

TWC/2018/0600

Land East of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire
Variation of conditions 7 and 8 of planning permission TWC/2017/0905 to allow a variation of working hours between 0800 and 1930 hours on weekdays and 0800 and 1300 hours on Saturdays with no working or activities on Sundays or Public Holidays ***AMENDED DESCRIPTION RECEIVED***

APPLICANT

Telford & Wrekin Council

RECEIVED

20/07/2018

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

1. SUMMARY RECOMMENDATIONS

1.1 Full Grant subject to Conditions and Informative(s).

2. APPLICATION SITE

2.1 The Hortonwood West Development site is situated outside, but adjacent to the Telford Urban Area as defined in the adopted Development Plan. Queensway (A442) forms the site's southern boundary and links the site to the M54 motorway, the A518 and A5.

2.2 The application site, Phase 4, forms the north eastern part of Hortonwood West, one of the Council's Strategic Employment Areas.

2.3 There are trees and hedgerows to the application site's north eastern and north western boundaries and in small areas across the site. A bund across the northern boundary runs adjacent to Wheat Leasows. The bund has been provided via a Condition attached to Outline Planning Permission ref.: TWC/2015/1064 and has been partially landscaped to date with the remaining landscaping awaiting completion.

3. APPLICATION DETAILS

3.1 This application proposes the Variation of Conditions 7 and 8 pursuant to Reserved Matters Consent TWC/2017/0905, which granted permission for 2No. industrial buildings (consisting of 15No, individual units) on Phase 4 of the Hortonwood West Development Site.

3.2 Condition 7 of Reserved Matters Application TWC/2017/0905 restricted operational hours to 0800 and 1800 on weekdays and 1800 and 1300 on Saturdays.

3.3 Condition 8 of Reserved Matters Application TWC/2017/0905 restricted the operation of machinery, processes and deliveries to/despaches from the site to hours between 0800 and 1800 on weekdays and 1800 and 1300 on Saturdays.

- 3.4 The applicant proposed the original hours of operation as part of the Reserved Matters Application to address Condition A39 in the Outline Planning Permission ref.: TWC/2015/1064. However, since receiving planning permission and marketing the units that comprise Phase 4, the applicant has discovered that the restriction in operation hours has deterred potential occupiers.
- 3.5 As a result, the applicant is now proposing to extend the permitted hours of operations, machinery, processes, deliveries to and despatches from the site until 1930 on weekdays to improve the marketability of the business premises. There is no change proposed to weekend restrictions.

4. PLANNING HISTORY

- 4.1 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. metres of general industrial / warehouse and distribution floor space (Use Classes B8 and B2) with ancillary floor space 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. metres and Unit 10: 3,156 sq. metres) with ancillary office accommodation (Use Classes B2, B8 and B1) along with site-wide infrastructure works (access, drainage, earthworks and strategic landscaping - Full Granted - 08 July 2016
- 4.2 Removal of Condition application TWC/2016/0955 - Removal of Conditions A33 and B35 of TWC/2015/1064 to remove BREEAM Standards - Full Granted - 22 December 2016
- 4.3 TWC/2017/0011 - Reserved Matters application for the erection of 1No. Industrial Unit (Unit 6) to include access, appearance, landscaping, layout and scale in pursuant to Outline Application TWC/2015/1064 - Reserved Matters Granted - 07 April 2017
- 4.4 TWC/2017/0690 - Reserved matters submission for partial development of Plot B (Units 3,4 & 5) attached to Hybrid planning approval TWC/2016/0955 for erection of an industrial development to manufacture plastic products with associated storage, office, staff and technical facilities, storage silos, external storage, parking and circulation space, landscaping, fencing and associated engineering works - Full Granted - 31 October 2017
- 4.5 TWC/2017/0905 - Reserved Matters planning application for the erection of 2No. industrial units comprising of 15No. individual units (Use Classes B1, B2 and B8) - Full Granted - 19 January 2017

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)

5.2 Telford & Wrekin Local Plan 2011-2031

6. NEIGHBOUR REPRESENTATIONS

6.1 Nine representation(s) have been received raising the following comments/concerns:

- An extended opening time until 9pm will increase overlooking and loss of privacy;
- Security lighting and normal occupancy lighting will operate much later in the evening;
- Increase in noise and light pollution;
- The bund has not been landscaped and the trees which have been planted have been allowed to die;
- The Council should have been transparent about open about the working hours at the time of the Reserved Matters Application;
- Construction vehicles are operating on site between 0700 and 1900;
- The servicing yards will be 40 metres from the boundary and will have a huge impact on quality of living for residents in Wheat Leasows;
- Industrial units should not be given any extension of working hours until the bund and been landscaped and completed;
- Abattoir is causing a nuisance through noise and odours.

6.2 In response, the Applicant has advised that the bund is under construction and has been completed in terms of its formation along the rear of the new units on Plot 2 (Phase 4) and across the rear of Plot 1 and although it has yet to be planted up, this is programmed for the end of March 2019. Semi-mature trees are to be planted on the top of the bund which will screen the units from the residential units along the lane both visually and also in terms of noise.

6.3 The remainder of the bund will be formed once the construction of Plot 1 commences in order to minimise material being taken off site. Soil from the construction sites is being used to form the bund.

7. STATUTORY REPRESENTATIONS

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

- At the time of the original application (TWC/2015/1064) the Hortonwood West site was classified as rural;

- The Outline Application identified the site of the current application as Plot A and the committee report identified that the residential properties situated along Wheat Leasows were the most likely to be impacted, with the main impacts being noise, disturbance and visual;
- Outline Consent was granted subject to development being in accordance with the approved Parameters Plan, Illustrative Masterplan or Illustrative Cross Sections (Condition 37) and the Applicant providing hours of operation at Reserved Matters stage (Condition A39);
- Planning consent TWC/2017/0905 marked a significant departure from the Approved Plans;
- The proposal will result in increased light and noise nuisance.

7.2 Horton Action Group: **Object:**

- The Applicant's documentation is misleading and contains errors and omissions;
- No timescale has been provided regarding the promised landscaping of the bund - therefore the actual visual impact of the development is far greater;
- Building contractors are not adhering to the Planning Conditions restricting Construction Hours on site.

7.3 Shropshire Fire Service: No **Comment**.

8. APPRAISAL

8.1 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:

- Principle of Development
- Impact on Residential Amenity

8.2 Principle of Development

8.3 The principle of development and industrial use has been established through the approval of the Outline Consent ref.: TWC/2015/1064 and the principle of the site layout with 2No. industrial buildings comprising 15No. individual units was established under reserved matters application TWC/2017/0905, where the layout was considered and deemed to be compliant with the Parameters Plan referenced under Condition A37 in the Outline Consent.

8.4 Impact on Residential Amenity

- 8.5 Policy BE1 (xi) of the Local Plan states that the Council will support development where it demonstrates that there is no significant adverse impact on nearby properties by noise, dust, odour or light pollution. The scope of this application is to determine the impact of the additional working hours proposed by the applicant. This equates to an additional period of 1.5 hours between 1800 and 1930 on weekdays only.
- 8.6 The applicant has advised that the hours of operation they proposed as part of the Reserved Matters Consent has proved counterproductive to attracting new businesses to occupy the units and potential occupiers have advised they would be more amenable to occupying the units if there was flexibility built in for more flexible working hours as and when needed.
- 8.7 As part of the original Outline Consent a landscaped bund was approved to mitigate noise, light and visual impacts of Hortonwood. The bund runs along the northern boundary of Hortonwood Strategic Employment Area and stands between the 2No. industrial buildings in Phase 4 and the residential properties situated along Wheat Leasows. Whilst planting of this bund has begun it has not yet been completed and therefore it has not yet fulfilled its long term mitigation objectives for the residents of Wheat Leasows.
- 8.8 The applicant originally proposed to extend operating hours from 0730 to 2100 for Conditions 7 and 8. The Local Planning Authority requested the applicant to reduce these to the timings now proposed as none of the end users are currently known and Phase 4 is located in the closest proximity to residential properties surrounding Hortonwood.
- 8.9 Under the Outline Consent, Condition A14 required a Noise Assessment be undertaken prior to the development of the industrial units across Hortonwood when it was understood that the Phases would come forward with a specific end user in mind. Unlike other phases that have gained Full planning consent to-date, when the reserved matters came forward for Phase 4, no end user was identified due to the units catering for up to 15No. small business and start-ups.
- 8.10 In light of the proposed Variation to hours of operation, and in order to manage the impact of future commercial occupiers on residential properties along Wheat Leasows, it is now necessary to replace the Condition requiring a Noise Assessment prior to development with a Condition requiring a Noise Assessment from future occupiers prior to occupation of any of the 15No. premises. Through this mechanism the Council will be in a position to assess the likely impact of each business on public health and agree mitigation as appropriate on a case by case basis.
- 8.11 Given the long term prospects for the completion of the landscaped bund and the positive benefits this is designed to have on mitigating visual, light and noise impacts generated by development within Hortonwood alongside the inclusion of a condition to assess the impact of individual business wishing to

occupy the units, the Local Planning Authority is of the view that the proposed Variation of Condition is consistent with Policy BE1 (xi) of the Local Plan.

9. CONCLUSION

- 9.1 The principle of the development has been established through an outline consent. The principle of the buildings and site layout has been established through reserved matters consent. The proposed additional hours of operation and deliveries to/despaches from the site are considered acceptable given the level of mitigation that the landscaped bund can offer once completed and given the inclusion of a condition to assess the noise impact of future commercial occupiers. Consequently the application is considered to be compliant with local and national planning policy. The proposal is therefore deemed to be compliant with the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF.

10. DETAILED RECOMMENDATION

- 10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application 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:

Time Limit - Reserved Matters

Development in Accordance with Deposited Plans

B089 Noise Assessment

D11 Hours of Operation

D12 Hours of Lorry Operation

I40 Conditions

I41 Reason for Grant of Planning Permission

I32 Fire Authority