

PLANNING COMMITTEE

24th February 2021

Planning Application 20/01628/FUL

Erection of 3 new commercial units

**Former Concrete Yard, Unit 35, Enfield Industrial Estate Road, Enfield, Redditch,
B97 6BY**

Applicant: EDR Ltd
Ward: Abbey Ward

The case officer for this application is Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is located within the Enfield Industrial Estate and is bounded by Industrial units to the north-west and a dwelling, No 45 Marton Close, together with disused land to the south-east. Beyond the south-east boundary lies the railway line. Dwellings (numbers 30 to 36 Marton Close) are situated beyond the north-east boundary and vehicular access to the site is gained via the south-west boundary.

The site consists of the former Hanson concrete batching plant. The site has been disused for a number of years. The site extends to approximately 2345m² and site levels are considerably lower than that of the residential development of Marton Close where the road serving these dwellings is approximately 1.5 to 1.8 metres above the site.

The site falls within a Primarily Employment Area.

Proposal Description

Planning permission is sought to erect three new single storey industrial / commercial units.

The total proposed floorspace (GIA) would be 1279m². All existing structures and equipment associated with the concrete batching plant would be removed.

The development would be accessed via the existing access along the south-west boundary.

The new buildings would be of steel portal frame construction with walls and roof finished in light grey profiled sheeting. All new windows, doors and flashings would be constructed from aluminium in a contrasting (darker) anthracite colour. Parking for 17 cars would be provided within the site.

The buildings are intended to be occupied by light industrial, general industrial (B2) or storage and distribution (B8) users.

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Members may recall application 2016/248/FUL which was determined at the Planning Committee meeting of 14th December 2016 where the same applicant (EDR Ltd) was granted consent to erect 12 business units at a site located at the junction of the Enfield Industrial Estate and Hewell Road where former buildings which occupied the site related to the Enfield Manufacturing Company. The current application represents an extension to those development works and occupiers of the new units are likely to be similar to those of the 12 units which are currently let to businesses.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 5: Effective and Efficient use of Land
Policy 18: Sustainable water Management
Policy 19: Sustainable travel and Accessibility
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)
Redditch High Quality Design SPD

Relevant Planning History

20/01188/DEM	Proposed demolition / clearance of redundant plant down to slab level: application under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015	Granted 20.10.2020
20/01640/FUL	Site levelling works and construction of new retaining wall	Granted 08.02.2021

Consultations

WCC Highways

Comments summarised as follows:

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No objections are raised subject to the imposition of conditions with respect to the provision of Electric vehicle charging points, accessible parking provision, motorcycle and and cycle parking provision

Worcestershire Regulatory Services: Contaminated Land

Comments summarised as follows:

Ground investigation has been undertaken and the risk of ground contamination is low. WRS recommend that a condition relating to the reporting of unexpected contamination should be attached to any planning permission granted

Worcestershire Regulatory Services: Noise

Comments summarised as follows:

The submitted noise assessment with recommended mitigation measures which include the installation of a 2.5m acoustic fence and the construction of the building and roof achieving a minimum sound reduction value of 40db Rw indicates that noise levels at the nearest noise sensitive receptors would not have an adverse impact when considered against BS4142:2014 assessment methodology.

As an advisory note only, WRS would recommend that should forklifts be used on site they be electric and white noise reversing alarms be adopted to avoid excess noise.

North Worcestershire Water Management

Comments summarised as follows:

The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping.

The application form indicates the intention to connect foul & surface water to the mains sewer, this is acceptable but evidence that permission has been granted by Severn Trent Water is required to be provided. A drainage strategy is provided within the planning statement but this is brief.

If permission is granted for the application, it is requested that a detailed drainage strategy be submitted by means of a planning condition.

Public Consultation Response

One letter received raising concerns which are summarised as follows:

- Loss of light caused by height of development
- Noise concerns
- Will existing surrounding fencing be kept in place?

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.

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The application seeks the redevelopment of this currently vacant site for employment purposes and as such, in principle, the proposals clearly accord with the policies of the adopted Plan which seek to safeguard employment sites in Primarily Employment Areas for employment development.

Layout and design

Your officers are satisfied that the design, layout and external appearance of the proposed development would respect the context of the site and would accord with relevant policies and guidance as set out within the development plan.

Highways, access and parking

WCC Highways consider that the existing site access is suitable to accommodate the proposed development without alterations and your officers are satisfied that the application proposals are acceptable in terms of their highway impact and that therefore there are no highway issues which should prevent planning permission being granted.

Impact of the development on residential amenity

Beyond the sites north-eastern boundary lie the dwellings No's 30 to 36 Marton Close and a single dwelling, No 45 Marton Close is situated beyond the south-eastern boundary. The Marton Close development forms an extension to the larger residential development of Dixon Close and was granted permission under reference 2016/173/FUL on 30.11.2016 (residential development comprising 44 no dwellings). Dixon Close is the former gas works site with access via Windsor Road. Dixon Close was formerly a primarily employment area before being granted permission in outline form for residential use by the Planning Inspectorate at appeal under reference 2002/004/OUT in 2003.

It is understood that the Marton Close development has been occupied from approximately early 2019 and occupiers would have been aware of neighbouring land uses when purchasing their properties including the location of the current concrete batching plant within a designated employment area. Whilst the site has not been operational for a number of years, if it became operational, noise and disturbance associated with the batching plant clearly has the potential to be significant considering the close proximity of dwellings. Further, existing structures on the site are visually conspicuous and overbearing in nature.

Members will note from the planning history section that an application for the demolition of existing structures on the site was granted in October 2020 although at the time of writing the structures remain on site. Application 20/01640/FUL granted permission on the 8th February 2021 for site levelling works and a new retaining wall to facilitate the development as proposed under the current application.

As explained earlier in the report, the Marton Close dwellings are situated on higher ground relative to that of the application site.

The site levelling works permitted under application 20/01640/FUL allow finished ground levels to be lowered further in order to reduce the impact of the proposed development

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upon the adjacent dwellings. The overall height of the commercial units would not exceed 6.2 metres. At the north eastern boundary, the units would be situated 2 metres away from the existing close boarded fence as shown on the slide 'existing view from Marton Close' within the presentation pack. Due to the difference in levels, the commercial units would exceed the height of the existing close boarded fence by no more than 2.1 metres. By contrast, the nearest existing batching plant structure currently rises 6.5 metres above the existing close boarded fence. The tallest structure within the application site rises approximately 13 metres above the height of the fence. In visual terms alone the proposed development is considered to represent a significant enhancement and due to the location of the batching plant buildings, to the south-west of numbers 30 to 36 Marton Close, the removal of the existing batching plant structures is likely to significantly increase levels of light reaching habitable rooms within adjoining dwellings.

The detailed noise survey carried out concludes that industrial uses on the site would be compatible with nearby residential uses. However it is suggested that a 2.5 metre high acoustic fence be installed in the location as indicated on the slide 'proposed acoustic fence location and example' within the presentation pack in the event of any general industrial (B2) user occupying any of the three units.

No lighting details have been submitted as part of the application. However it is suggested that any lighting to serve the development should be conditioned for the prior written approval of the Local Planning Authority in conjunction with WRS in the interests of light pollution considerations.

Planning Balance and Conclusions

The application site comprises of a vacant area of land within an existing employment area.

The principle of the proposed development complies with the policies of the development plan and would provide significant economic benefits by generating jobs both during the construction and operational phase of the development.

Despite extensive consultation with neighbouring occupiers including numbers 30 to 36 and No.45 Marton Close who are arguably most affected by the proposals, only one letter of representation has been received.

Bearing in mind that the site is located within a Primarily Employment Area as designated in the Local Plan, your officers consider that it would be unreasonable to restrict hours of operation although a construction management plan condition is recommended to be imposed.

Subject to compliance with conditions as listed below, the application is supported.

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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.

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:

Drawing 3620-010 dated 21 Dec 2020
Drawing 3620-013 Rev B dated 18 Jan 2021
Drawing 3620-014 dated 21 Dec 2020
Drawing 3620-015 dated 21 Dec 2020
Nova Acoustics Noise Impact Assessment
and recommendations dated 20 Jan 2021

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

- 3) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason:

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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- 4) The Development hereby approved shall not be brought into use until 2 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason: To encourage sustainable travel and healthy communities.

- 5) The Development hereby approved shall not be brought into use until 1 accessible car parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

Reason: To provide safe and suitable access for all.

- 6) The Development hereby approved shall not be brought into use until 2 secure motorcycle parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for motorcycle parking as approved.

Reason: To provide safe and suitable access for all

- 7) The Development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 8) No works or development shall take place above foundation level until complete details for scheme for surface water drainage have been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

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- 9) Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and there shall be no other external illumination of the development.

Reason: In the interests of protecting nearby residential amenities

- 10) In the event that any part of the development is occupied by a general industrial user defined under Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), prior to the first occupation of the development, details of an acoustic fence to be provided shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to the first use of the development hereby permitted.

Reason: In the interests of noise control to protect nearby residential amenities

- 11) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the location of on-site construction compounds and contractor parking, routes for construction traffic, methods to prevent mud being carried onto the highway, noise and dust suppression measures and adherence to construction working hours of 8am-6pm Monday to Friday and 8am-1pm on Saturdays with no construction working on Sundays. The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety and residential amenity

Informative

It is recommended that should forklifts be used on site they be electric and white noise reversing alarms be adopted to avoid excess noise

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development (more than 1000 sq metres of new commercial / Industrial floorspace), and as such the application falls outside the scheme of delegation to Officers.