

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2018/0757
Site address	Land rear of Hadley Park House Hotel, Hadley Park East, Hadley, Telford, Shropshire,
Proposal	Erection of 6no. industrial buildings (providing up to 26 units) B1 use with ancillary access roads, parking and landscaping ***Amendments to site layout – reduction to 26 units***
Recommendation	Full Grant

1.0 ADDITIONAL REPRESENTATIONS

1.1 Three additional representations received. Available in full on planning file but key points summarised as follows:

1.2 Hadley & Leegomery Parish Council: Object

Further to comments dated 6th December 2018, H&LPC make the following comments:

- Policy EC2 is relevant to the application as includes the words ‘in addition’
- Note that previous applications in vicinity of site were determined under delegated powers without consultation with Conservation Officer
- Parish Council rejects the conclusions of the Council’s Conservation Officer that any impact upon the significance of the adjacent LB’s would be ‘minor’ and ‘less than substantial’.
- The development site is of particular sensitivity as it remains the only part of the setting of the Listed Buildings that remains free of inappropriate or unsympathetic development.
- Emphasis on the mill being an important local landmark
- The Committee Report fails to adequately advise the Planning Authority on how to discharge its duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act, and any determination made by the Planning Authority based on the report is likely to be challengeable at law.
- In exercising its duty, the LPA fails to explain the impact of case law, how this duty should be discharged or the balancing exercise the LPA must conduct when reaching a determination.
- Confirm intention to request that the Secretary of State ‘call-in’ the application if recommended for approval.

1.3 Mr L Gosling – Hadley Park Windmill: Object

- Refer to previous concerns regarding heritage, inappropriate development, density of development, appearance of development.
- Whilst units been moved away from Hadley Park Hotel, the gap has been filled with car parking.
- Increased buffer to Mill House is positive
- Relationship with windmill is largely unchanged
- Concerned regarding the lack of greenspace between proposal and windmill
- Also area adjacent the windmill has potential for people to gather, resulting in noise and disturbance to neighbours.
- View from windmill will be a mass of tin roofs.

1.4 Mr J Roberts – Lee Mill House: Object

- Developers still have given no thought for existing surroundings including local heritage,
- When added to petrol station development, will increase traffic issues

2.0 FURTHER OFFICER CONSIDERATIONS

2.1 Officers do not propose to respond at length to the above representations as the points raised have largely already been addressed in the committee report, however, the following additional comments are made:

2.2 In response to the parish council comments, Policy EC2 is not relevant to the application. The site is an allocated employment site and has already been through a site selection process as part of the local plan preparation and adoption which were accepted by the Planning Inspector as part of the local plan examination. The location of the site and principle of its use for employment development have already been agreed and is not up for debate.

2.3 Officers are satisfied that the correct procedures in terms of exercising statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been followed. The Planning (Listed Buildings and Conservation Areas) Act 1990 introduces a statutory presumption against harmful development however the weight to be given to a particular material consideration is a matter for the authority. The Act has been referenced in the Committee Report, including the need to give considerable importance and weight to the objective of preserving listed buildings and their settings, as also required by paragraphs 193 to 196 of the NPPF as well as by policy BE4 of the Council's Local Plan. Paragraph 193 requires that "*great weight should be given to the heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*". Paragraph 194 requires 'clear and convincing justification' for any harm to, or loss of, the significance of a designated heritage asset. Paragraph 196 requires that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*".

2.4 In this instance, the Conservation Officer has carried out a detailed analysis of the impact of the proposal upon the setting and significance of identified heritage assets and in doing so, concludes that any impact would be 'minor' and 'less than substantial'. The 'clear and convincing justification' for the 'less than substantial' harm identified, as required by paragraph 194, includes factors such as the location within a strategic employment area, the allocation of the site for employment development, existing adjacent development and the significant economic and social benefits generated by the development. A balancing exercise has been carried out, as required by Paragraph 196 of the NPPF, where appropriate importance and weight has been given to the preservation of the heritage assets, however, it has been concluded that in this instance, the benefits are significant and outweigh the harm. Members will

need to be satisfied that in reaching their decision, they agree with this conclusion and in doing so, the Local Planning Authority will have exercised its duty of care under the Act.

3.0 RECOMMENDATIONS

3.1 No change to the recommendation which remains that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (with indexation applicable to the contributions from the date of the committee resolution and terms to be agreed by the Development Management Service Delivery Manager) relating to:

i) Highways £141,548.96

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

Conditions

Time limit - Full

Materials

Highways details

Foul and Surface Water drainage

SUDs Management Plan

Boundary fencing details

Trees – Protective Fencing

Habitat Management Plan

External Lighting Plan

SEMP

Land Contamination

Landscape Management Plan

Parking/Turning/Loading

Artificial nesting/Roosting Boxes

Approved Plans

Opening/Operating Hours restrictions