

TWC/2017/0385

Greenhous Group Ltd, Greenhous Village, Osbaston, Telford, Shropshire, TF6 6RB
Phase 2 application seeking demolition of 11no. buildings, partial demolition of water tower ancillary buildings, installation of 22,000 litre petrol tank, lighting and additional car storage parking areas over and above that approved by Phase 1 application TWC/2015/0359 (Part Retrospective) ****AMENDED PLANS**AMENDED DESCRIPTION****

APPLICANT

Sheet Anchor Evolve Ltd

RECEIVED

10/05/2017

PARISH

Ercall Magna

WARD

Edgmond and Ercall Magna

OFFICER Andrew Gittins

THE APPLICATION IS SUBJECT TO A DEED OF VARIATION OF THE S.106 AGREEMENT ATTACHED TO TWC/2015/0359 (PHASE 1) TO AMEND THE DEFINITION OF PLANNING APPLICATION TO OBLIGATE PHASE 2 TO THE SAME ROUTING AGREEMENT.

OBJECTIONS RECEIVED: YES

1. THE PROPOSAL

- 1.1 Planning permission was granted under TWC/2015/0359 for a change of use from residential training facility (Use Class C2) to land and buildings for the storage and distribution of 640 vehicles (Use Class B8) in the western and southern parts of the site and the construction of new vehicular access (herein after referred to as *Phase 1*).
- 1.2 This is a full application that seeks retrospective permission for the retention of:
 - Hard-surfacing areas for the storage of an additional 1280 vehicles,
 - 6 metre and 10 metre high lighting columns,
 - lighting bollards,
 - 22,000 litre above ground petrol tank,
 - Perimeter fencing.
- 1.3 The application also seeks permission for the:
 - demolition of 11 buildings, and
 - partial demolition of the water tower ancillary buildings.
- 1.4 Amended plans have been received leading to an amended description.
- 1.5 From the outset, the applicant (Greenhous Group (Holdings) Ltd – Greenhous) has identified that the proposed redevelopment of the site would be undertaken on a phased basis. The red line included the land used by both Phases 1 and 2. The current Phase 2 proposal is for storage and distribution

of a further 1280 vehicles in the central and eastern part of the site, together with the retention of security lighting.

- 1.6 The hours of operation for both phases would remain between 0600hrs and 2000hrs Monday to Saturday and between 1000hrs and 1600hrs on Sundays and Public Holidays. Within these operational hours the core working hours for staff are between 0800hrs and 1700hrs, with only the reception of car transporters at the Pre-Despatch Inspection (PDI) centre, to the west, occurring between 0600hrs and 0800hrs and 1700hrs and 2000hrs. No deliveries shall be made to or from the site outside of the hours of 0600hrs and 2000hrs hours.
- 1.7 Phase 1 was subject to a Section 106 legal agreement which included 'Plan 2' (see attached) illustrating the approved routing of the vehicle transporters avoiding the bend at Walton. The application included a Transport Assessment based on the estimated HGV transporter movements for Phases 1 and 2 cumulatively. This estimated that as a 'worst case scenario' there would be 20 daily transporter movements in and 20 daily transporter movements out, however these were not restricted as maximum numbers. Vehicles not destined for rental companies are delivered to the site by transporter but driven out of the site individually. Phase 2 does not propose to increase the number of daily transporter movements which, based on the retrospective operation of Phase 2 since September 2017, have remained at a maximum of 20 in and 20 out (40 movements) with an average of 34 movements per day. The S106 would be subject to a Deed of Variation of the S.106 agreement attached to TWC/2015/0359 to amend the definition of planning application to include this phase of development as well.
- 1.8 Phase 2 also seeks retrospective approval for the retention of a lighting scheme consisting of a mixture of 6 and 10 metre tall lighting columns with lamps and bollard lights, as illustrated in the attached Lighting Mitigation Scheme. The site will be unlit between 2000hrs and 0600hrs when the site is closed, unless a security incident occurs which triggers the lights to come on. The majority of the site will be unlit between 1700hrs and 0800hrs with the exception of the areas around the PDI centre to the west where vehicles are processed between 0600 and 2000 hrs.
- 1.9 The application is accompanied by a Planning Statement, Transport Statement, Noise Assessment, Flood Risk Assessment, Landscape and Visual Assessment II, Demolition Management Plan, Ecological Assessment and Lighting Mitigation Scheme.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises 13.35 hectares of the former RAF High Ercall base (understood to have closed for this purpose in the 1965), together with the existing access route across the neighbouring farmland to the south west. The site, most latterly known as The Angel Centre, falls 11km north west of Wellington as the nearest district centre, with the M54 (J6) beyond at 13km, 10km from the outskirts of Shrewsbury (A49) to the south west, and 16km to

the A53 providing access to the north east (via Crabtree Lane, High Ercall, Crudgington - A442 at 6 kilometres).

- 2.2 The former base has been used by Greenhous Group (Holdings) Ltd since 2015 for the storage and distribution of vehicles. Prior to this the site was used on an ad hoc basis for police training, before that on a wider basis as a residential training centre – 1968-1990s.
- 2.3 This is a substantial complex with approximately 15 buildings of mixed size and form. Former uses including a detached modern workshop fitted as a vehicle repair centre (Building 21), maintenance workshops, and 2 large scale aircraft hangars of 5,570sqm each with minimum eave heights of approximately 6.5 metres, a gatehouse, boiler house and water tower. A series of internal service roads run within the site linking areas of tarmac hardstanding interspersed with grassed areas, dotted with areas of ornamental tree planting.
- 2.4 The scheme proposes the demolition of the three interconnected accommodation blocks (two of which are two storey and the third being three storey, providing c.161 bedrooms) a further single storey block providing an additional 21 bedrooms and the conference centre.
- 2.5 The buildings on site are built in a range of materials. There are no significant level differences across the site. Vehicular access for non HGV transporters is gained from the northern edge of the site from an unnamed stretch of road providing access to Rowton, which is fronted by an avenue of Poplar trees.
- 2.6 The site is bound by paladin fencing backed by stretches of planting in parts. To the north sits an unnamed country road with agricultural land beyond; to the north east the site is bound by a series of farm buildings of Pool Farm with the farm house situated 21 metres from the boundary of the site, the semi-detached properties of 1 and 2 Pool Cottages sit beyond the farm at 64 metres away (edge of the property). To the east and south lies agricultural land, in part comprising a free range poultry operation for the former. To the immediate west lies agricultural land with a number of residences beyond:
 - No. 2 Clarence Cottages is the nearest residence, lying 38.5 metres boundary to boundary, and just under 45 metres to the corner of the property itself, with No. 1 Clarence Cottages adjoining
 - 5 Osbaston is positioned 45 metres boundary to boundary from the north western corner, and 34 metres to the corner of the property itself
 - 90 metres boundary to boundary applies related to 2 Osbaston, 121 metres to the corner of the property relating to the boundary nearest the western storage areas, and 94 metres / 112 metres for the edge of the proposed transporter access,
 - A distance of 92 metres applies boundary to boundary for 1 Osbaston, 116 metres to the corner of the property relating to the edge of the site nearest the western storage areas, and 71 metres / 108 metres for the edge of the proposed transporter access.

- Osbaston Cottage sits opposite the proposed new access, 7 metres boundary to boundary and 57 metres to the corner of the property from the junction (rather than the edge of the site for the visibility splay).
- 2.7 A series of further hangars are dotted in the wider landscape to the south and northwest with evidence of active commercial use (principally storage and distribution).

3. RELEVANT PLANNING HISTORY

- 3.1 TWC/2015/0359 - Change of use from residential training facility (use class C2) to land and buildings for the storage and distribution of vehicles (use class B8) and construction of new vehicular access. Full Granted 27/01/2017.
- 3.2 W99/0850 - Change of Use from Residential Training Centre (C2) to Centre For Religious Education to Include Place of Worship (D1) Residential Training (C2) and Conference Centre, with Ancillary Offices and Administration. Temporary Use of Building C (see submitted plan) to separate local authority education classrooms. Change of use of building N for storage (B8) and building P for light industrial (B1) to form separate planning units with formation of new vehicular access. Withdrawn 14/12/2000
- 3.3 W94/0594 - Erection of a Paint and Body Workshop Training Centre. Full Granted 27/09/1994
- 3.4 W90/0668 - Erection of a New Two Storey Residential Block and the Formation of a New Vehicular Link Road. Full Granted 21/08/1990
- 3.5 W79/0719 - Erection of Extension to Sale, Service and Parts Department. Full Granted 22/11/1979

Alongside the above, there are various general extension / provision of ancillary buildings relating to the former MOTEC usage of the site.

4. PLANNING POLICY CONTEXT

- 4.1 National Planning Policy Framework (the NPPF)
- 4.2 Telford & Wrekin Local Plan:
- SP3 Rural area
 - EC3 Employment in the rural area
 - NE1 Biodiversity and geodiversity
 - C3 Impact of development on highways
 - BE1 Design criteria
 - ER11 Sewerage systems and water quality
 - ER12 Flood risk management

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

5.1 Ercall Magna Parish Council: Object

- Failure to comply with routing agreement and delivery hours approved under Phase 1 with transporters using Walton bend and Silver Hill parking outside the site before 0600hrs.
- Transporters travelling at inappropriate speeds through High Ercall with the reduced speed limit between Walton and High Ercall. Reduced speed limit has not been instigated not enabling enforcement.
- Current application to clear the site will increase frequency of car transporters.
- Failure of TWC to enforce breach of conditions.

5.2 Drainage: Object subject to conditions:

- A full Flood Risk Assessment (FRA) should be submitted for approval. Should the FRA be submitted prior to determination the following conditions should be attached:
 - Scheme of surface water drainage
 - Oil interceptors
 - Run-off from vehicle washing classed as trade effluent

(An FRA was submitted on Thursday 15th February and an Update will be circulated with the Drainage Team's comments).

5.3 Ecology: Support subject to conditions:

- Submission of European Protected Species Licence (prior to demolition or site clearance)
- Works in accordance with protected species survey
- Pre-commencement inspection for badgers
- Informative for bats and nesting wild birds

5.4 Arboricultural: No comment.

5.5 Environmental Health - Pollution Control: Support subject to conditions:

- No construction/ demolition of Bank or Public Holidays.
- Hours of construction / demolition

5.6 Environmental Health - Contaminated Land: Support subject to conditions:

- Unforeseen Contamination

5.7 Archaeology: No comment

5.8 Shropshire Fire Service: Comment

Advise that as part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications". Reiterated for the 2nd and 3rd consultations.

Neighbour representations (summarised)

- 5.9 Direct notification was carried out to all adjoining and adjacent premises, as a result of which 14 letters have been received objecting on the following grounds:

Highways

- Additional vehicle storage will increase transporter movements through High Ercall.
- Number of transporters exceeded the said movements (12 were counted in 1 hour). Phase 2 will cause an even greater increase in traffic (transporters, employees and construction).
- Crab Tree Lane despite widening is of insufficient width to allow two transporters to pass, requiring them to reverse, causing hold-ups.
- Excessive vehicular speed (including by taxis) a danger to pedestrians, horse riders and other users of the unpaved highway.
- Lack of give way sign on Crab Tree Lane when crossing / Muckleton Lane/Silver Hill into new transporter access.
- Flat-bed small goods vehicles using Muckleton Lane.

Residential amenity

- Lights causing disturbance to residential amenity, distraction to drivers and pollution of night sky visible for miles.
- Lighting columns measuring 10.5m included double headed projecting floodlights are excessive and should be replaced with 6m columns with down lighters more like street lights in greater quantity if required. Conditions should state times for lighting with no operation on Sundays.
- Noise (especially when transporters are empty) and from horns. A new noise survey should be required as the last survey was undertaken in June 2016 before the lane was widened before use by transporters.
- Pollution (black smoke) from laden transporters.
- Transporters entering the site after hours.

Ecology

- Water tower home to protected bats and any demolition activities will cause disturbance.
- Increased activity down a quiet country lane has caused the death of some wild animals, with less nesting birds and danger to domestic animals.

Other

- Loss of flats in context of housing shortage,
- Demolition of old buildings which form part of former airfield, the best preserved closed airfield in the country.
- Most of the work already completed.
- Inappropriate use in the rural area.

6. PLANNING CONSIDERATIONS

- 6.1 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:

- the principle of development
- highways and impacts on local infrastructure
- the impact on the living conditions of neighbours
- the impact on the character and appearance of the area
- ecology
- drainage and flood risk.

The principle of development

- 6.2 The principle of the storage and distribution of vehicles was established by planning permission TWC/2015/0359 at Committee in May 2016 subject to a S.106 agreement.
- 6.3 In order to provide a robust assessment and to clearly set out the operator's intentions from the outset, the Transport Assessment submitted with Phase 1 represented a 'worst case scenario' for the operation of Phases 1 and 2. Consequently, the actual number of transporter movements are in line with those set out in the Transport Assessment submitted with Phase 1.

Highways and impacts on local infrastructure

- 6.4 The Parish Council and neighbouring residents have raised a number of concerns relating to vehicular movements including:
- 6.5 *Additional storage will lead to additional transporter movements through High Ercall.* The proposed HGV transporter data set out in Transport Assessment submitted with Phase 1 was on the basis of the combined movements of Phases 1 and 2 with the applicant wishing to present a potential worst case scenario.
- 6.6 The assessment used data from Greenhous' existing site in Stoke-on-Trent as operations at the two sites are comparable with both handling 20,000-20,500 vehicles a year. On the busiest working day the Stoke site had 45 transporter movements with a median value of 19 daily movements for a 12 month period.
- 6.7 For a robust assessment of the application site it was assumed that transporters would either arrive or depart empty dependent on collection or delivery. On this basis, the assessment outlined that the total median daily HGV transporter movements would be 40 (20 transporters, 10 delivering, 10 collecting). With additional storage being retrospective, the applicant has confirmed that the average number of daily transporters is 17 (34 movements).
- 6.8 The additional storage has led to increased transporter movements through High Ercall. However, the applicant was forthcoming with this data during consideration of Phase 1 and deemed acceptable from a highway safety and amenity perspective. As such there would be no defensible highway or amenity grounds on which to refuse the additional storage.

- 6.9 The number of transporters exceeded the said movements (12 were counted in 1 hour). Phase 2 will cause an even greater increase in traffic (transporters, employees and construction). The Phase 1 consent did not impose any restrictions, either by condition or S.106, on the number of vehicular movements, only the routing of the transporters. As noted above, Phase 2 has added additional traffic but this was accounted for in the original TA.
- 6.10 Phase 2 employs 12 staff in addition to the 89 employed in Phase 1. Provision is made for 70 staff/visitor parking spaces on the basis that a number of staff car share with a number operating on a shift basis. On this basis the Transport Assessment estimated that there would be 55 staff in movements between 0800 and 0900 and 55 staff out movements between 1700 and 1800. However, it should be noted that there are no restrictions on the number of staff / visitor or other vehicular movements given the fall-back position as a residential training centre which could have generated higher numbers.
- 6.11 Phase 2 involves the demolition of some large buildings and in order to avoid congestion on the surrounding roads, any HGV's associated with the demolition will be routed along Crab Tree Lane. Other non HGV traffic, such as demolition contractors and other light good vehicles will not be restricted.
- 6.12 In summary, there are no restrictions on the number of vehicle transporters or other vehicular movements and the extent of movements associated with both phases was assessed and considered acceptable when determining the Phase 1 scheme given the fall-back position as a residential training centre could have generated higher numbers.
- 6.13 Insufficient width of Crab Tree Lane preventing passing of transporters leading to hold-ups. Phase 1 involved localised carriageway widening on Crabtree Lane. These works have been substantially completed and currently under remedial snagging which should be completed before the end of February. The Local Highway Authority (LHA) have confirmed that the works meet the geometric requirements for two HGV's to pass.
- 6.14 Excessive vehicular speeds; the reduced speed limit (from 60mph to 40mph) between High Ercall and Walton has not been implemented preventing policing. The works secured by the S.106 agreement for speed limit change and other associated works were passed to the contractor in early February with the physical works to be delivered before the end of March. The delay is due to grouping this work as part of a larger package to get better value.
- 6.15 Lack of 'Give Way' sign on the junction of Crab Tree Lane with Muckleton Lane across which car transporters cross. This is acknowledged and the LHA are looking into this matter.
- 6.16 Flat-bed small goods vehicles using Muckleton Lane. The routing of light goods vehicles is not restricted and their route is dependent on their source or destination. As such, the use of Muckleton Lane does not contravene any planning conditions or the S.106.

- 6.17 Failure to comply with routing agreement and delivery hours approved under Phase 1 with transporters using Walton bend and Silver Hill parking outside the site before 0600hrs. Neither the Local Planning nor Local Highway Authority have been contacted regarding failure to comply with the transporter routing agreement. Plan 2 (attached) prevents transporters using the bend at Walton. If specific dates, times and any other evidence could be provided then this would be investigated. Greenhous are liable for a £100,000 payment if the routing agreement avoiding Walton bend is not adhered to, which is secured by the S.106.

The impact on the living conditions of neighbours

- 6.18 In addition to the extra traffic movements, which were fully assessed and deemed acceptable when determining Phase 1, the installation of lighting is the other element that has had the most significant impact on residential amenity. The Committee Report for Phase 1 acknowledged that through the use proposed there would be a requirement for additional lighting although no lighting was proposed under the original scheme.
- 6.19 The location and hours of lighting are illustrated on the Lighting Mitigation Scheme, with the height of the columns illustrated on the Phase 2 Layout Plan (both attached). The lighting scheme consists of 6 and 10 metre tall lighting columns and lamps and bollard lighting as illustrated in the attached Lighting Mitigation Scheme. The light sensors override the timers and the lights do not switch on if it is light. The perimeter fence is secured with a laser system running inside the fence. Unless a security incident occurs, the site will not be lit between 2000hrs and 0600hrs.
- 6.20 The lighting scheme was installed on the 30th October 2017. Of the 14 objections, 11 of these were received immediately following installation when the lights were being tested to ascertain the acceptable levels and locations taking account of residential amenity and on-site ecology. Amendments were made to the direction of lamps as a result of neighbour comments. Since then, the case officer has received one telephone call requesting that the lights are turned off on Bank and Public Holidays. As Phase 1 permitted the operational processing of vehicles between 10am and 4pm, it would not be reasonable to prevent any lighting but it will be restricted to these hours.
- 6.21 The lighting has been assessed by the Council's Pollution Control Team, who have no objection. From a number of site visits when the lights are operation, it is acknowledged that they have an impact on residential amenity. This is primarily in terms of being visible from the dwellings and causing some light pollution. However, following amendments to the direction of lamps and subject to compliance with the suggested condition it is considered that this impact has been mitigated to be able to conclude that the lights do not have an unduly unacceptable impact on residential amenity.
- 6.22 One objection has suggested that an updated Noise Report should be sought as the last survey was undertaken in June 2016 before the Crabtree Lane was widened and used by transporters. A Noise Report is not required to measure

the noise of vehicles exercising their right to travel on the public highway. However, as required by Condition 5 of the Phase 1 consent, a Noise Report has been submitted to control noise from within the application site including the Phase 2 operations. The Council's Pollution Control Team have requested amendments to the Noise Report to ensure that this provides a robust assessment against the relevant British Standards and these are awaited. This includes any car transporters waiting at the site gates, particularly in advance of the permitted 6am entry. This is considered to sufficiently safeguard residential amenity.

The impact on the character and appearance of the area

- 6.23 Phase 2 seeks retrospective permission for the retention of:
- Hard-surfacing areas for the storage of an additional 1280 vehicles,
 - 6 metre and 10 metre high lighting columns,
 - lighting bollards,
 - 22,000 litre, above ground petrol tank,
 - Perimeter fencing
- 6.24 The application also seeks permission for the:
- demolition of 11 buildings, and
 - Partial demolition of the water tower ancillary buildings.
- 6.25 The Lighting Mitigation Plan (attached) illustrates the times during which each area of the site is lit. The lights closest to the neighbouring properties at Clarence Cottages, 1 and 2 Osbaston and Osbaston Cottage serve the Pre-Despatch Inspection (PDI) centre are 10 metres high (some of the lights to the south and east are 6 metres) and operate between:
- 0600 and 2000 Monday-Saturday, and
 - 1000 and 1600 on Sundays, Bank and Public Holidays.
- 6.26 The lights serving the central and eastern areas operate between 0800 and 1700 Mon-Sat, with the same reduced hours on Sundays, Bank and Public Holidays. The lighting bollards operate an hour later, until 1800hrs Mon-Sat.
- 6.27 The lamps which are located upon the lighting columns are prominent when in the immediate vicinity of the site along Muckleton Lane and the unnamed lane to the north. The lamps are visible from Cotwall Lane to the south east with some of the lights read against the large hangars on-site. The light sensors will override the timers and will not switch on if it is light (i.e. if during the summer etc.). Officers have restricted the hours of operation to those absolutely necessary to allow workers to operate in a safe environment. Balancing the operational requirements with the harm, the lights are deemed acceptable.
- 6.28 The additional vehicles are located on new areas of hardstanding in the central and eastern areas of the site. The agent has noted that a row of Lombardy Poplars have been removed along the south-eastern boundary, adjacent to the extended area. This was necessary to ensure staff safety and

protect vehicles and is supported by a letter from a consultant arboriculturist. Whilst this was unfortunate, the trees did not provide a significant amount of screening and given that views of the vehicles are primarily long distance from Cotwall Lane the storage is not considered to have a significantly detrimental impact.

- 6.29 The lighting bollards, the 22,000 litre petrol tank, the rigid perimeter fence and the demolition of the buildings are not considered to have any particularly perceivable or detrimental impact on character and appearance of the area.

Ecology

- 6.30 The scheme is supported by an Ecological Assessment (updated June 2017) and a Lighting Mitigation Scheme (updated October 2017). A series of bat surveys were undertaken between 2015 and 2017 identifying the presence of bat roosts in nine buildings. A European Protected Species Licence will be required from Natural England to allow demolition, partial demolition and reuse of the buildings to proceed. However, the works can be interpreted as imposing low and medium level impacts and proportionate mitigation options contained within the Ecological Surveys will be conditioned. A 'three test matrix' has been completed and is appended to this report. A condition has been attached imposing an additional restriction on the operating times of the lighting bollards to 1715hrs for the last 2 weeks of October to take account of the clocks going back an hour.

Drainage and flood risk

- 6.31 The Council's Drainage Team requested a Flood Risk Assessment on the 19th January 2018 which was subsequently submitted on the 15th February 2018. The Drainage Team have not had sufficient time to assess the FRA prior to publication of this report so Officers will provide Members with an update prior to Committee. Subject to the FRA being acceptable Drainage have no objection subject to the attachment of conditions requiring the submission of a scheme of surface water drainage, the provision of appropriately designed oil interceptors, and the disposal of run-off from vehicle washing to a foul water drainage system.

7. CONCLUSIONS

- 7.1 This application seeks permission for the demolition of 11no. buildings, partial demolition of the water tower ancillary buildings and retrospective permission for the installation of 22,000 litre above ground petrol tank, 6 metre and 10 metre high lighting columns and bollard lighting, together with additional hard surfacing for the storage of a further 1280 vehicles. From the outset, the applicant identified that the proposed redevelopment of the site would be undertaken on a phased basis. Phase 1 established permission for the storage and distribution of 640 vehicles across the western and southern part of the site. The red line included Phases 1 and 2 and the Transport Assessment provided a robust assessment outlining that the median daily arrivals and departures would involve 20 transporters making 40 movements.

This was based on recent data from an existing site in Stoke which has a comparable vehicle handling capability and recorded over a full year. The agent for the current application has confirmed that the average number of transporter movements on the High Ercall site is 34 per day but this does increase depending on demand (around the change in number plates). It is important to note that there are no vehicle movement restrictions for the site as the fall-back position of a residential training centre would have resulted in more traffic movements.

- 7.2 Officers have sought to respond to the significant concerns of local residents and the Parish with regard the number of transporters and employees, the number travelling through High Ercall, the width of Crabtree Lane preventing transporters passing causing hold-ups, lack of 'Give Way' sign on the junction with Muckleton Lane and failure to comply with routing and delivery hour restrictions. Officers also note concerns which relate to driver behaviour including excessive vehicular speeds, the parking of transporters on the highway surrounding the site causing disturbance and the distribution of litter. Unfortunately there are outside the control of the planning process and are reliant on compliance with codes of conduct and reasonable operator behaviour.
- 7.3 In respect of physical building works, it is acknowledged that the installation of the 6 metre and 10 metre high lighting columns are the aspects of Phase 2 which have had the most significant impact on residential amenity. Officers have recommended conditions to control the hours of operation of the lights. The lights closest to the neighbouring properties at Clarence Cottages, 1 and 2 Osbaston and Osbaston Cottage serve the Pre-Despatch Inspection centre are 10 metres high and operate between 0600 and 2000 Monday-Saturday and between 1000 and 1600 on Sundays, Bank and Public Holidays. The lights operate on sensors which override the timers and the lights do not switch on if it is light. Unless a security incident occurs, the site will be unlit between 2000hrs and 0600hrs. The remainder of the site will be unlit between 1700hrs and 0800hrs. The operator has sought to minimise the impact of the lights with amendments being made to the direction of the lamps following neighbour comments. The current scheme is considered to represent the minimum required to allow the safe operation of the business with amendments made to prevent a significant impact on amenity.
- 7.4 Any consent would be subject to a Deed of Variation of the S.106 agreement attached to the Phase 1 consent (TWC/2015/0359) to include the Phase 2 scheme in the definition of the 'Planning Application'. This will ensure that Phase 2 is bound by the same routing agreement obligations.
- 7.5 In summary, there are no technical issues that would prevent the regularisation of retrospective works or preventing development from proceeding. There are no issues that cannot be mitigated against through the use of conditions. 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.

8. RECOMMENDATION

8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

A.) The applicant entering into a Deed of Variation of the Section 106 agreement with the Local Planning Authority attached to TWC/2015/0359 (terms to be agreed by the Development Management Service Delivery Manager) relating to:

- (i) A Routing Agreement:
The routing of all vehicle transporters associated with the movement of cars to and from the site shall be in accordance with those routes indicated on submitted drawing number M14074-C-025; in that no transporters are permitted to travel through the Walton Bend on the B5063 and therefore all transporters may only turn left out of Crabtree Lane onto the B5063 and right into Crabtree Lane from the B5063.
- (ii) Measures for the provision of the sum of £100,000 to be called upon to install shuttle operation traffic signals on the Walton Bend if there are three proven instances of transporters defaulting on the routing agreement within a 6 month period. Upon any installation of traffic signals on the bend the routing agreement from the junction of Crabtree Lane/B5063 shall become null and void.
- (iii) Control of existing access for usage by office staff and as a welcome type facility for visitors only.

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

1. A04: Time Limit - Full with no Reserved Matters
2. B062: Surface water
3. B079: Surface water drainage from parking areas and hardstanding passed through oil interceptor / 3 levels of SuDS treatment
4. B079: Means of disposal runoff from vehicle washing and cleaning activities
5. B149: European Protected Species Licence
6. B150: Work in accordance with Demolition Management Plan
7. C040: No demolition other than in accords with Appendix 2
8. C059: Unforeseen contamination
9. C091: Works in accordance with ecological survey
10. C109: Pre-commencement inspection – Badger
11. C38: Development in accordance with deposited plans
12. D11: Hours of lighting
13. D11: No demolition on Sundays, Public or Bank Holidays

14. D11: Hours of demolition
15. D12: Operational and delivery hours
16. D16: Open Storage – Restriction on Location of vehicles to red areas marked on site layout

Informative(s)

I06 Section 106, I23 Bats, I25m Nesting Wild Birds, I40 Conditions, I41 Reasons for grant of planning permission, RANPPF2 Approval NPPF

APPENDIX 1

EUROPEAN PROTECTED SPECIES – The ‘three tests’

Application reference number, site name and description:

TWC/2017/0385

Greenhous Group Ltd, Greenhous Village, Osbaston, Telford, Shropshire, TF6 6RB

Phase 2 application seeking demolition of 11no. buildings, partial demolition of water tower ancillary buildings, installation of 22,000 litre petrol tank, lighting and additional car storage parking areas over and above that approved by Phase 1 application TWC/2015/0359 (Part Retrospective)

Date:

24/01/18

Officer:

Laurence David
Ecology & Green Infrastructure Specialist
(01952 384221) Biodiversity@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 involves demolition which would require a European Protected Species Mitigation Licence from Natural England. The proposed works can be interpreted as imposing low and medium level impacts upon the bat species present and proportionate bat mitigation options are required and will be secured through conditions. Mitigation for the demolition of buildings 2, 3 and 5 will be provided by the positing of bat boxes in a nearby tree line, with other buildings retained and modified to provide ecological enhancement.

Further mitigation will be in the form of: a toolbox talk to all contractors, supervised exclusion of bats from all roosting spaces within the structure at a time of year to avoid encountering bats and using soft demolition/modification techniques following an inspection by the ecological clerk of works and under ecological supervision.

The aforementioned mitigation will ensure that the proposed development will not be detrimental to the maintenance of the population of brown long-eared bats, whiskered bats and common pipistrelle at a favourable conservation status within their natural range.

The proposal will maintain and enhance suitable habitats for bats ensuring the longevity the European Protected Species on site.

Test 2

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

The site has extant permission for a residential training centre (Use Class C2) with the provision of 182 residential bedrooms and associated servicing of the facility. This alternative would involve the retention of buildings 2, 5 and 6. However, these support only a small number of common pipistrelle with any loss of habitat mitigated by the positioning of bat boxes along a nearby treeline. The alternative would also retain the ancillary buildings at the base of the Water Tower which would prevent the loss of both roosts of brown long-eared and whiskered bat and negate the need for alternative roosting resources in retained interior sections in the form of bat brick and boxes. However, on balance, this extant scheme was never fully implemented and the site is no longer available for this use. As such, given that the impacts of the proposed scheme can be mitigated to low and medium level it is not considered that there is a satisfactory alternative.

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'?

I have read the above application and the supporting documents including the Ecological Assessment by MJ Latham (January 2017 updated June 2017) and the Lighting Mitigation Scheme by MJ Latham (December 2016 updated October 2017).

A series of bat surveys were undertaken at the site between 2015 and 2017, these involved hibernation surveys, static detector surveys, activity transects, dusk emergence and dawn re-entry surveys by MJ Latham (Dec 2017). The surveys identified the presence of bat roosts in nine buildings, bat species present were: common pipistrelle, brown long-eared bat and whiskered bat.

MJ Latham concludes that a European Protected Species Mitigation Licence will be required from Natural England to allow the proposed works to go ahead and that the proposed works can be interpreted as imposing low and medium level impacts upon the bat species present and proportionate bat mitigation options are required.

Mitigation for buildings 2,5 and 6 which will be demolished and all support small numbers of common pipistrelle will be 8 Schwegler 2F and 8 Schwegler 2FN bat boxes positioned along a nearby treeline.

Mitigation for building 7 which supports both brown-eared bat day roosts, non-maternity and a common pipistrelle maternity day roost will be in the form of retaining the building and modifying/enhancing to ensure its longevity. The access point will be modified by removal of broken window sections and all remaining windows will be boarded and blacked out to enhance interior lighting regimes for bats. A series of 4 chamber nursery bat boxes will be secured to the western and southern elevations and 6 Schwegler 2FE bat shelters will be incorporated in the underground section of the building.

Mitigation for building 10 which supports a brown long-eared bat non-maternity day roost will be in the form of permanently securing doorways on the southern and eastern elevations and leaving a rectangular access opening within the doors to allow bats continued access to the interior. Further enhancements will include the

boarding and blacking out of window panes and the installation of the following roosting features: 2 Schwegler 2FE Shelters, 2 Schwegler 1GS roosting blocks and 4 Norfolk Bat Bricks.

Mitigation for building 11 which supports a Brown long-eared bat maternity day roost will be in the form of a working method statement to ensure the access point used by the bats remains functional and the roosting area does not deteriorate. All remaining windows will be boarded and blacked out to enhance interior lighting regimes for roosting bats. Nearby rooms used as a workshop facility, however all internet access from those working areas will be closed and locked to ensure no accidental disturbance occurs.

Mitigation for building 13 which supports non-maternity day roosts of brown-long eared bat and whiskered bat. The water tower section of this building will be retained with a series of adjacent ground level buildings scheduled for demolition. This will result in the loss of both roosts of brown long-eared and whiskered bat. Alternative roosting resources in retained interior sections will be provided in the form of 6 Norfolk Bat Bricks and 6 Schwegler 2FE boxes.

Mitigation for building 20 which supports a non-maternity day roost of common pipistrelle will be in the form of retaining and modifying the roost to ensure its longevity. This will involve securing the doorway and boarding the lower window sections along with modifying the upper window sections currently used as bat access points and replicating a cowl/hopper.

Two Pill Boxes on the rear of building 10 and building 20 will be enhanced with the installation of vented entrance points and 6 Norfolk bat Bricks per Pill Box.

Further mitigation will be in the form of: a toolbox talk to all contractors, supervised exclusion of bats from all roosting spaces within the structure at a time of year to avoid encountering bats and using soft demolition/modification techniques following an inspection by the ecological clerk of works and under ecological supervision.

The proposed development will not be detrimental to the maintenance of the population of brown long-eared bats, whiskered bats and common pipistrelle at a favourable conservation status within their natural range provided that the following conditions, set out in the response from Laurence David to Andrew Gittins, are on the decision notice and are appropriately enforced:

1. European Protected Species Licence

No development (including demolition or site clearance procedures) shall commence until a European Protected Species (EPS) Mitigation Licence with respect to [bats] has been obtained from Natural England and submitted to the Local Planning Authority for the proposed work. 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

2. Ecological Survey – working in accordance with protected species survey

Development shall occur in accordance with the Ecological Assessment by MJ

Latham (January 2017 updated June 2017) and the phase 2 layout plan 2014-1991-03 REV R unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of biodiversity in line with NPPF Paragraph 109.

3.Pre-commencement inspection – Badger

Within the three months prior to the commencement of development on the site a pre-commencement badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If continued, or new, evidence of badgers is recorded during the pre-commencement survey then the ecologist should set out appropriate actions to be taken during the works which may include; precautionary methods of working, timing restrictions, restrictions of activities around any identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary. Where a Badger Disturbance Licence is required a copy of the licence must be submitted to the Local Planning Authority prior to the commencement of licensable works.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992

4.Lighting

The lighting columns / bollards hereby permitted shall be operated strictly in accordance with the Final Lighting Mitigation Scheme(Updated October 2017) Figures 9 and 10 as follow:

Monday to Saturday

- Lighting columns in Area A between 0600hrs and 2000hrs
- Lighting bollards in Area B between 0800hrs and 1800hrs (Last 2 weeks of October between 0800hrs and 1715hrs)
- Lighting columns in Area C between 0800hrs and 1700hrs

Sundays, Bank Holidays and Public Holidays

- The above referenced lighting columns shall only be operational between 1000hrs and 1600hrs.

Reason: In order to maintain the amenities of the area and to ensure the foraging, commuting and roosting of bats is not adversely affected.

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.

Informative: Ecology – Nesting wild birds

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is a maximum fine of £5,000 per bird, nest or egg impacted and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to September inclusive

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.