

TWC/2018/0917

Land adjacent Sigma & Staubli House, Hadley Park East, Hadley, Telford, Shropshire

Plot A - Erection of a petrol filling station and associated facilities with a drive thru building for A3 use (Use Class A3 - Restaurants and cafes) and associated landscaping, access and parking:

Plot B - Erection of 6no. units to be used for Use Classes B1 (Business) and B8 (Storage and distribution) with associated landscaping, access and parking

Amended Access Arrangements and Site Layout

APPLICANT

Monte Blackburn Ltd,

RECEIVED

24/10/2018

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

THIS APPLICATION HAS BEEN CALLED IN FOR DETERMINATION AT PLANNING COMMITTEE BY HADLEY AND LEEGOMERY PARISH COUNCIL

1.0 SUMMARY RECOMMENDATION

- 1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT FULL PLANNING PERMISSION subject to Condition(s) and Informative(s).

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located on the northern edge of the Telford urban area, immediately to the south of the A442 Queensway, in an area characterised by commercial and industrial development. The area forms part of the wider Hadley Park East Employment Area.
- 2.2 The site currently sits as a grassed field but contains 4No. light industrial units to the immediate west and a Travelodge hotel to the immediate east. The hotel is located alongside the boundary which is open with the exception of a 1 metre high post and rail fence. A Children's Day Nursey is located to the south west on the opposite side of the highway. The Hadley Park Windmill and Hadley Park House Hotel (both Grade II Listed) are located to the west beyond the Silkin Way.

3.0 PROPOSAL

- 3.1 The application seeks Full Planning Permission for the erection of a Petrol Filling Station (PFS) and shop, a drive thru restaurant/café unit (A3 Use Class) and 6 commercial units (B1/B8 Use Class) together with associated access, landscaping and parking.
- 3.2 The application is an amendment to Planning Permission ref.: TWC/2017/0427 Granted 09 February 2018 (later varied under ref.:

TWC/2018/0359 dated 09 October 18) to introduce B8 Use Classes into the development.

3.3 The site layout has also been amended to provide vehicular access from the front (south) of the site which has required a minor alteration to the layout of the petrol station fuel tank fill area moved to the rear of the shop unit.

3.4 The application is accompanied by the following supporting documents:

- Planning Statement and Design and Access Statement
- Flood Risk Assessment
- Ecological Assessment (incl. Great Crested Newt Survey)
- Outdoor Lighting Report
- Fuel Storage Risk Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 TWC/2015/0386 - Erection of 6 units to be used for B1/B2/B8 Uses with associated landscaping, access and parking - Granted 11 September 2015 - Expired

4.2 TWC/2017/0427 - Plot A - Erection of a Petrol Filling Station and shop and a drive thru building for A3 use with associated access, landscaping and parking. Plot B - 6 Units to be used for B1 Uses with associated landscaping, access and parking (amended description) - Granted 09 February 2018

4.3 TWC/2018/0359 - Removal of Condition 8 attached to TWC/2017/0427 relating to the submission of a noise report - Granted 09 October 2018

5.0 PLANNING POLICY CONTEXT

5.1 National Guidance:

National Planning Policy Framework (NPPF)

5.2 Telford & Wrekin Local Plan

SP1: Telford

SP4: Presumption in Favour of Sustainable Development

EC1: Strategic Employment Areas

NE1: Biodiversity and Geodiversity

NE2: Trees, Hedgerows and Woodlands

NE6: Green Network

C3: Impact of Development on Highways

C4: Design of roads and streets

C5: Design of Parking

BE1: Design Criteria

6.0 SUMMARY OF CONSULTATION RESPONSES

6.1 **Statutory Consultees**

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

- Previous Approval TWC/2015/0386 established principle of restricting opening hours to minimise noise disturbance from uses proposed. Any future consent should reflect this;
- Site is not accessible and application does not demonstrate adequate access to sustainable modes of transport;
- Proposal does not respond positively to local context and fails to satisfy policy EC2;
- Concerns regarding cumulative impact of development on the A442 Queensway and wider highway network;
- Proposals fail to contribute to the protection or enhancement of local features of architectural, historical, and landscape value in the area
- Impact upon the setting of nearby listed buildings;
- Requests amendments to the location of the drive-thru element to avoid obstructing views of the Windmill.

6.2 **Standard Consultation Responses**

6.2.1 **Highways: Comment:** Following amendments to provide access from Hadley Park East to the south of the site, raise no objection subject to Condition(s).

6.2.2 **Environmental Health (Pollution Control): Support:** subject to Condition(s) - no objection subject to a Condition requiring the submission of a noise assessment prior to occupation of units and restrictions on opening hours and construction work hours.

6.2.3 **Drainage: Support:** subject to Condition(s) - no objection subject to Condition(s) requiring details of Surface Water Drainage.

6.2.4 **Arboricultural: Support:** subject to Condition in respect or requiring Landscaping Plan.

6.2.5 **Ecology: Support:** subject to Condition(s) and Informative(s).

6.2.6 **Planning Policy: Comment:** Highlights that the site is allocated for Employment Development in the Local Plan with a preference for B1 Use Classes, based on a number of factors outlined within the Employment Technical Paper.

6.2.7 **Environment Agency: Comment:** Submitted Fuel Storage Risk Assessment is not sufficient to fully understand pollution risks.

6.2.8 **West Mercia Police: Comment:** Strongly recommends that all fuel pumps are pre-payment only, as fuel theft is a significant problem for retailers across the country.

6.2.9 Shropshire Fire Service: **Comment**: Request consideration is given to the Fire Safety Guidance.

6.3 **Neighbour Consultation Responses**

6.3.1 The application has received 10 objections from nearby residents and adjacent businesses, which are available in full on the planning file, but key observations have been summarised as follows:

- Traffic at Hadley Park Roundabout is already a problem. Plans need mitigation for the additional traffic load;
- Design of buildings will not fit in with character of the area;
- Use classes should be limited to B1 to limit the impact of additional heavy traffic;
- Fail to understand the need for another petrol station in the area;
- Developers still have no thought for the existing surroundings including local heritage.

7.0 **PLANNING CONSIDERATIONS**

7.1 Having regard to the development plan policy and other 'Material Considerations' including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Highways Issues
- Design and Layout
- Trees and Ecology
- Other Matters

7.2 **Principle of Development**

7.2.1 In terms of the Use Classes proposed, this application seeks to amend Planning Permission ref.: TWC/2017/0427 (and amended under ref.: TWC/2018/0359) by introducing a B8 Use Class to the approved permission. The principle of an Employment Use on the site has already been agreed, however, the additional Uses proposed have been the subject of some debate.

7.2.2 The site is located within the North Telford Strategic Employment Area, where Policy EC1 confirms that B Use Classes, sui generis Uses associated with B Use Class activity and supportive ancillary Uses will be supported. However, Policy EC1 also highlights that a number of sites have been specifically allocated for employment development and these are listed in Appendix B to the Local Plan. The site is listed as allocated Employment Site E12, with a specific preference for B1a, B1b and B1c Use Classes. This preference for 'light industrial' uses reflects the character and sensitivity of the surrounding area and the need to steer the type of employment development provided in these areas.

- 7.2.3 The applicant initially sought permission for B1, B2, and B8 Uses, however, Officers highlighted that such a scheme would be contrary to Policy. The applicant did not agree with this interpretation and pointed to the granting of a previous permission ref.: TWC/2015/0386 as setting a precedent for the granting of B1, B2 and B8 Uses on the site. Officers explained that this was granted under a previous Local Plan Policy context which is no longer relevant and the current Local Plan should be given full weight.
- 7.2.4 In discussions with the Applicant, it was highlighted to Officers that the Town and Country Planning (Use Classes) Order 1987 (as amended) permits the Change-of-Use of B1 Uses measuring less than 500 sq. metres in floor area to a B8 Use under Permitted Development. Case Law confirming this fall-back position as a 'material consideration' has also been provided. Following discussions with the Council's Planning Solicitor, officers have agreed that notwithstanding the preferred Uses listed in Appendix B, an application for B1 and B8 Uses can be supported and in response, the Applicant has agreed to omit the B2 (General Industrial) Use Class from the application.

7.3 Highways Issues

- 7.3.1 The application also includes an amendment to the site layout to provide all vehicular access from Hadley Park East to the south, thus avoiding the need to utilise the existing access onto Silkin Way which was not considered suitable to accommodate HGV usage. Accordingly, no vehicular access will now be provided from Silkin Way, thus avoiding the need to pass the existing commercial buildings located to the west of the site.
- 7.3.2 The Council's Highway Officer has considered the reconfigured layout and access arrangements and is satisfied that they meet the necessary technical requirements to allow HGV's and tankers to access, park and manoeuvre within the site and provides sufficient arrangements for the loading/unloading of goods.
- 7.3.3 It is noted that many of the representations received in respect of this application raise concerns regarding the impact upon the highway network. The previous application contained a Transport Assessment which demonstrated that the proposal could be satisfactorily accommodated and this position was accepted by Highways Officers. This application is accompanied by a Technical Note which considers the potential impact of introducing B2 and B8 Uses to the development. The Technical Note concludes that the findings of the original assessment in relation to trip generation continue to apply, as B2 and B8 Uses typically generate lower trip rates than B1 Uses. Accordingly, the note concludes that on the basis of the updated traffic generation assessment, the proposal could still be accommodated by the local highway network.
- 7.3.4 Members are reminded that the previous application secured a financial contribution of £106,161.72 towards strategic highways infrastructure improvements within the vicinity of the site, however, as this has already been

paid by the applicant as part of the land purchase it does not need to be secured again.

- 7.3.5 On the basis of the above information, Officers remain satisfied that the proposal continues to satisfy the requirements of local plan policies C3, C4 and C5.

7.4 Design and Layout

- 7.4.1 No changes to the design of the units are proposed. The layout change will see an access road provided through the centre of the site which has required the tanker fill area to be relocated to the rear of the petrol station shop. The relocation of the tanker fills will ensure that appropriate separation distances are maintained from the children's day nursery to the south west of the site. On this basis, the Council's Environmental Health Officer raises no objection to the amended layout.

7.5 Noise and Amenity

- 7.5.1 B1 (Light Industrial) and B8 (Storage and Distribution) uses are less likely to generate large amounts of noise, disturbance, dust or vibrations than B2 Uses, therefore officers are satisfied that the addition of B8 Uses to the permission will not materially alter the impact those emissions would have upon adjacent buildings and uses. Officers are mindful that the Travelodge Hotel is located immediately to the east, with little in the way of boundary treatment to screen the development, therefore it is considered necessary to re-impose a condition restricting the hours of operation for Units 5 and 6 which are nearest to the hotel. Operations at those units will therefore be limited to 0600 to 2200 on any day.

- 7.5.2 The Council's Environmental Health Officer has requested that a Condition is imposed requiring Noise Assessments to be carried out on each individual premises prior to occupation, however, given the nature of the proposed Uses as B1 and B8, the fact that the site is located within a Strategic Employment Area and taking into account the proposed hours restrictions described above, officers do not feel that such a request would meet the relevant tests of being necessary or reasonable. It is therefore, not considered that further individual noise assessments could be justified in this instance.

- 7.5.3 It is considered that the nature of the proposed B1 and B8 Uses will respect the character and appearance of the surrounding area and will not adversely affect adjacent land users and therefore complies with Policy BE1.

7.6 Trees and Ecology

- 7.6.1 Whilst no significant amendments are proposed to trees or landscaping on the site, an amended landscaping plan will need to be submitted to satisfy Local Plan Policy NE2.

7.6.2 The application has again been reviewed by the Planning Ecologist who raises no objections subject to conditions requiring the submission of an Ecological Mitigation Strategy and Method Statement and details of artificial nesting/roosting boxes to be installed. The proposal will not harm any wildlife habitats or protected species on site and will comply with the requirements of Local Plan Policy NE1.

7.7 Other Matters

7.7.1 Parish Council Comments: It is noted that the Parish Council have raised a number of concerns in relation to the application, however, Members are reminded that the principle of the development has already been agreed through the granting of TWC/2017/0427. This application seeks to include a B8 Use Class and includes alterations to the access provision and layout. All other aspects, including unit designs, sizes and positions remain as approved.

7.7.2 The Parish Council refer to concerns about noise disturbance at the site and these have been addressed in Section 7.5 above. Notwithstanding the hour's restrictions on Units 5 and 6 it is not considered that further hour's restrictions are necessary given that the units are enclosed and no outdoor storage areas are proposed. A Condition will be imposed preventing the use of outdoor storage.

7.7.3 The Parish Council also refer to the position of the drive-thru unit which they suggest will result in the loss of views of Hadley Park Windmill from the A442 Queensway and Hadley Park Roundabout. As a solution they suggest the unit is repositioned further into the site to reduce the visual intrusion. Whilst officers note these concerns, this aspect of the scheme has already been approved and is not the focus of this application. It should, however, be noted that the unit concerned will rise to 5.9 metres, dropping to 3.8 metres to the rear and is not considered to constitute a significant visual intrusion across the front of the site.

7.7.4 The Parish Council also contend that the proposal is contrary to Policy EC2 as it is not located within a sustainable or accessible location. However, the site has been allocated in the Local Plan as an Employment Site and the principle of the location of the development has already been established. Furthermore, supporting para. 4.1.2.1 to Policy EC2 advises that this policy only applies to employment development on windfall sites, and not specifically allocated sites such as the development site. Accordingly, this policy is not relevant to the determination of this application.

7.7.5 Whilst several concerns have been raised regarding the impact upon the highway network, this has been considered in Section 7.3 above.

7.7.6 Finally, the Parish Council considers that the proposal will cause real and lasting harm to local historical features such as the Grade II Listed Hadley Park Windmill. Officers commented on a recent application for a nearby site (under ref.: TWC/2018/0757) that the setting of the windmill had already been compromised by recent commercial development which has taken place

within the surrounding area. As a result, views of the windmill are compromised by developments such as Staubli House to the west of the site, meaning that it can now only be appreciated at close quarters. The Parish Council highlight that many of the surrounding developments have been approved without consultation with the Council's own Conservation Officers. Whilst these concerns are noted, the fact remains that permission for the commercial development on this site has already been granted and could still be implemented by the applicant. Nevertheless the Council as Local Planning Authority have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact upon the Listed Buildings. In this instance, Officers are mindful that the site is separated from the windmill by the existing Staubli House development and three additional commercial buildings and is not viewed within the immediate setting of the asset, although more distant views will incorporate the development. Accordingly, Officers consider that any impact would be 'minor' and 'less than substantial' and clear and convincing justification for the harm identified 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 as required by para. 196 of the NPPF therefore concludes that the benefits of the development are significant and outweigh the less than substantial harm to assets as identified. The proposal therefore satisfies the requirements of Policy BE4 and the NPPF.

7.7.7 Environment Agency Comment: Finally, the Environment Agency have commented that the submitted Fuel Storage Risk Assessment fails to provide full assurance that the risks of pollution are fully understood. Concerns have been raised regarding the provision of underground fuel tanks and further information has therefore been requested in the form of a Preliminary Risk Assessment, justification for the use of underground storage tanks and evidence that where tanks will be provided below the water table, techniques to protect the water environment have been considered. This information will be requested as a Condition of any permission granted.

8.0 CONCLUSIONS

8.1 The proposed development is acceptable in principle, given that it will provide employment uses on an allocated employment site within the Strategic Employment Area. The proposed addition of B8 Uses to the development can be accommodated by the local highway network and will not have an adverse impact upon the amenities of adjacent land users. The minor alteration to the layout resulting from the amended access provision will not materially alter the appearance of the development.

8.2 The development will generate employment and inward investment within the Borough and is therefore of significant benefit to the local economy and will also provide supporting services to nearby employment uses in the form of a petrol station, shop and drive-thru unit. The proposal will represent a sustainable form of development and will continue to meet the requirements of the Telford & Wrekin Local Plan and the NPPF.

9.0 RECOMMENDATION

- 9.1 Based on the conclusions above, the recommendation to the Planning Committee is to **GRANT PLANNING PERMISSION** subject to the following Condition(s) and Informative(s) (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

Condition(s)

Time Limit
External Materials
Site Environmental Management Plan
Technical Access and Footway Details
Drainage Details
Surface Water Treatment
SUDs Management Plan
Landscaping
Cycle Parking Details
Ecological Reasonable Avoidance Measures Method Statement
Parking, Loading, Unloading and Turning
Visibility Splays
Facilities for Storage of Oils, Fuels or Chemicals
Testing of Imported Soil
Nesting/Roosting Boxes
Extraction Equipment
Floodlighting Details
Approved Plans
Restriction Petrol Station Delivery Hours
Operating hours for Units 5 and 6
No Outdoor Storage
Additional Fuel Storage Risk Assessment Details

Informative(s)

Nesting Wild Birds
Petroleum Storage Certificate
Conditions
Reason for Grant
Approval - National Planning Policy Framework