

Planning Committee

Wednesday, 13 November 2019

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Andrew Fry, Bill Hartnett, Anthony Lovell, Nyear Nazir, Gareth Prosser, Jennifer Wheeler and Julian Grubb

Also Present:

Steve Hawley and Karen Hanchett, County Highways

Officers:

Helena Plant, Steve Edden, Amar Hussain, Anthony Young and Simon Jones

Democratic Services Officer:

Sarah Sellers

46. APOLOGIES

Apologies for absence were received from Councillor Brandon Clayton. Councillor Julian Grubb attended as substitute for Councillor Clayton.

47. DECLARATIONS OF INTEREST

In relation to agenda item 8 Councillors Gareth Prosser and Anthony Lovell declared an Other Disclosable Interest in that they had previously expressed views regarding the scheme. Both Councillors left the meeting at the end of Agenda item 7 and took no part in the debate or vote for agenda items 8.

48. CONFIRMATION OF MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 16TH OCTOBER 2019

RESOLVED that

The Minutes of the Planning Committee held on 16th October 2019, be confirmed as a correct record and signed by the Chair.

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Chair

49. UPDATE REPORTS

The Update Report was noted.

50. APPLICATION 2016/077/OUT - LAND TO THE WEST OF FOXLYDIATE LANE AND PUMPHOUSE LANE, BROMSGROVE HIGHWAY, REDDITCH - HEYFORD DEVELOPMENTS LTD AND UK LAND AND DEVELOPMENTS LTD

Hybrid application comprising

1) Outline Application (with all matters reserved with the exception of vehicular points of access and principle routes within the site) for the demolition of existing buildings and the erection of : Up to 2,560 dwellings (Class C3); Local centre including retail floorspace up to 900 sq metres (Classes A1, A2, A3) health and community facilities of up to 900 sq metres (Class D1) ; A 3FE first school (Class D1) (up to 2.8Ha site area) including associated playing area and parking and all associated enabling and ancillary works.

2) Detailed application for the creation of a means of access off Birchfield Road, Cur Lane, Foxlydiate Lane and emergency, pedestrian and cycle access to Pumphouse Lane. The creation of a primary access road, including associated cut and fill works and other associated earthworks, landscaping, lighting, drainage and utilities, crossings and surface water attenuation/drainage measures.

Officers presented the report and explained that the developer had submitted duplicate planning applications to both Bromsgrove District Council and Redditch Borough Council as the site covered land in the area of both authorities. The site was situated on the edge of Redditch and close to existing housing in Webheath, but was substantially located within the boundary for Bromsgrove with only a small part of the overall site falling within the boundary of Redditch Borough Council.

The Planning Committee at Bromsgrove District Council had considered the application at its meeting on 14th October 2019. Members at Bromsgrove had decided to grant permission subject to a section 106 agreement being finalised and with a delegation to officers to finalise the relevant conditions.

As a “hybrid” application the developer was seeking full permission for certain aspects including highway access and associated engineering works; the application also included a series of parameter plans setting out the principles of development of other

aspects of the scheme, which would be followed up at a later stage by reserved matters applications to finalise the full detail.

The application had been presented for the whole site to give a full picture of what was being proposed. The area of the application that specifically fell within the RBC boundary were parts of the highway making up Foxlydiate Lane and Birchfield Road, and land currently consisting of a field off to the west of numbers 12-18 Blockley Close.

It was noted that the application before Members excluded some other parcels of land within the overall allocation for development at Foxlydiate as some housing was being brought forward under separate applications, and land to the south of the current application had had to be excluded due to land ownership issues. The total number of homes under the current application would be 2560.

With regard to points of access to the site, the primary access was planned to be from Birchfield Road with the construction of an exit from the existing junction between Birchfield Road and the A448. There would also be access points from Foxlydiate Lane and Curr Lane; part of Curr Lane within the site would be closed to vehicular traffic and be converted to a footpath/cycle way.

Finally, there would be an access from Pumphouse Lane restricted for the use of emergency vehicles only.

Officers outlined the overall layout and use of the site, and the location of the internal road network with reference to the relevant parameter plans and in doing so the following matters were noted:-

- That there would be an extensive area of open space around the site of the listed building at Lanehouse Farm.
- That in response to representations the height of the dwellings adjacent to the A448 had been reduced from three storeys to two storeys.
- That the construction of the primary access from Birchfield Road would require extensive engineering works to be completed due to the change of levels between the existing road and the site.

Members were referred to the Update Report and the submission of further comments from the Acute Hospital Trust. Officers remained of the view, based on the legal opinion that the Council had obtained, that the request for contributions towards the cost of acute and A&E services was not lawful for the reasons summarised in the report at paragraphs 24.13 to 24.37.

Members were referred to the recommendation at paragraph 27 of the report and the proposed financial contributions and draft conditions. It was noted that a delegation was sought for officers to finalise the terms of the 106 agreement and the final wording of conditions for the application.

At the invitation of the Chair the following speakers addressed the committee under the Council's public speaking rules:-

- Councillor Barry Spence - Bentley Pouncefoot Parish Council
- Mr Paul Frost – local resident
- Councillor Peter Whittaker - Bromsgrove District Council (Tardebigge Ward)
- Councillor David Thain – Redditch Borough Council (West Ward)
- Mr Jon Kirby - agent for the applicant

In debating the application Members referred to various matters raised by the public speakers. Whilst acknowledging the allocation of the site for housing through the Local Plan process and that the principle of building at Foxlydiate had been established, concerns were expressed over a number of highways issues and other matters.

Highways issues

Foxlydiate Lane was not suitable to be used as the initial access for the site covering construction traffic up to the point of completion of the first 200 dwellings. In the view of Members the road was too narrow to accommodate construction traffic and the extra vehicles that would arise from the first phase of 200 dwellings and this additional use would give rise to safety concerns. It would also lead to traffic congestion in the area which would be detrimental to residents already living nearby who had to use the road. Members noted the comments from the speaker, who had pointed out that there was only a footway on one side of the road. Members suggested that the primary access from Birchfield Road should be completed first before any other construction on the site took place.

Members also expressed concerns over the proposed changes to the layout of the junction between Birchfield Road and the A448 and questioned why the estate road network could not be built prior to construction of dwellings.

Highways officers advised that a construction traffic management plan ("CTMP") had been drawn up and that in this regard Foxlydiate Lane had been considered suitable and sufficiently wide. The Foxlydiate Lane access would only be used during the construction

of the first 200 houses, after which a condition would prevent the developer from using it further. The footway was not felt to be a challenge to the use of the lane and timings of construction traffic could be controlled via the CTMP. Imposing a requirement on the developer to complete the internal road network might lead to issues of viability being raised.

Officers gave further clarification that the trigger point of 200 houses was set by a condition which had been negotiated with the developer; it had reflected the fact that the main access point would require significant engineering works and that in the officers opinion it would not be unreasonable to enable some construction of dwellings whilst those engineering works were completed.

Officers further advised that Members could decide to amend this figure if they so wished as it did not form part of the actual application, and this could be done without the need for any deferral.

In further discussion Members expressed a range of views on this aspect including not allowing any access for construction from Foxlydiate Lane, asking officers to re-negotiate the trigger point, or lowering it to 100.

Other issues

Members questioned the information contained in the Update Report regarding the Acute Hospital Trust, and in particular the Council's position regarding the Trust's request to see the Council's legal opinion. Members also noted the comments from public speaking regarding the decision made by Bromsgrove District Council.

The legal advisor stated that full disclosure of the legal opinion was not material to the planning application, and would not prevent the Members from making a decision. However, in light of the late representations received from the Acute Hospital Trust (received on 13th November), the Council would review the case law cited with regard to access to legal documents. The Council stood by its current position that the request for contributions could not be accepted as set out in the report.

With regard to the decision at Bromsgrove, there was always a period of time following the granting of a planning application during which it could be challenged, and again this was not material to the application before the Committee or relevant to any consideration of deferral.

Following further discussion by members a motion was proposed and seconded that the application be deferred.

RESOLVED that

Consideration of Application 2016/077/OUT be deferred for the following reasons:-

- (i) To enable officers to give further consideration to the proposed condition limiting use of the Foxlydiate Lane access during the construction phase;
- (ii) To enable officers to undertake further negotiations regarding the Birchfield Lane access being used as the initial access for construction traffic;
- (iii) To allow more time for any further response by the Council on the issue of disclosure of legal documents to the Acute Hospital Trust as detailed on pages 2 to 3 of the Update Report.

51. APPLICATION 19/01121/FUL - ASDA, JINNAH ROAD, SMALLWOOD, REDDITCH, B98 7ER - MR STEVE ROBERTS

Erection of a new three pump (six filling position) Petrol Filling Station (PFS) and associated works

Officers presented the report and outlined the application for the construction of an automatic (un-manned) petrol filling station ("PFS") on land situated parallel with Union Street and currently forming part of the Asda car park accessed from Jinnah Road. Members were referred to the additional comments on the Update Report and the amendments to the proposed conditions. The proposal would result in the loss of 50 car parking spaces and the PFS would only be permitted to trade during the existing trading hours of the Asda store (Condition 4 on page 5 of the Update Report). There had been no objections to the scheme from the statutory consultees including the petroleum safety officer with regard to safety issues or Worcestershire Regulatory Services with regard to noise, light pollution or contaminated land.

At the invitation of the Chair the following speakers addressed the committee under the Council's Public Speaking Rules:-

- Mrs Paula Harvey – Smallwood Residents Association
- Mr George Szubinski - local resident
- Worcestershire County Councillor Robin Lunn (Redditch North ward)
- Redditch Councillor Greg Chance – (Central ward)
- Mr Brad Wiseman (Agent) and Mr Alan Jones (Applicant)

The first four speakers who were opposed to the application raised various issues including choice of location close to residential properties, concerns over noise and light pollution and current problems being experienced by residents with regard to anti-social behaviour on the car park. Although Asda had been required by a planning condition on an earlier application to provide a barrier to the car park to prevent nuisance use when the store was closed, no barrier had been installed.

The agent and applicant responded to a number of questions from Members and in doing so confirmed that:-

- The PFS would not be manned and staff from the store would deal with deliveries which would take place three times a week.
- The type of equipment being installed was standard to Asda and other operators and complied with all the relevant safety measures, with the whole operation being subject to very strict regulations.
- There were no plans to employ overnight security staff, although there would be staff working in the store when it was closed.
- That Asda had not been able to comply with the previous planning condition to install a barrier as the western part of the site where the barrier was to be located was in the control of a different land owner. Following discussions with the land owner it had not been possible establish a solution. Asda had therefore undertaken further negotiations with the planning authority and subject to those negotiations was intending to introduce alternative mitigation measures to address anti-social behaviour on the site and out of hours access. Specific details of the mitigation measures could not be disclosed pending the outcome of the negotiations.

In debating the application the Members referred to a number of issues raised during public speaking including in particular the reported problems of anti-social behaviour and the implications of the barrier not having been installed as required under the conditions of the earlier application. It was noted that the Police Crime Risk Manager had not raised an objection although Members considered that issues at the site were perhaps being under reported.

A motion was moved and seconded that the application be approved subject to an additional condition that officers be given delegated powers to agree or reject a car park management agreement to address anti-social behaviour issues.

On that motion being put to the vote it was lost.

There was further debate regarding safety issues and concerns about use of the car park out of hours leading to anti-social behaviour. A motion was moved and seconded that the application be deferred.

RESOLVED that

Consideration of Application 2019/01121/FUL be deferred for Members to be provided with more information on the proposals to be introduced to mitigate anti-social behaviour.

52. APPLICATION 18/00784/FUL - LAND AT TORRS CLOSE, SOUTHCREST, REDDITCH - DR SABA ANANTHRAM

Erection of a new apartment block consisting 10 no. 1 and 2 bed residential units together with associated car parking and external works.

Officers presented the report and outlined the proposal for a block of 10 apartments and associated landscaped parking.

Ms Sue Court and Mr Adam Pescia were invited by the Chair to address the committee under the Council's Public Speaking Rules.

RESOLVED that

Having regard to the development plan and to all other material considerations, authority be delegated to the head of Planning and Regeneration to grant planning permissions subject to the following:-

- a. The satisfactory completion of a S106 planning obligation ensuring:
 - i. The provision of 3 affordable dwellings on the site, one for affordable housing and two for social rent.
 - ii. Appropriate Section 106 monitoring fee.
- b. The conditions and informative set out on pages 101 to 108 of the main agenda.

**53. APPLICATION REF 18/01626/S73 REDDITCH EASTERN
GATEWAY : DISCHARGE OF CONDITIONS**

Details pursuant to conditions 12, 16, 36 and 37

Members were reminded that at the meeting of the Planning Committee on 18th March 2019 they had requested that the details of 9 of the conditions be reported back to them for approval.

Officers were now in a position to report back on conditions 12, 16, 21 and 37 and Members were referred to the details set out in the report. It was noted that there were no objections from any of the statutory consultees.

RESOLVED that

The details submitted pursuant to conditions:

12. Archaeology WSI and Method for Evaluation

16. Levels

21. Traffic Signal Junction

37. Watercourse buffer and watercourse diversion

Be approved as acceptable in so far as they relate to Phase 1 of the development (northern parcel).

The Meeting commenced at 7.00 pm
and closed at 10.58 pm