundary.
- 6.7.2 A total of 9 ponds have been identified within 500m of the site and following surveys is considered unlikely to be impacted by the proposed development. The submitted Ecological Appraisal identified two potential badger outlier setts on the site but further assessments have concluded that neither of the locations are outlier badger setts. There are badger latrines on the western edge of the site which suggests that the site is on the edge of a badger territory and may be used for foraging and commuting however the appraisal concludes that there will be no direct effect on badgers but recommends basic precautionary measures including a pre-commencement badger check 3 months prior to the start of works on the site and then monthly monitoring, the covering of open trenches on the site or provision of mammal ladders to allow trapped wildlife to escape and minimal night lighting on the site and the retention of dark corridors along the retained hedgerows. This can be controlled by condition.
- 6.7.3 A Breeding Bird Survey was undertaken and the appraisal recommends that vegetation removal should be minimal and that most hedgerows should be retained with the exception of a small area where removal is required to facilitate access. Any vegetation removal should occur outside of the nesting bird season and rough species rich grassland should be provided on site to maintain the invertebrate interest of the site and support breeding birds.

Native tree planting and hedgerow planting/gapping up should be provided along with a suite of bird boxes. This can be controlled through condition along with the submission of a Wildlife Mitigation Strategy.

- 6.7.4 The Crow Brook tributary runs along the eastern boundary about 5m from the site. It is heavily shaded and fast flowing. There is little habitat of value for water vole and no evidence was recorded. Otters are not considered likely to use the brook and no evidence of Otters was recorded. There is some potential for reptiles within the site but the appraisal concludes that only very low populations may be present and that basic precautionary methods of working should be sufficient to ensure protection of these species. Reptile protection measures should be included in a wider Wildlife Mitigation Strategy for the site to ensure that they are compatible with all other wildlife protection measures proposed.
- 6.7.5 There are a number of mature trees within the site boundaries and scattered across the open area of the site and they have been assessed for bat roosting potential. The appraisal identified a roost of Common Pipistrelle bats although it is deemed to be a non-maternity summer roost of low conservation value. The removal of the tree will need to be under a European Protected Species Mitigation Licence from Natural England and mitigation will need to be provided. A European Protected Species 3 tests matrix has been completed and is attached to this report.
- 6.7.6 Another tree contains a roost of at least 1 Common Pipistrelle and 1 Soprano Pipistrelle bat but is located near to the proposed entrance to the site and can be retained. There is another roost in a copse woodland which is proposed to be retained and protected within the site design.
- 6.7.7 Transect surveys show that the site is used by Common and Soprano Pipistrelle bats for foraging and that occasional Noctule and Myotis species passes also occur. The proposed landscaping on the site will provide enhancements providing that impacts of lighting are carefully controlled.
- 6.7.8 The development proposes the creation of new species rich grassland, new native species tree and hedgerow planting and a wetland with reed bed areas on the site. A habitat management plan for the site covering at least a 20 year period should be provided to show how the habitats will be created, established and managed in the long term and this can be controlled through condition.
- 6.7.9 The Council's Ecologist has considered the proposals and subject to conditions and informatives has no objection to the application. It is considered that, subject to the necessary mitigation being provided, that the development is acceptable in terms of O11,C12, NE1 and NE2.

6.8 Flood risk and drainage

- 6.8.1 The proposal has been considered by the Council's drainage engineers and the Environment Agency with regard to its impact on drainage and flood risk.

Subject to conditions relating to the details of the surface water drainage scheme, run-off rates, surface water treatment and the control of land levels adjacent to the Crow Brook there are no objections to the development in this regard.

6.9 Sustainable development

6.9.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that the presumption in favour of sustainable development is a golden thread that runs through both plan making and decision taking. The NPPF also advises that there are three dimensions to sustainable development: economic, social and environmental.

6.9.2 As stated above there are significant economic benefits to the proposal. The Council has identified in the T&WLP a need for 76ha of additional employment land to be provided up to 2031 and this proposal would contribute towards that need. The applicant has advised that the development could provide up to 1,000 jobs across the site and there are identified occupiers for Units 9 and 10 who have a desire to commence works on site as soon as possible. This would contribute towards the vision of the Marches Local Enterprise Partnership of creating 40,000 new jobs over the next 20 years which would provide an uplift to the local and regional economy. In terms of the social impacts the proposal would create a significant number of jobs and is within a location, on the edge of the urban area, that is well connected to existing infrastructure and housing which ensures that it is accessible by a variety of transport choices. Whilst the development would result in the loss of an area of open agricultural land there would be no loss of protected species and the proposal provides opportunities for biodiversity enhancements. It is considered that the proposal would be a sustainable form of development and it accords with the NPPF and T&WLP Policy SP4.

6.10 S106 Contributions

6.10.1 The Council has recently completed a Transport Growth Strategy that sets out the transport infrastructure and investment that is required to accommodate future housing, business and population growth within Telford & Wrekin. This recognises that the quantum of development proposed for the Borough will necessitate improvements to the local highway network including the A442 corridor and Junction 4 of the M54. The Council has bid for LEP/SEP funding but this requires contributions from development. The requirement for a highway funding strategy is recognised in the Telford & Wrekin Local Plan. Some of the funding towards the works has been secured through recent planning applications around the Borough. The contributions requested have been based on the traffic generated to the highway network based on the scale of the particular proposal.

6.10.2 The Council's Highway Officers have calculated that works have been calculated that a financial contribution of up to £540,919.24 would be appropriate based on the worst case scenario of the proposed development.

6.10.3 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits and that the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.10.1 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the “pooling” of financial contributions to no more than five contributions to a single type of infrastructure. The Council’s Highways Officers have confirmed that although some contributions have been secured for the M54 J4 improvement works five contributions have not yet been pooled.

7. Conclusions

7.1 In conclusion, the erection of a new employment park on an un-allocated site outside of the defined Telford urban boundary is not in accordance with the provisions of the adopted development plan. The site is proposed for allocation within the Telford & Wrekin Local Plan as a strategic employment site and within an extended boundary of the urban area and it is considered that this is a material planning consideration that weighs in favour of the application. The development has the potential to provide up to 1000 jobs and it would contribute to the minimum of 76 additional hectares of employment land that is required within the borough to 2031. The delivery of the site also forms part of the Marches LEP growth package and the proposal would be in accordance with the NPPF that seeks to encourage economic growth. There is a presumption in favour of the proposal as it would be a sustainable form of development. It is considered that these are significant material planning considerations that weigh in favour of the application and make the principle of the development acceptable despite some policy conflict with the development plan. . Subject to appropriate mitigation there would be no net loss of ecology and the proposal would not have a detrimental impact on any protected species. The design and layout of Units 9 and 10 (as amended) is considered to be acceptable and the design and appearance of the remainder of the development would be considered in detail at the reserved matters stage. The impact from the development on the highway network can be mitigated through on-site works and through financial contributions towards the Transport Growth Strategy. There would be a loss of agricultural land and there would be a visual impact from the development on the surrounding area however it is considered that these impacts would be minimal in the longer term and that they would not outweigh the significant benefits associated with the development.

8. RECOMMENDATION:

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 OUTLINE PLANNING PERMISSION (Part A) for the construction of an employment park comprising of up to 54,404 sq.m of general industrial / warehouse and distribution floorspace (Use Classes B2 and B8) with ancillary floorspace comprising offices, retail, restaurant/café and hot food take away (Use Classes B1, A1, A3 and A5) with all matters reserved except for the means of access to the site and to GRANT FULL PLANNING PERMISSION (Part B) for the construction of two general industrial / warehouse and distribution units with ancillary office accommodation (Use Classes B2, B8 and B1) along with infrastructure works including the means of access to the site, the construction of the internal estate road, drainage, earthworks and strategic landscaping for the whole of the site, subject to the following:

a) The applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:

(i) up to £540,919.24 towards improvements to the local highway network in the vicinity of the site,

(ii) £10,000 towards the monitoring of a Travel Plan.

The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years refunded to the applicant.

b) Detailed conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

A full list of the necessary conditions and informatives will be provided to the Committee in an update sheet.

EUROPEAN PROTECTED SPECIES – The ‘three tests’

Application reference number, site name and description:

TWC/2015/1064
Land east of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire
Hybrid planning application. Part A: Outline planning application for the construction of an employment park comprising of up to 65,000 sq.m of general industrial / warehouse and distribution floorspace (Use Classes B8 and B2) with ancillary floorspace comprising offices, retail, restaurant/café and hot food take away (Use Classes B1, A1, A3 and A5) with all matters reserved except for the means of access to the site. Part B: Full planning application for the construction of two general industrial / warehouse and distribution units (Unit 9: 6,400 sq.m and Unit 10: 3,156 sq.m) with ancillary office accommodation (Use Classes B2, B8 and B1) along with site-wide infrastructure works (access, drainage, earthworks and strategic landscaping

Daniel Owen

Date:

15 January 2016

Officer:

Fran Lancaster
Planning Ecologist (01952 384221)
Fran.Lancaster@Telford.gov.uk

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The proposal is of public interest and represents a sustainable form of development. There are significant economic benefits to the proposal. The applicant has advised that the development could provide up to 1000 jobs across the site and there are identified occupiers for Units 9 and 10 who have a desire to commence works on as soon site as possible. This would contribute towards the vision of the Marches Local Enterprise Partnership of creating 40,000 new jobs over the next 20 years which would provide an uplift to the local and regional economy.

Test 2

Is there '**no satisfactory alternative?**'

The Council has identified in the T&WLP a need for 76ha of additional employment land to be provided up to 2031 and this proposal would contribute towards that need. The site is proposed as an extension to the existing Hortonwood employment area and is located on the edge of the urban area, and is well connected to existing infrastructure and housing which ensures that it is accessible by a variety of transport choices. Whilst the development would result in the loss of an area of open agricultural land there would be loss of protected species and the proposal provides opportunities for biodiversity enhancements.

Test 3

Is the proposed activity '**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

The Presence/Likely Absence Bat Survey by Mott MacDonald (October 2015) identified a roost of Common Pipistrelle bats (max count 1 bat) in T17 on the site – this roost is deemed to be a non-maternity summer roost of low conservation value. T17 is within the open area of the site and cannot be retained. Mott MacDonald state that its removal will need to be under a European Protected Species Mitigation Licence from Natural England and that mitigation in the form of bat boxes or potentially hanging the roost section of T17 in another onsite tree will need to be provided. This roost is a low conservation value roost and as such the basic

mitigation measures proposed by Mott MacDonald are sufficient to ensure that favourable conservation status is maintained and can be controlled through the licensing process with Natural England.

There are two other known bat roosts in trees on the site but these can be retained within the site design and protected from disturbance and lighting.

The proposed development will not be detrimental to the maintenance of the populations of Common Pipistrelle bats at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Fran Lancaster to Daniel Owen dated 15 January 2016 are on the decision notice and are appropriately enforced:

3. European Protected Species Licence

No development (including demolition or site clearance procedures) shall commence until a European Protected Species (EPS) Mitigation Licence with respect bats has been obtained from Natural England and submitted to the Local Planning Authority for the proposed work based on the proposed mitigation within the The Presence/Likely Absence Bat Survey by Mott MacDonald (October 2015). Works shall be carried out strictly in accordance with the granted EPS Mitigation Licence and the associated method statement and shall be supervised, where appropriate, by an experienced, licensed ecologist.

Reason: To ensure the protection of bats, a European Protected Species

Informative: Ecology – Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is a maximum fine of £5,000 per individual animal impacted and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0845 601 4523) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

ADDITIONAL INFORMATION PRESENTED TO MEMBERS AS A COMMITTEE UPDATE AT THE 16TH MARCH PLANNING COMMITTEE.

Planning Obligations:

The Committee report sets out the planning contributions that are required in order to make the development acceptable in planning terms. The required contributions relate to highway improvement works that would relate to the Council's Transport

Growth Strategy. The Committee report also states that this would be secured through a S106 agreement. Following discussions with the landowner (Homes and Communities Agency) and the applicant (the Council) it is proposed to secure the contribution through a Memorandum of Understanding that would be signed between the heads of the relevant Council departments to commit to making those contributions. This approach to securing the contributions relates principally to the land deal that the Council is due to enter into with the HCA that will enable the Council to influence the disposal of land in the borough and is appropriate in these unusual circumstances. It is important to note that the use of a Memorandum of Understanding rather than a S106 agreement would still ensure that the same contributions are secured.

The Committee Report states that a worst case scenario contribution of up to £540,919 would be required for Part A of the development and that a contribution of £62,774.48 would also be required for Part B of the proposal. However, the overall aggregate figure is £540,919 which takes into account the figure included for Part B.

The Council's Highways Engineers have also requested that a financial contribution of £10,000 is made to monitor the implementation of the Travel Plans that would need to be submitted as part of the proposed developments.

Highways England:

Paragraph 6.3.9 of the Committee Report states that Highways England advised that once they had received written confirmation from the Council that the funding for the improvement works to Junction 4 of the M54 had been secured they would lift their current holding objection to the scheme. This information was provided to Highways England on 25th February. Highways England had also requested some additional information from the applicant in relation to the number of vehicular trips that would be associated with Units 9 and 10 which was provided on 8th March.

Highways England has now confirmed that subject to conditions relating to the submission of a Transport Assessment with any future reserved matters applications, a limit on the amount of floorspace that would be provided for Units 9 and 10, the submission of a Construction Traffic Management Plan and the submission of a Travel Plan, the holding objection is lifted and that planning permission may be granted.

Recommendation:

In light of the above it is proposed that the recommendation set out at Paragraph 8 of the Committee Report is amended to:

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 applicant submitting to the local planning authority a signed Memorandum of Understanding relating to:

- (i) A financial contribution of up to £540,919.24 towards improvements to the local highway network in the vicinity of the application site, and
 - (ii) A financial contribution of £10,000 for the monitoring of the Travel Plans.
- B) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

Part A: Outline

- Time limit
- Submission of reserved matters.
- Reserved Matters
- Restriction on overall floorspace
- Limit amount of B1/A1/A3/A5 unit
- B1 use to be incidental to main
- Phasing plan
- Details of materials
- Levels
- Northern Bund
- Scheme of foul drainage
- Restriction of surface water runoff to 11.31 litres per second per hectare
- SUDS management plan
- Submission of a noise assessment and mitigation
- Land contamination
- Site Characterisation
- Submission of Remediation Scheme
- Implementation of Approved Remediation Scheme
- Reporting of Unexpected Contamination
- Construction Environmental Management Plan
- Lighting Plan
- European Protected Species Licence
- Working in accordance with the Wildlife Mitigation Strategy
- Ecological Survey – working in accordance with protected species survey
- Buffer zone - habitat features
- Habitat Management Plan
- Landscaping design
- Tree Protection
- Transport Assessment
- Junction 4 Improvement works
- Highways details
- Travel Plan
- Travel Plan Implementation
- BREEAM
- Sustainable Building Design
- Utilities Diversions
- Approved matters to come forward in accordance with the Parameters Plan
- Approved Plans
- Bund condition
- Stockpiling of earth – limit to 2.5 metres

Part B: Full proposal

- Time limit
- Materials for Unit 9
- Materials for Unit 10
- Highway details
- Details of signalised junction
- Details of western access
- Setting out
- Travel Plan
- Travel Plan Implementation
- Junction 4 Improvement works
- Construction Environmental Management Plan
- Cycle Parking Unit 9
- Cycle Parking Unit 10
- Acoustic Fence
- Fencing
- Samples of materials
- Levels
- Scheme of foul drainage
- Restriction of surface water runoff to 11.31 litres per second per hectare
- SUDS management plan
- Land contamination
- Site Characterisation
- Submission of Remediation Scheme
- Implementation of Approved Remediation Scheme
- Reporting of Unexpected Contamination
- Submission of a noise assessment and mitigation
- Working in accordance with the Wildlife Mitigation Strategy
- Lighting Plan
- European Protected Species Licence
- Ecological Survey – working in accordance with protected species survey
- Buffer zone - habitat features
- Habitat management plan (post construction)
- Landscaping design
- Tree Protection
- BREEAM
- Sustainable Building Design
- Utilities Diversions
- Approved Plans

Additional Representations:

An additional representation has been received from Hadley and Leegomery Parish Council

The Parish Council notes the inclusion of several amendments agreed at a pre-application site meeting attended by the applicant, the Headteacher of Queensway HLC, Cllrs John Smart and Bill McClements and others. However, the Parish Council was disappointed to learn that other measures to mitigate the impact of the

development on Queensway HLC that were discussed have not been incorporated into the development plans.

In particular, the Parish Council wishes to make the following comments in respect of the current application:

1. That as part of the development programme suitable access control must be installed on Queensway HLC gates so that the school can minimize potential risk to students posed by the development. The school currently supports 54 students with complex emotional and behavioural needs. Many students at Queensway HLC have autistic spectrum disorder and the school is recognized as a centre of excellence in the provision of autism support. With the support of Telford and Wrekin Council, over the last eighteen months the number of available places has been doubled to enable students with complex needs to be sign-posted to the school from across the Borough. Students with autistic spectrum disorder experience difficulty processing everyday sensory information such as sounds, sights and smells. The proposed development will result in a massive increase in both the type and frequency of sensory stimuli that students will potentially be exposed to, both during the construction phase and once the units are occupied, and access control to the site is now essential given the change that will result to the site's context as a result of this development.

2. For the reasons identified above, suitable traffic calming measures must be implemented on the access road shared with Queensway HLC.

3. There must be clear signage to indicate the presence of the school on the access road shared with Queensway HLC and this road should not be sign-posted from A442 Queensway as an access point to the development.

4. There should be regular monitoring of traffic on the access road shared by Queensway HLC both during the construction phase and once the units are occupied to enable the risk to students to be evaluated as use of the site develops. If traffic volume or speed exceeds projected values consideration should be given to making the road shared with Queensway HLC one-way.

5. Following the site meeting on 7th October 2015 it was the Parish Council's understanding that the cost of measures to mitigate the impact of the development on Queensway HLC would be met in full by the Borough and that no financial burden would be placed on the school as a result of the development. The Parish Council would support this outcome.

6. To reduce the visual impact of the development all units with a height to ridge of greater than 10 metres should be located as far from existing residences as possible to minimize their impact on existing sightlines.

7. The Parish Council requests that the above conditions be reported in full to the Planning Committee of Telford and Wrekin Council. Subject to conditions 1 – 5 above being met to the satisfaction of Queensway HLC, and conditions

6 and 7 being met, the Parish Council has no objection to the proposed development.

In response to the above the application has advised of the following:

1. We have continually maintained that the security of the school and its pupils is an issue for the school. There are 54 students at the school now and at the moment the gates are padlocked open. The school were always aware that the adjacent site was likely to be an employment site and in fact this was acknowledged in the Planning Statement which accompanied the planning application for the school.
2. Traffic calming measures can be provided.
3. The school is already signed from Queensway. It is agreed that the main junction into the site will be the eastern one, not the one the school currently use.
4. The design of the internal road layout has been designed as a two junction spine road which we required for safety purposes as well on a site of this size. Highways have considered the proposal in its current form and have concluded that the proposal is acceptable.
5. Agreed except for the secure access.
6. The units have been reduced in height and are now 8m at the northern end of the site and the unit 10 is 6-10 metres in height and we agreed the position.

The items referred to by the Parish Council that relate to traffic calming measures and the introduction of signage are covered through the proposed conditions and further details of those works will need to be submitted to and approved by the Council, in consultation with the local highway authority. The height of the proposed buildings has been reduced across the site and the tallest buildings (with a maximum height of 18 metres) would be located towards the centre of the site, away from neighbouring uses. The design of the access road has been considered by Highways officers and is acceptable. The proposal is not for a one-way road through the site and therefore the no assessment has been made of whether this would be necessary or acceptable. It would not be reasonable to place a restriction on the two-way nature of the access through a planning condition. The request from the Parish Council to the applicant to provide access control on the existing gates for the Queensway HLC is noted. It is important to note that this does not form part of the planning application that is being considered and there are existing gates at the Queensway HLC. It is not considered that this would be necessary to make the application acceptable and therefore cannot be secured through the use of conditions.

Eight additional letters of objection have been received from residents however no additional material planning considerations have been raised.