

TWC/2023/0048

Dale Brothers UK Ltd, Hortonwood 67, Hortonwood, Telford, Shropshire, TF1 7GU
Demolition of existing portacabin office and security buildings and erection of new
Offices and Storage Warehouse (B1 and B2, B8 Use) including external forklift ramp
and car parking ****AMENDED PLANS SUBMITTED****

APPLICANT

Dale Brothers UK Ltd

RECEIVED

25/01/2023

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

**THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS
THE PROPOSAL IS A MAJOR DEVELOPMENT AND FINANCIAL
CONTRIBUTIONS ARE REQUIRED**

Online planning file:

<https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2023/0048>

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 a Section 106 Agreement to secure Financial Contributions, Condition(s) and Informative(s).

2.0 SITE AND SURROUNDINGS

2.1 The site subject to this application is located within Hortonwood, a predominantly industrial area. Hortonwood is designated as a Strategic Employment Area (SEA) under the Telford & Wrekin Local Plan 2011-2031. The site is located on the junction of 'Hortonwood 67' and 'Hortonwood 65' and is bound by metal palisade fencing.

3.0 APPLICATION DETAILS

3.1 This application seeks Full Planning Permission for the demolition of existing portacabin office and security buildings and the erection of new offices and storage warehouse (B1 and B2, B8 Use) including external forklift ramp and car parking.

3.2 The office and warehouse building is proposed to be located towards the Eastern boundary of the site and will result in a number of existing portacabin buildings on the site being demolished. Along with this building, the Applicant is also proposing an external forklift ramp (which will be attached to the building) and additional car parking, which will be located adjacent to the proposed buildings.

The office/warehouse building will be constructed in a varying pallet of

materials, including metal cladded panels for the walls and roof, aluminium powder coated windows and doors and powder coated rainwater goods.

4.0 RELEVANT HISTORY

- 4.1 TWC/2022/0535 – Erection of 4no. 8m high columns with 3no. floodlights on each column (Retrospective) – Pending Consideration
- 4.2 TWC/2017/0542 – Erection of a single storey office/welfare building – Full Granted on 02 August 2017
- 4.3 TWC/2014/0282 – Change-of-Use from grazing land to haulage yard (Sui Generis) – Full Granted on 01 August 2014

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:

National Planning Policy Framework (NPPF)

5.2 Local Development Plan:

Telford & Wrekin Local Plan (TWLP):

SP1 Telford
SP4 Presumption in Favour of Sustainable Development
EC1 Strategic Employment Areas
NE1 Biodiversity and Geodiversity
C3 Impact of Development on Highways
C5 Design of Parking
BE1 Design Criteria
BE10 Land Contamination
ER1 Renewable Energy
ER9 Waste Planning for Commercial, Industrial and Retail Developments
ER11 Sewerage Systems and Water Quality
ER12 Flood Risk Management

6.0 SUMMARY OF CONSULTATION RESPONSES

6.1 Local Member & Town/Parish Council Responses:

Comments received from statutory consultees can be viewed in full on the planning file, but key points have been summarised as follows:

- 6.2 Hadley & Leegomery Parish Council: **Object:** on the grounds of ecology, layout, residential amenity, social, light pollution. Committee took into account previous breaches of Condition(s) from previous planning application including fumes and washing lorries.

6.3 Standard Consultation Responses:

6.4 Ecology and Drainage: **Support subject to Condition(s)**

6.5 Highways: **Support subject to Condition(s)**:

- in addition to recommended Condition(s) and Informative(s), a Section 106 Contribution of £3,000 towards the potential implementation of parking restrictions in vicinity of the site is required.

6.6 Shropshire Fire Service: **Comment**: Consideration should be given to advice provided in Shropshire Fire and Rescue Service's 'Fire Safety Guidance'

6.7 Cadent Gas: **No Objection**

6.8 Environment Agency: **No Objection**

6.9 Environmental Health: **Support subject to Condition(s)**

7.0 SUMMARY OF PUBLIC RESPONSE

7.1 A full consultation exercise was undertaken when the application was first submitted. Following on from this, a further consultation was undertaken when the Applicant submitted amended plans. In response to these two consultation exercises, sixty-one objections have been received. However, it is highlighted that these include multiple comments received from the same individual, numerous objections from individuals living at the same address and the same objection letter being submitted by numerous residents. Notwithstanding this, the objections received raise the following concerns:

- the 10% increase in business volume which has been stated by the Applicant is likely to be underestimated and not a true reflection of the proposal;
- the proposal will have a detrimental impact upon the amenity of neighbouring properties by way of noise and pollutions (light and fumes);
- the proposal will have a detrimental impact upon the amenity of neighbouring properties by way of 24hr working on the site;
- the proposal will have a detrimental impact upon the adjacent highway network;
- any approval should include robust conditions regarding the use of electrical hook-ups for trailer refrigeration, the use of electrically powered handling equipment, the erection of acoustic fencing, landscaping details and a lighting plan;
- the submitted Noise Report is not sufficient not adequate and does not consider what the noise position will be post construction;
- Applicants are already in breach of existing planning Conditions on the site and are being investigated for planning breaches;
- Applicant did not engage in pre-application advice discussions prior to submitting the application.

8.0 PLANNING CONSIDERATIONS

8.1 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
- Site Layout, Scale and Design
- Impact on Neighbouring Properties/Adjacent Uses
- Highway Impacts
- Other Matters

8.2 Principle of Development

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. The Development Plan comprises the Telford & Wrekin Local Plan (TWLP) which was adopted in January 2018. The National Planning Policy Framework (NPPF) is also a material planning consideration.

8.3 The site is located within the Strategic Employment Area (SEA) of Hortonwood. Policy EC1 of the Telford & Wrekin Local Plan 2011-2031(TWLP) outlines that within these areas, the Council will support uses which fall within the 'B' Use Classes and any 'Sui Generis' Uses which are considered to support the function of the SEA.

8.4 In this instance, the Applicant has occupied the site since approximately 2014, where a Change-of-Use of the site from grazing land to a haulage yard was approved by the Local Planning Authority. Dale Brothers, who occupy the site, provide heavy goods transportation of fresh products from suppliers to customers within the UK and Europe. The proposed application would not change the use of the site, but would allow the current users of the site to upgrade their facilities and continue to operate from the site.

8.5 Officers therefore raise no objections to the principle of a new offices/storage warehouse being constructed on the site, subject to all technical constraints being adequately addressed.

8.6 Site Layout, Scale and Design

Policy BE1 of the TWLP outlines that developments should respect and respond positively to its context and should enhance the quality of the local built and natural environment.

8.7 The submitted plans have been amended throughout the application process at the Applicant's request, resulting in a smaller building now being proposed. The proposed building will be two stories high (maximum height of 11.7 metres) and will comprise of a 2238 sq. metres office (incl. toilets and kitchens for staff use) and boardroom/training spaces and a warehouse measuring 1172 sq. metres. The building will be located adjacent to the Eastern

Boundary of the site with a number of new parking space proposed to the front and side of the building. Upon carrying out a site visit, Officers note that the building would be of comparable scale to other units within the surrounding area, highlighting that buildings within Hortonwood are generally large in scale due to their industrial use. The submitted plans demonstrate that the site is of adequate size to accommodate the proposed building, external forklift and car parking spaces, without appearing as cramped. The scale of development is therefore considered to be acceptable.

- 8.8 In respect of the layout of the site, the building has been sensitively located on the Eastern boundary of the site, where it will be set back significantly from the adjacent highway and will create a focal-point on the site, where there currently is not one. The layout of the site allows movement throughout in respect of vehicles and is therefore considered to be acceptable.
- 8.9 The units will be constructed in Kingspan RW cladding panels for the walls and roof, powder coated aluminium windows and doors and powders coated rainwater goods. All of these materials are present within, and heavily used within the immediate area and as such, are considered to be appropriate. The overall design of the building is industrial in character and is considered to respect and respond positively to their setting and the wider character of the Hortonwood area.
- 8.10 The Applicant has confirmed their intention to install solar panels on to the roof of the building. Further investigations are required in order to ascertain the best position on the building for these and as such, Officers will request full details of these (location and specification of the proposed panels) via Condition.
- 8.11 The building has been designed in order to have a positive impact upon the wider streetscene and as such, are considered to be in accordance with Policy BE1 of the Telford & Wrekin Local Plan 2011-2031.

8.12 Impact on Neighbouring Properties/Adjacent Uses

Policy BE1 of the Telford & Wrekin Local Plan 2011-2031 outlines that the Council will support development which demonstrates that there is no significant adverse impact on nearby properties by noise, dust, odour or light pollution or that new development does not prejudice or undermine existing surrounding uses.

- 8.13 In relation to the impact that the proposal will have on the amenity of neighbouring residential properties, it is highlighted that there are a number of residential properties which lie to the North-West of the site. These residential

properties (3, 4 and 5 White Row) are in excess of 200 metres away from the proposed building.

- 8.14 As summarised within this report, a large volume of objections have been received from the owner/occupiers of residential properties located in Horton. The primary objection raised within these comments are based on the impact that the proposal will have on the amenity of neighbouring properties by way of noise, vibrations and pollution (both in respect of fumes and lights). The Local Planning Authority have received complaints outside of this application, regarding the operation of the site and the noise generated by the business, which are actively being investigated by both the LPA and the Council's Environmental Health Team. As these relate to the existing operation of the site and the Condition(s) attached to the previously approved TWC/2014/0282, these will be dealt with outside of the remit of this application. For transparency, the LPA have recently served the applicant with a Breach of Condition Enforcement Notice in regards to the use of the lorry wash on the site. However, previous enforcement action on a site cannot form a reason for refusal on current/future applications.
- 8.15 This application is only seeking the erection of a new office and warehouse building and as such, the current way that the Applicants operate the site is not being assessed as part of this application. Officers are only assessing the impact that this proposed building, external forklift and additional car parking will have on the amenity of neighbouring properties.
- 8.16 In respect of the proposed office/warehouse building and the external fork-lift which will be attached to it, the Applicant has submitted a Noise Report to assess the potential impacts that this building will have on the amenity of neighbouring properties. The submitted report concludes that the noise climate at the nearest NSRs (Noise Sensitive Receivers) is driven by distant traffic movement and industrial noise by day, and acknowledges that at night, the noise generated largely comes from the Dale Brothers site. It is further acknowledged that the existing chillers on the site do generate a constant hum which drives the noise levels at the nearest NSR(s) at night.
- 8.17 The submitted Noise Report concludes that the proposed development is unlikely to increase ambient and/or background noise levels at the NSRs at any time of day throughout the week. Events from fork lift trucks striking the levelling ramps may be just audible at the NSRs and so it is recommended that measures are put in place to reduce this noise as much as possible prior to completion of the building. The Environmental Health Officer agrees with this approach and has recommended Condition(s) which include the dampening and the installation of sound absorbent materials on the levelling ramp (to reduce noise and plate vibration) and the installation of acoustic installation on all buildings, activities and associated plant/equipment.
- 8.18 Whilst it is not envisaged that following the installation of the above mitigations measures, the noise created by the proposal will be audible, further measures such as the adjustment of truck tyres and truck speeds may

be undertaken in order to further reduce the noise level to the point where it is inaudible at the nearest NSR.

- 8.19 To minimise the overall noise impact of the site, it has been outlined that all trailers with active chillers should ideally be parked/positioned in such a way as to obstruct line of sight between the chiller plant and the NSRs. This can be achieved by ensuring that non-active chiller trailers are parked so as to create noise barriers between the chiller plant and the NSRs. This has been reflected within the submitted site layout plan and all refrigeration plant associated with the chill storage building will be positioned on the eastern side of the building to ensure they are not audible at the NSRs, due to significant acoustic screening provided by the building itself.
- 8.20 It is highlighted that following receipt of this noise report, the Council requested an Independent Review of the report from an Environmental Health (EH) Consultant, who confirmed that the submitted report considers the noise impact on neighbouring properties post completion and agrees with the conclusion of the report. The comments provided by the independent EH Consultant were then reviewed by the Council's EH Officer who has significant knowledge of the site. This Council Officer further confirmed that the comments provided by the Independent EH Officer were correct and agreed with their recommendations. The LPA are therefore satisfied that the submitted noise report has been thoroughly reviewed by two, separate professionals and Officers therefore have no reasons to consider that the application should be refused on the grounds of noise pollution.
- 8.21 A number of neighbours have requested that Condition(s) are attached to any approval which requires the use of electrical hook-ups for trailer refrigeration, the use of electrically powered handling equipment, the erection of acoustic fencing and the planting of additional landscaping around the site in order to minimise noise. The Local Planning Authority are only able to include Condition(s) on an approval where they meet the six tests outline within the NPPF – necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects. Officers do not consider that a Condition which requires the use of electrical hook-ups for trailers or the use of electrically powered handling equipment to be reasonable given the outcome of the noise report or robustly enforceable. Furthermore, it is not considered that the LPA are able to request that the Applicant incorporates a landscaping scheme into the application, as this is not considered to be reasonable given the outcome of the Noise Report.
- 8.22 Given the conclusion of the submitted Noise Report and the robust reviews of this document by noise specialists, Officers do not consider that the proposal would have a significantly detrimental impact upon the amenity of neighbouring properties by way of noise or vibrations following the implementation of the recommended mitigation measures.
- 8.23 As the proposed car parking is located towards the Eastern boundary of the site (approx. 200 metres away from the properties on White Row) and given the nature of this element, Officers are satisfied that these additions to the site

will not have a detrimental impact upon the amenity of neighbouring properties. Due to the distance separations present, the proposed office/warehouse building will not have a detrimental impact in respect of overlooking, loss of privacy or overbearing impact.

- 8.24 A number of comments have been received from the owners/occupiers of neighbouring properties regarding the lack of pre-application advice and the Applicants lack of direct engagement with neighbours. Whilst these concerns are noted, these could not warrant the refusal of the application. Whilst the LPA do offer a pre-application advice service, there is no obligation for developments to utilise this prior to the submission of a formal planning application. Similarly, there is no requirement in planning legislation for the Applicant to engage with residents directly.
- 8.25 The concerns which have been raised in relation to the 24-hour operation of the site and the impact that this will have on the amenity of neighbouring properties. Officers would reiterate that this application does not seek to change the use of the site and the applicant is solely applying for the erection of an office/warehouse building, external forklift and additional car parking. When the use of the site was approved in 2014, no conditions restricting the operational hours of the site. As such, the applicants are able to operate the site on a 24 hour basis in accordance with this approval, without any further input from the Local Planning Authority. It is considered that given no change of use is being applied for, it would be unreasonable for the LPA to restrict working hours on the site as part of this application.
- 8.26 The proposal is therefore deemed to be in accordance with Policy BE1 of the Telford & Wrekin Local Plan 2011-2031.

8.27 **Highway Impacts**

In relation to the impact that the proposal will have on car parking provision and the wider highway networks, the Local Highways Authority have reviewed the submitted documentation (including a Transport Statement) and have supported the scheme subject to Condition(s) and Informative(s) being placed on any forthcoming approval. The proposal would not affect the existing access to/from the site and the additional parking provision is considered to be in a useable and practical position on the site.

- 8.28 In respect of the impact that the proposal will have on the wider highway network, the Local Highways Authority have requested a financial contribution of £3,000 towards the potential implementation of parking restrictions in vicinity of the site. When carrying out a visit to the site, it was noted that there were a number of trailers parked on the adopted highway, which Officers would be keen to avoid happening in the future to maintain a safe flow of traffic on Hortonwood.
- 8.29 Should this development come forward, the Local Highways Authority will monitor the interaction of traffic directly associated with the establishment and the parking along Hortonwood 65 and 67. Should an issue become apparent

during the 3-years following completion of the extension works then the contributions shall be used to mitigate any issues associated with the traffic associated to the development. The requested Section 106 monies are to be paid upon the completion of the extension works, indexed and any unspent monies after 3-years refunded to the Applicant.

8.30 In light of the above, Officers are satisfied that there are no technical highways reasons which would warrant the refusal of the application.

8.31 **Other Matters**

The Council's Drainage and Ecology Teams have been consulted and have supported the scheme subject to Condition(s) and Informative(s). The proposal is therefore deemed to be compliant with policies NE1, ER9 and ER11 of the TWLP. A number of local residents have commented on the need for a lighting plan to be submitted for assessment by the LPA. This is commonly conditioned and as such, considered this approach to be appropriate in this instance.

8.32 A Contaminated Land Report has also been submitted as part of this application, which has been reviewed by an Independent EH Consultant. This Report confirms that since the site has been used as a haulage depot, hardstanding has been present across most of the site since this Use, reducing any impact surface contamination will have on the underlying ground. Notwithstanding this, the EH Consultant has recommended a condition regarding the submission of a Mine Gas Risk Assessment/Watching Brief and an Informative regarding the water supply pipe to the site. Officers consider these to be appropriate.

8.33 There are therefore no technical reasons to warrant the refusal of the application.

9.0 **CONCLUSIONS**

9.1 The proposed development is considered to be acceptable, given that the site is located within the Strategic Employment Area and would allow an established business to continue operating from the site. The proposed scale and design of the office/warehouse building is considered to respect and respond positively to their industrial setting and would not have an over-bearing or out-of-place presence within the streetscene. It is considered that due to the location of the proposal and the nature of their uses, the proposal will not have a significantly detrimental impact upon the amenity of neighbouring properties. There are no technical issues that would warrant the refusal of the application. 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, subject to a Section 106 Agreement, Condition(s) and Informative(s).

10.0 **RECOMMENDATION**

10.1 Based on the conclusions above, it is recommended that **Delegated Authority** be granted to the Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** (with the authority to finalise any matter including Condition(s), Legal Agreement Terms, or any later variations) subject to the following:

- A) The applicant/landowners entering into a Section 106 Agreement with the Local Planning Authority (subject to indexation from the date of committee with terms to be agreed by the Development Management Service Delivery Manager) relating to
 - i) Highway Monitoring (£3,000)
- B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

Condition(s):

A04	Time Limit
B029Cust.	Details of Proposed Solar Panels
B079Cust.	Attenuation Details
B080	Noise Insulation to Buildings/Plant and Machinery
B141a	Erection of Artificial Nesting/Roosting Boxes
B145	Lighting Plan
B049Cust.	Off-Site Highways Works
B089Cust.	Details of Sound Levelling Ramp Absorption Measures and Dampening
B089Cust.	Mine Gas Risk Assessment
B089Cust.	EH Watching Brief
C002	Materials as Submitted
C013	Parking, Loading, Unloading and Turning
C38	Development in Accordance with Deposited Plans
C091	Works in Accordance with Protected Species Survey
C091	Works in Accordance with Noise Report

Informative(s):

I06	Section 106 Agreement
I11	Highways
I17B	Coal Authority Low Risk Area
I25m	Nesting Wild Birds
I32	Fire Authority
I35Custom	Mud on Highway
I35Custom	Water Supply Pipe
I38	Cadent Gas
I40	Conditions
I41	Reasons for Grant of Approval
RANPPF2	Approval Following Amendments