

## **PLANNING COMMITTEE**

**10th April 2019**

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**Planning Application 19/00318/FUL**

**Change of Use of the existing property known as Premier House currently B1 / B2 Use Class to that of Sui-Generis Use Class, specifically Plant Hire , maintenance and sales, ancillary parking and fenced storage yard, along with a further vehicular access to Hewell Road and external storage yard**

**Units 1&2, Enfield Industrial Estate, Hewell Road, Enfield, Redditch, B97 6BG**

**Applicant: Mr M Dormer  
Ward: Abbey Ward**

**(see additional papers for site plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

### **Site Description**

The site is situated at the corner of Windsor Road and Hewell Road with vehicular access directly from Hewell Road. Premier House comprises two attached units with a combined floorspace of approximately 1200 square metres in area. The site falls within a Primarily Employment Area as defined within the Borough of Redditch Local Plan No. 4. A group of trees are situated within a landscaped area which exists between Premier House and Hewell Road. The trees are protected under the Borough of Redditch TPO No.164 (2016).

### **Background**

The applicant (Dormer Plant Hire) currently operates from 87-89 Evesham Road, Headless Cross with vehicular access to that site directly from Evesham Road to the west. The site is located to the north of the Evesham Road / Headless Cross Drive junction. The business, which currently employs 5 people wishes to re-locate from its existing location to the application site and seeks to expand. Between 10 to 12 staff are expected to be employed at the application site.

### **Proposal Description**

Planning permission is sought for a Change of Use of the existing property known as Premier House whose use currently falls within the B1 and B2 Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended) to that of a Sui-Generis use, specifically in this case for Plant Hire, maintenance and sales, ancillary parking, together with a fenced storage yard. A new, additional vehicular exit to the south of the existing access point is also sought together with minor external alterations to the existing brick built building.

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## **Relevant Policies :**

### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 16: Natural Environment

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 23: Employment Land Provision

Policy 24: Development within Primarily Employment Areas

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

### **Others**

NPPF National Planning Policy Framework (2019)

SPG Encouraging Good Design

SPG Designing for Community Safety

## **Relevant Planning History**

None

## **Consultations**

### **WCC Highways**

Comments summarised as follows:

The Highway Authority has concluded that there would not be a severe impact on the surrounding highway network and that therefore there are no justifiable grounds on which an objection could be maintained. No objections are raised subject to the imposition of appropriate highway conditions. Parking provision to serve the use would be acceptable.

The applicant is proposing a one way left out only exit, therefore a vehicular visibility splay is only required to the right on exit in-order to see oncoming vehicles. The applicant has now provided 85th%tile (27mph westbound & 28 eastbound) speeds via a speed survey in the vicinity of the proposed exit on Hewell Rd. The recommended vehicular visibility splay in accordance with the 85th%tile speeds is: 2.4m x 39m and the splay has been shown on site layout 1850.02F

### **North Worcestershire Water Management**

Comments summarised as follows:

From a flood risk perspective there are no objections to the development.

The car park should be appropriately drained and have appropriate pollution control measures to protect the adjacent Batchley Brook.

The car park should have an oil interceptor which is regularly maintained to avoid polluting the watercourse. An appropriately worded planning condition to this effect should be attached to any consent.

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### **Worcestershire Regulatory Services**

No objection

### **Arboricultural Officer**

Comments summarised as follows:

No objections are raised to the proposed development with regards to tree related issues. Mitigation for the loss of a small number of trees sitting within Group 2 (G2) of the Borough of Redditch TPO No.164 (2016) is required having regards to the loss of:

- \* 2x young Birch in fair condition
- \* 1x Semi mature Wild Cherry in fair condition but containing a large scar on its southern side
- \* 1x Western red Cedar in fair condition but again with a notable wound on the southern side.
- \* 1x Field Maple in good condition and fair form although its position and list towards the build make for an unsustainable position
- \* 1x Hornbeam on good condition and form with no notable defects

There is scope for some mitigation within the grassed area to the south west of Unit 2 where the Wild Cherry is proposed to be removed. Appropriate planning conditions to this effect should be attached to any consent.

### **Police Crime Risk Manager**

No objection

### **Public Consultation Response**

No comments received

### **Assessment of Proposal**

#### **Principle of development**

The site is within an area designated as a Primarily Employment Area in the Borough of Redditch Local Plan No.4 where the primary aim of Policy 24 is to maintain uses within Classes B1 (Business), B2 (General Industry) or B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to safeguard employment land.

The proposed plant hire use does not fall within the B1, B2, or B8 categories as set out under the above Use Classes Order, but neither does the use fall within any other defined use within the Order (such as A1 retail or D2 leisure for example). The category of use in this case is referred to as 'Sui-Generis' or 'of its own kind' or a use which is unique or different. Examples of Sui Generis uses include, amongst others: a scrap yard or a car show room. Many Sui-Generis uses sited within defined employment areas are compatible within such locations since they provide employment opportunities and are unsuited to many Town Centre or residential locations. Having regard to the proposed

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plant hire use, your officers are satisfied that the application site falling within the Enfield Industrial Estate is a suitable location for such a use and indeed a preferable location to that of the applicants current location which is situated within close proximity to residential uses and where goods vehicles access the site directly opposite a bus stop.

No objections are raised to the principle of the development for the reasons set out above.

### Highways, access and parking

The site currently accommodates 25 car parking spaces. The proposed use requires fewer spaces and as such, part of the existing car park to the rear of the site is proposed to be used for the storage of plant and materials within a fenced compound. A row of existing car parking spaces would be retained, with provision extended to accommodate further car parking such that 15 spaces to total would be provided for staff and visitors. Car parking provision is considered to be acceptable having regards to the particular nature of the proposed use.

The existing in/out vehicular (access/egress) point would be retained in its current form and a new 'one way' left out only exit would be created approximately 30 metres to the south-east from the main vehicular access. A traffic survey has been carried out and the highway authority are satisfied with its findings on the proviso that a vehicular visibility splay measuring 2.4 x 39m is provided to the right on exit in order that oncoming vehicles can be seen.

Given that visibility matters with respect to the proposed new 'exit only' point have been addressed and car parking provision would be acceptable, no objections are raised to the application on highway safety grounds.

### Tree matters

To facilitate the new 'exit only' point, a modest number of relatively small trees would need to be removed within 'group 2' of the Borough of Redditch TPO No.164. The Tree Officer is agreeable to their removal provided that new planting is introduced in mitigation for the loss and that retained trees are to be protected on site during construction of the new 'exit only' point. Conditions to this effect are recommended below.

### Perimeter fence

Much of the site is open to Hewell Road and the nature of the proposed business means that plant and equipment needs to be stored securely within a yard area. To this end, a dark green steel weld mesh security fence measuring 2.4 metres in height is proposed. Your officers are agreeable to the type of fence having regard to the impact of the fence upon the visual amenities of the area and its qualities in terms of security. Such fences are encouraged within the Councils SPG Designing for Community Safety and it is noted that the Police Crime Risk Manager has raised no objections to its use.

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### **Trade Counter proposal**

Minor external alterations are proposed to the elevation of Premier House which faces towards Hewell Road to the south-west. The alterations would introduce a shopfront entrance for Plant Hire Sales and act as a main entrance to the building. The changes are considered to be acceptable in design terms and would be partially screened by the trees protected by the Borough of Redditch TPO No.164.

As the site falls within an Employment Area, uses proposing primarily open retail sales as their main or only use (Class A1 of the Town and County Planning Use Classes Order) would not satisfy Policy 24 of the Borough of Redditch Local Plan No.4. However, established case law allows a floor area no greater than 10% of the total to be used for retail use in the form of a trade counter where the retail use of the building is clearly ancillary to the main use. In this case, your officers are satisfied that the primary use of the site would be that of plant hire and would therefore fall within the 'Sui-Generis' definition. Your officers have also taken into consideration the fact that the existing premises at Evesham Road, Headless Cross benefits from having a trade counter. Whilst it would be unreasonable to prevent the provision of a trade counter, in order to ensure that the plant hire use remains the principal use of the building, it is proposed to restrict the size of the trade counter to the area as shown on the submitted plans such that no more than 10% of the floorspace would be given over to retail use.

### **Other matters**

Sections 100ZA(4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of any pre-commencement condition. Written agreement to the terms of relevant recommended conditions set out below has been sought and agreed by the applicant.

### **Conclusion**

Overall, it is considered that the application proposals comprise sustainable development in accordance with the definition set out in the National Planning Policy Framework. The proposed development performs well against all three overarching objectives to sustainable development outlined at Paragraph 8 of the NPPF and is therefore recommended for approval.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

### **Conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

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Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

***Appropriate references to be inserted here including site layout plan  
1850.02F***

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include new planting, trees to be retained, together with measures to be taken for their protection while building works are in progress.

Reason: In the interests of the visual amenity of the area

- 4) All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area

- 5) All retained trees within the site shall be afforded protection in accordance with BS5837:2012 recommendations throughout any ground or development work on the site and existing ground levels within the BS5837:2012 recommended Root Protection Areas of the trees to be retained shall be maintained. No storage of plant and materials shall take place within the RPAs of any retained trees and any excavations within the RPAs must be carried out by hand and in accordance with BS5837:2012.

Reason: In the interests of the protecting the existing trees in to protect the visual amenities of the area

- 6) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

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Reason: In the interests of highway safety.

- 7) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces has been fitted with an electric vehicle charging point in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the charging point shall be kept available for the charging of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

- 8) The Development hereby approved shall not be brought into use until the visibility splays shown on drawing 1850-02F: Site Plan proposed have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 9) All surface water drainage from trafficked and parking areas and hardstandings shall be passed through an oil and chemical interceptor designed so as to have a capacity and details compatible with the site being drained and constructed to a specification submitted to and approved in writing by the Local Planning Authority before the drainage works are commenced. Roof water shall not pass through the interceptor.

Reason: In the interests of protecting watercourses from pollution

- 10) The area occupied by the trade counter shall be restricted to that shown on the approved plans; shall be no greater than 120 square metres in area and equate to no more than 10% of the total gross floorspace of the building.

Reason: The site is within a primarily employment area where A1 Class sales are not permitted unless such retailing is clearly ancillary to the main use and primary operation (in this case a plant hire)

**Informatives**

- 1) The local planning authority has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

**Procedural matters**

This application is being reported to the Planning Committee because the applicant is a Councillor at Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.