



Planning Committee

Wed 14 Apr
2021
7.00 pm

Virtual Meeting

REDDITCH BOROUGH COUNCIL

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difference*

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If you have any queries on this Agenda please contact

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GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meetings via a live stream to the Council’s YouTube Channel which can be accessed using the link below:

[Link to view live stream of Planning Committee](#)

Members of the Committee, officers and public speakers will participate in the meeting using Microsoft Teams, and details of any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at:

[Link to view Planning Committee Procedure Rules](#)

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order:-
 - a) Objectors to speak on the application
 - b) Supporters to speak on the application
 - c) Ward Councillors
 - d) Applicant (or representative) to speak on the application
- 4) Members’ questions to the Officers and formal debate / determination.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Teams.

Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or by email at sarah.sellers@bromsgroveandredditch.gov.uk before 12 noon on Monday 12th April.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Teams invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Monday 12th April.**
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website www.redditchbc.gov.uk**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No. 4 and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.**
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.**
- 6) Late circulation of additional papers is not advised and is subject to the Chair's agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.**



Planning

COMMITTEE

Wednesday, 14th April, 2021

7.00 pm

Virtual Meeting - Skype - Virtual

Agenda

Membership:

Cllrs:	Gemma Monaco (Chair)	Andrew Fry
	Salman Akbar (Vice-Chair)	Julian Grubb
	Tom Baker-Price	Bill Hartnett
	Roger Bennett	Jennifer Wheeler
	Michael Chalk	

1. Chair's Welcome

2. Apologies

3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

4. Confirmation of Minutes of Planning Committee held on 10th March 2021 (Pages 1 - 4)

5. Update Reports

To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)

6. Non determination Appeal : Saltways Cheshire Home Church Road Webheath Redditch - Planning Inspectorate Reference APP/Q1825/W/21/3269496 - Redditch Borough Council Planning Application Reference 20/00178/FUL (Pages 5 - 38)

7. Application 21/00139/FUL - Land at Torrs Close Redditch - Dr S Ananthram (Pages 39 - 52)

8. Application 21/00228/FUL - Morton Stanley Park Windmill Drive Redditch - Redditch Borough Council (Pages 53 - 60)

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Planning Committee

Wednesday, 10 March 2021

MINUTES

Present:

Councillor Salman Akbar (Vice-Chair) and Councillors Tom Baker-Price, Roger Bennett, Michael Chalk, Andrew Fry, Julian Grubb, Bill Hartnett and Jennifer Wheeler

Officers:

Helena Plant and Amar Hussain

Democratic Services Officer:

Sarah Sellers

100. CHAIR'S WELCOME

The meeting was Chaired by the Vice Chair, Councillor Salman Akbar who welcomed the Committee members, officers and public speakers to the virtual Planning Committee meeting being held via Microsoft Teams. The Chair explained that the meeting was being live streamed on the Council's YouTube channel to enable members of the public to observe the committee.

101. APOLOGIES

Apologies for absence were received from Councillor Gemma Monaco.

102. DECLARATIONS OF INTEREST

There were no declarations of interest.

103. CONFIRMATION OF MINUTES OF PLANNING COMMITTEE HELD ON 24TH FEBRUARY 2021

RESOLVED that

The Minutes of the Planning Committee meeting held on 24th February 2021 be confirmed as a true record and signed by the Chair.

.....
Chair

Planning

Committee

Wednesday, 10 March 2021

104. UPDATE REPORTS

There was no update report for the meeting.

105. APPLICATION 20/01608/FUL - 2 EDENFIELD CLOSE REDDITCH B97 6TP - MR N DHASI

Rear ground floor extension and first floor extension above existing garage

Officers outlined the application and took Members through the slides in the presentation pack. The ground floor element of the extension was located at the rear and would create an extended kitchen/family area. The first floor extension was above the garage, and as shown on the plan on page 17 of the presentations pack, this would enable configuration of the existing rooms into a larger bathroom and a larger third bedroom. There would be no overall increase in the number of bedrooms.

The application complied with the relevant policies and as a three bedroomed dwelling, there were no objections from County Highways to the parking provision.

Officers clarified that the comments of Councillor Monaco, appearing on page 6 of the main agenda, had been made to officers as part of a separate process regarding use of delegated powers and had not been submitted for inclusion in the report.

Officers were recommending that the application be approved.

At the invitation of the Chair the following speakers were invited to address the Committee under the Council's Public Speaking Rules:

-

- Mrs Diane Hunt (local resident) – in objection
- Mr Najinder Dhasi (Applicant) and Mr Jeetendar Thukral (Planning Agent) – in support

Officers responded to questions from Members regarding the size of the rear ground floor element and land ownership issues as regards the relationship between the rear element and the garage of the adjoining property.

In debating the application, the Members noted the scale of the proposed works, the fact that there was no increase in number of bedrooms and the position regarding parking provision including the absence of objection from County Highways.

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RESOLVED that

Having regard to the development plan and to all other material considerations, that planning permission be **GRANTED** subject to the conditions set out on page 10 of the main agenda.

106. CONSULTATION ON PLANNING APPLICATION REFERENCE BROMSGROVE DISTRICT COUNCIL 20/01502/FUL AND STRATFORD-ON-AVON DISTRICT COOUNCIL 20/03396/FUL - REDDITCH GATEWAY LAND ADJACENT TO THE A4023 COVENTRY HIGHWAY

Internal works to facilitate a new mezzanine level in the storage and distribution building approved under the reserved matter consent 19/00619/REM (Bromsgrove) and 19/01545/REM (Stratford-on-Avon)

Officers explained that Redditch Planning Committee was being asked to give a consultation response on this proposal, the deciding authorities for which would be Bromsgrove District Council and Stratford-on-Avon District Council.

As shown on the slide at page 25 of the presentation pack, the district council boundary between Redditch and Stratford-on-Avon crossed the site, with the majority of the warehouse building that was subject of the application being located in the administrative area of Bromsgrove.

The aim of the addition of the mezzanine floor was to improve the internal functioning of the warehouse and it would be used for B8 use (storage and distribution). The addition of the mezzanine level would have no impact on the external appearance of the building.

Members were referred to the Officer Appraisal on pages 14 and 15 of the agenda. It was noted that the Transport Statement submitted with the application stated that there would be no unacceptable transport impacts.

Having taken into consideration all the relevant planning policies and the NPPF, officers were recommending that no objection be raised to the application.

RESOLVED that

The recommendation set out on page 15 of the agenda be approved and that officers be delegated to respond to planning applications 19/00619/REM (Bromsgrove) and 19/01545/REM

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(Stratford-on-Avon) raising no objection on behalf of Redditch Borough Council.

The Meeting commenced at 7.03 pm
and closed at 8.05 pm

**PLANNING
COMMITTEE**14th April 2021

Planning Application 20/00178/FUL**Construction of 3 single-storey extensions, security fence and alterations for a proposed Tier 4, Low Security, Non-Forensic, CAMHS (Children and Mental Health Services) Unit****Saltways, Cheshire Home, Church Road, Webheath, Redditch, Worcestershire, B97 5PD****Applicant: Mr Ben Morgan
Ward: West Ward****(see additional papers for site plan)**

The case officer of this application is Mr David Edmonds, Planning Officer (DM), who can be contacted on Tel: 01527 881345 Email: david.edmonds@bromsgroveandredditch.gov.uk, for more information.

Procedural Update

- The Borough Council received notification from the appellant on 22nd February 2021 that they had exercised their right to appeal against the failure of the Local Planning Authority to decide the application within the statutory period and in the absence of a written agreement of the parties to extend further the decision-making period (this being 28th September 2020). The applicant has requested that the appeal be dealt with using the written representation determination method.
- The Borough Council have not yet formally received a 'start date' notification from the Planning Inspectorate and thus the determination method is not yet confirmed. and there is currently no deadline for the Council to submit its statement.
- Because of the applicant's decision to lodge an appeal, the Council is unable to formally determine the planning application and no decision can now be issued.
- As part of the necessary preparations for the appeal it is appropriate for the Planning Committee to decide what the decision would have been if the application had still been in the Council's jurisdiction. Therefore, the views of Members are now sought (i.e. what would be the decision of the Borough Council if the Planning Committee Members were able to determine the application under normal circumstances) and arising from these discussions, a subsequent resolution. This resolution would then be carried forward to form the basis of the Council's case at the forthcoming planning appeal. In the event that members decide to overturn officer's recommendation, it would be necessary for Members to identify justifiable reasons for doing so.

Site Description

The application site, the former Saltways Cheshire Homes site, fronts the north east side of Church Road, in Webheath, approximately 3.2 kms from the western edge of Redditch

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Town Centre. The north and north western site boundary lies adjacent to the rear or side gardens of some of the dwellings fronting the south west side of Shirehampton Close, the south east side of Churchfield Court and no. 5 Church Road. The north eastern boundary is adjacent to side/ rear gardens of houses fronting part of the cul-de-sac of Knightsford Close and No. 33 Brotherton Avenue. The south east boundary lies adjacent to rear gardens of some of the houses fronting the north west side of Lordswood Close and no. 76 Church Road. There is an informal path, non-surfaced, crossing the eastern side of the site but separated from the maintained grounds of the former Saltways by a 1.8-metre-high close boundary fence, and the path links Shirehampton Close with Lordswood Close. Also, there are 1.8-metre-high existing fences along the north west and south east sides boundaries.

The 1.03-hectare site is occupied by a single storey building complex which is made up of four interlinked parts and a detached building, all set in landscaped grounds. It is separated from the residential boundaries to the north west, north east and south east by varying degrees of space. The south west elevation of the building facing Church Road and is set back from the back edge of the footway adjacent to the north east side of Church Road by a minimum of 28.4 metres. The building frontage is viewed behind an area of parking and groups of trees and shrubs along the site boundary. There are two vehicular access points and there is an existing vehicular access drive to the main access on the north west elevation which is parallel with Churchfield Court.

In terms of the levels, relatively little information has been submitted with the application. The Church Road frontage of the site appears relatively flat and on similar levels the adjacent houses. However, it is evident that the north east side (rear) and south east (side) of the building and its surrounding apron is cut into the levels of the rear grounds to varying degrees and the land continues to rise towards the north east and south east boundaries. In contrast, the land falls away, slightly close to the northern (rear/ side) corner of the building with manhole levels information indicating that this would immediately be around 0.2 metres. Also, it is evident from site photos that this part of the site continues to fall away towards parts of the north west boundary. Moreover, the occupant of no. 48 Shirehampton Close states that the rear elevation of his property is approximately 3 metres lower than the bottom of the boundary fence line which indicates a further falling away beyond the site boundary at this point.

Proposal Description

Members may be aware that during the processing of the application that the nature of the proposal and the associated description of the development has evolved. The table below sets out the key events.

Application/ Amendment & date	Descriptions of Development & Amendment of application description	Consultation/ Notifications & Publicity Periods
11/02/20 – Date of Submission and Validation	<u>Original submission</u> - 3 single storey extensions, alterations,	Start – 08/02/20 Expiry – 27/03/20

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	and a change of use from former care home (use class C2) to a CAMHS Facility (use class C2A).	
07/04/ to 18/05/20 – Submission of Planning & Amended Design & Access Statements & Counsels Opinion	<u>Amendment</u> - Security Fencing, Extensions and Alteration for CAMHS Tier 3	Start - 12/06/20 Expiry – 14/08/20 Included Changes Summary
01/09/20 to 26/01/21 Submission of Revised Planning Statement, 2 Counsels Opinions & 2 Supplementary Planning Information Statements	<u>2nd Amendment</u> 'Construction of 3 single storey extensions, security fence and alterations for a proposed tier 4 CAMHS' and clarified to be for Tier 4 'Low Secure Non-Forensic'	Start – 08/02/21 Expiry – 14/03/21 Included Changes Summary NB Publicity suspended to secure all info.

The applicant is no longer seeking planning permission for a material change of use of the site and buildings from its lawful Class C2 Residential Use to a proposed Class C2A Secure Residential Use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Indeed, they have submitted various legal opinions concluding that the proposed use as a Tier 4, low secure, non-forensic CAMHS facility is not materially different from the lawful use and therefore the use per se does not require planning permission. The issue of use is discussed further in the Assessment section of this report.

Therefore, since September 2020, the description of the proposed development has focussed on the proposed operational developments: the 2 and 3-metre-high anti climb security fences, the proposed extensions, and the proposed external alterations and ancillary works. The details of which include.

- 3 metre high 'anti climb security fence set on alignments parallel to, and set forward of, part of the north west (side) and the entire north east (rear) Elevations, south east (side) and on a recessed alignment of the south part of the south west (front) elevations of the existing configuration of buildings.
- This would be closely spaced welded mesh in dark colour.
- It would leave a relatively narrow corridor of external hard surfaced space between the fence and these elevations generally varying between 2 and 3.5 metres wide.
- 2-metre-wide new perimeter fence following the hard surface apron and drop off zone on the north west side of the existing buildings. This would be widely spaced welded mesh with a side gated entrance on the alignment of the building frontage.
- Access barrier arm gate in front of the car park
- A 2-metre high 'perimeter' fence adjacent to the front (south-west elevation) of the building and adjoining the rear edge of the existing car park.
- Secure family garden adjacent the side of the outbuilding adjacent and to the rear of the frontage car park
- Single Storey Classroom extension maximum 8.3 x 24.4 metres adjacent to the inward facing elevation of existing detached classroom.

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- Extensions to the main building – to enlarge reception on north side and to facilitate a dual door emergency escape.
- White render and timber clad contrast to brick walls of existing building
- CCTV mounted on the building. No pole mounts.
- Additional wall mounted external lighting.
- Replacement openable windows (clear glazed apart from bathrooms) and possibly additional mechanical ventilation

Although planning permission is not being sought for a material change of use of the building, the applicant's statement and drawings set out the functions and activities to be undertaken within the building. The first section comprised offices, administrative and general service areas accessed upon arrival into the building via the main entrance. Young persons are generally not permitted 'free roam' of this area. The second section where young persons are permitted to have free roam includes lounges, WCs, IT rooms, communal space etc. The third section is the bedroom area.

The functions and ward division are shaded on the proposed site plan as;

- Reception and Service (coloured yellow on the proposed site plan)
- Admissions Ward (coloured salmon pink)
- Transition Ward (coloured purple)
- School (coloured light blue)

The wider site outside the proposed 3 metre fence would be retained as a green area and not intended for use by the young persons.

Relevant Planning History

Planning permission (reference 19385) granted for '*Erection of Cheshire Home*' in March 1974.

The decision notice did not state that the planning permission related to the wider use within the then class XIV of the Town and Country Planning (Use Classes Order) 1972. There was no planning condition limiting the use to a care or nursing home.

Relevant Policies:**Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 44: Health facilities

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Others

Redditch High Quality Design SPD
NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance

Consultations

There have been three periods of consultation as set out above during which the following responses were received. Members are advised that the full responses are available for viewing via the Councils Public Access system and that the content below has been summarised for reporting purposes.

West Mercia Constabulary

No objections but various concerns raised including:

- The area in which this development is proposed is a low crime area and mainly residential.
- A 3-metre-high fence is not required as a deterrent to burglary etc. Its use is obviously to keep the young people in.
- If that level of security is required to keep people in it is questioned if this is an appropriate development for a residential area.
- Based on a comparable building, a major issue might be young people climbing onto the roof, causing damage to the roof and refusing to come down. Guttering needs to be put inside anti-climb enclosures and all down pipes need to be enclosed so that they do not become a climbing aid.
- All internal door hardware should be anti-ligature.
- Need for good internal security to prevent residents going outside at night and gaining access to the roof.
- It is noted that the proposed fence is intended to confine patients to the building to prevent them from coming to any harm and the height and type of fencing proposed is adequate to prevent patients from leaving.
- The design of the building was unsuitable for its intended use, as the roof was too low and could be easily accessed. If patients were to climb onto the roof it would not only put them in danger but would cause considerable disruption to neighbours. such that it is not appropriate for a residential area.

Community Safety Project Officer Community Safety

Oppose the application for the following reasons, including the following matters external to the building:

- Concern of a potential conflict within the site relating to security and a potential impact that it will have on the local community to attract crime and anti-social behaviour due to the nature of the residents who will be living in the proposed development.
- Crime prevention and community safety are material considerations, because of the proposed use, design, layout and location of the development.

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- Section 17 of the Crime and Disorder Act 1988 indicates the need to do all it reasonably can to prevent Crime and Disorder in its area
- The National Planning Policy Framework (NPPF) states that "Planning policies and decisions should aim to ensure that developments create: "Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."
- Planning Practice Guidance on Design; Para 008 (Planning should promote safe, connected and efficient streets) Para 010 (Planning should address crime prevention) and Para 011 (Planning should promote appropriate security measures).
- Borough of Redditch Local Plan No.4 Para 1.71 Objective; Creating Safe and Attractive Places to Live and Work and Policy 40
- Community Safety - Secured by Design Condition: - A specific condition needed that to achieve the Secured by Design accreditation, for all aspects throughout the build and once the building works have been completed, to future proof the security of the development.
- Concern that high footbridges over the A38 near the site is a suicide risk.

There are various non-material planning issues raised which include:

- Site Security: during the construction phase.
- Planting and Landscaping - must be maintained to ensure natural surveillance.
- Proposed Planting: The use of thorny shrubs planted adjacent to the perimeter fence enhances security by providing a visual deterrent yet soften hard features. E.g. pyracantha, berberis and hawthorn.
- Car Park: anti-theft signage needed.
- Site Perimeter: To ensure site security and privacy to the local residents I recommend the site perimeter be fenced with a 2.4m weld mesh fence.
- CCTV: A suitable CCTV system is advised and shall cover main entrances, communal spaces including car park and waste disposal.
- Lighting positioning including support for CCTV.
- Building design: The design of the building should consider the need to prevent features which aid scaling or climbing.
- Rainwater down pipes can provide a convenient scaling aid onto roofs or to reach windows above ground floor level. Rainwater pipes should be either flush fitting (i.e. square profile) or concealed within the cavity.

Conclusion: Oppose the application on the grounds of lack of information since it is considered the other than the perimeter fences the safety and security points in relation to the building have not been addressed

Worcester Regulatory Services - Noise

Noise: The application does not appear to be proposing any additional external plant / equipment that could adversely impact nearby residential receptors. Potential noise from future residents of the facility is not something that WRS can comment on as this would

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be an amenity matter. WRS can only consider noise from predictable noise sources such as external plant and equipment and transport noise.

It will be the responsibility of the operator of the proposed facility to ensure that potential noise from occupants is monitored, and if necessary mitigated, to ensure that nearby residential receptors are not adversely impacted by noise from the proposed facility. It should be noted that any complaints of noise nuisance from occupants at the proposed facility may not necessarily result in any formal action being taken by WRS under the nuisance provisions of the Environmental Protection Act 1990. However, the proposed 3m security fencing around the perimeter of the building would aid noise mitigation from external areas within the confines of the fence and from within the proposed facility.

Noise from Mechanical Ventilation: Full details, including the cumulative predicted assessment level(s) at the nearest noise sensitive receptor(s) in terms of BS4142:2014+A1:2019, of any proposed mechanical ventilation, that requires external plant / equipment, should be submitted for comment and approval.

Transport Noise: The applicant has stated that the number of vehicular movements to and from the site would not be significantly different from the current situation although I consider that 'out of hours' vehicle movements may increase. However, the proposed 2m boundary fence adjacent to the residential dwellings to the north west of the site would help to reduce noise impacting those dwellings when vehicles utilise the proposed drop-off zone. I do not consider that noise from the proposed car park would adversely impact the nearest noise sensitive receptor(s).

Worcestershire County Highways

No objection subject to conditions. The reasoning includes the following points:

- The site is in a residential and sustainable location off an unclassified road, the site benefits from 2 existing vehicular access points with good visibility in both directions.
- Church Road benefits from footpaths and street lighting on both sides of the road and no parking restrictions are in force in the vicinity.
- The site is located within walking distance of amenities, bus route and bus stops located approx. 280m from the site.
- It is noted concerns have been raised with regards to the car parking provision, however it should be noted the proposal will be a lower generator of trips than the previous use care home use.
- The proposed development is to contain 18 bedrooms with 20 staff being employed. It is noted the applicant has provided a total of 36 car parking spaces on site. This is acceptable because it is considered that the type of facility would attract the same level of less traffic generation particularly from visitors who are likely to need an appointment.

Conditions:

- Cycle parking.
- The Development hereby approved shall not be occupied until parking facilities have been provided as shown on drawing 190185/110(A).

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Arboricultural Officer

No objections to this proposed application, in relation to any tree related issues, subject to conditions covering the following topics.

- No tree work without Local Planning Authority consent
- Tree protection fencing in accordance with British Standard BS5837:2012 erected before works remain until the development has been completed.
- No works in the Root Protection Areas of trees or hedges on and adjacent to the application site without Local Planning Authority consent including changes in ground levels.
- Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

North Worcestershire Water Management

- No problems in principle but are concerned about the extent of roofing and hard surfaces.
- Having reviewed the amendments and further information it appears there is still no drainage details. If this application is approved, we would request a pre commencement condition for LPA approval of a scheme for surface water drainage indicated on a drainage plan and with completed prior to the first use of the development.
- The reasons for the condition are to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

Worcestershire County Council – Complex Needs Commissioning Team /Children’s Services

- This is a service that will be commissioned by NHSE and is intended to be used across the region (East and West Midlands) and is not intended for local use – albeit we would be able to access the unit if required via NHSE gatekeeping/ approval processes.
- Locally we have lower than average numbers of young people requiring Tier 4 services.
- This service will not be intended for low secure or CAMHS Psychiatric intensive care beds (PICU) therefore the planning details within the application may have changed again – it would be helpful to have clarity from NHS England.
- It may be worth seeking legal advice on deprivation of liberty (DoL’s) given the focus appears to be related to fencing.

NHS England (NHSE)

The planning applicant is a provider of NHS specialized commissioning services, notably CAMHS Tier 4 low secure provision for females aged 13-18. This is a hospital-based service for children and young people in need of care and treatment in the context of their mental disorder. NHSE contracts for the commissioning of a service with this provider,

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and the provider is seeking to change the location of the service rather than changing the service provision. The use by NHSE of the placement being planned by the applicant will be dependent upon clinical need, and confirmation that the newly located facility meets the contractual specification for commissioning upon completion. The development applied for is led by Regis Healthcare and is not commissioned by NHSE/I.

They highlight various general points regarding the service specification for low secure. This including defining low secure services and the fact that all young people admitted to low secure services must be subject to the Mental Health Act. They cover the exclusion criteria for low secure including exclusion of young people who present as a grave risk of harm. They state that low secure services have standards and requirements set by various bodies including the CQC

Officers have sought clarification of various matters including what are the NHSE' specific comments on the application and supporting documents, the contract/ commissioning arrangements and the scope for admissions policies to exclude young people with forensic presentations within the Low Secure Service Specification. Addressing both the original consultation and the supplementary questions the NHSE response includes the following points:

- There is a singular national specification for CAMHS Tier 4 Low Secure provision and there is no delineation between forensic or non-forensic patients (complex or otherwise) in relation to what is expected from a low secure service provision.
- NHSE/I specialised commissioning teams commission providers to deliver specialised Tier 4 CAMHS services. For patients to be admitted into specialised services such as a Tier 4 Low Secure provision, the assessment process is clinically led based on the patient's mental health clinical need irrespective of whether there is a forensic or non-forensic presentation. Any low secure provision would be expected to have the physical, procedural and relational security to be able to receive patients with a forensic and non-forensic background.
- Tier 4 Low Secure referrals are also presented to the National Tier 4 CAMHS low secure network. This is a forum chaired and led by clinicians specialising in the field of Tier 4 CAMHS Low Secure and provides a forum to review all low secure CAMHS cases. This informs the clinical recommendation as to the suitability of a patient to be admitted to a Tier 4 low secure service. If the assessment concludes that a patient is appropriate and suitable to be placed in a Tier 4 CAMHS Low Secure placement, the process of sourcing a placement with providers commissioned to deliver Tier 4 CAMHS Low Secure commences.
- As an NHS commissioned provider of Tier 4 CAMHS services, Regis would undertake a review as to whether they are able to support the patient based on the specific needs of the patient and current ward acuity. A provider can decline acceptance of a referral to their specific ward and will be required to provide a clinical rationale.
- NHSE/I is aware that providers have declined admissions to their unit if they assess the level of care and risk is such, they are not able to meet the needs, and alternative providers will be approached to accept. This practice is not in conflict with how a Tier

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4 CAMHS Low Secure service operates. Therefore, in this specific case for example, Regis as a provider of Tier 4 CAMHS Low Secure can decline admission of patients who are male as the unit only accepts females as part of its provision. The national service specification does permit such distinction if the care offered complies with national service requirements and national registration compliance e.g. CQC.

- The contractual arrangements between NHSE/I and a Provider do not therefore need to reflect the nature of the patients' history for those being admitted as that is impacted by other factors e.g., CQC registration.
- Hillside Hospital, Ebbw Vale is registered with the Welsh equivalent of the CQC, the Health Inspectorate for Wales (HIW). It is registered as an independent hospital for child and adolescent mental health patients. The statement of purpose provided by the applicant to HIW, included in the Amended Supplementary Planning Information the statement "To provide assessment and treatment for non-forensic Low Secure CAMHS patients
- The CQC specifies regulated activities that will be carried out e.g. assessment or medical treatment for persons detained under the Mental Health Act 1983. A hospital submits a statement of purpose. NHSE/I assumes from the documentation viewed to date that the applicant would seek to specify as part of its registration that it is a 'Tier 4 low secure non forensic CAMHS facility' within the statement of purpose with the HIW.
- Hillside Hospital currently has a statement of purpose with the HIW meaning no 'forensic' patients would be accommodated there. In this regard, the applicant can technically exclude forensic patients for example, as part of their own admission criteria alongside a wider set of factors, such as clinical need, level of risk, environment e.g. access to a seclusion room, sensory area etc. Given the statement of purpose, if Regis wished to accept forensic patients to the Hillside Hospital at present, it would need to amend its statement of purpose with the HIW.
- In relation to commissioning, NHSE/I has contracts with providers for the provision of care/treatment services. The applicant is an independent healthcare provider, not an NHS provider. The applicant will be funding the capital service development in Redditch, not NHSE/I. Currently, NHSE/I has commissioned 12 beds at Hillside Hospital. What this means is that from a fiscal planning perspective, NHSE/I have funding to pay for 12 beds assuming 100% occupation throughout the year for West Midlands patients.
- NHSE/I will pay the provider based on actual utilisation i.e. a reconciliation exercise is undertaken based on planned activity and actual. NHSE/I do not pay for 'empty beds' that are not occupied. •
- NHSE/I has been clear from the outset to the provider that no commissioning decisions for Saltways will be undertaken whilst the planning application process is in place and is yet to conclude. •
- In relation to the 3m fence, NHSE/I can only comment that all low secure hospitals would be expected to have the same physical, relational and procedural security minimum standards and these are informed by the RCP standard. This applies to adult units and is not specific to CAMHS services but is applied by CAMHS providers as good practice. This would be irrespective of the patient population being 'forensic' or 'non-forensic'.

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- NHSE/I is not expressing a view on the legal position between C2 and C2A referred to in your correspondence. The local authority will need to determine this issue taking account of the above information.

Care Quality Commission (CQC)

Their role as the regulator of health and social care is to ensure that we are satisfied that any application to register or vary registration will comply with the Health and Social Act and its associated regulations. This would also include consideration of the management of any risks associated with the type of service being delivered.

All registration information and inspection reports for providers registered with CQC are available on our website www.cqc.org.uk. Please note that Regis Healthcare is not registered with CQC as they do not carry-on services in England and are only registered with the Welsh Inspectorate.

NHS Hereford and Worcestershire Clinical Commissioning Group (CCG)

Comments awaited.

Hereford & Worcester Fire and Rescue

Hereford & Worcester Fire Rescue Service (HWFRS), Fire Safety Department – have no objections provided the Building Regulations and FSO requirements are satisfied. They state they responded to a Building Regulations Statutory Consultation and to the effects that they need access and facilities for the Fire Service. The character and nature of the residents is the responsibility of the Home to manage, by implementing suitable and sufficient Risk Assessments and appropriate management systems.

West Midlands Ambulance

Comments awaited

Public Consultation Response

This section is set out in a way to reflect the consultation the Local Planning Authority (LPA) has undertaken and is therefore includes three sections.

70 individuals have written to object, with many people submitting more than one letter of objection. This reflects the three rounds of application public participation necessary to address the application amendments and the additional submission of supporting documents. There has been one letter of support.

Summary comments related to Initial application description which included - Change of Use from Residential Institution (Class C2) to Secure Residential Institution (Class C2A).

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- Overshadowing particularly 3-metre-high security fence adjacent to back gardens
- Dominance of 3-metre-high security fence affecting outlook from some residential properties.
- Fear that the children living in the facility might escape and that there might be increase incidents of anti-social behaviour and crime in the community.
- Noise and disturbance and anti-social behaviour within the proposed facility harming the living conditions of the occupants of adjacent residential properties e.g., of youthful residents e.g., screaming, shouting, and swearing
- Reputation concerns of the proposed service provider based on reports of an independent inspection in 2019 which has led to the company being under high scrutiny which included reference to poor security at their site in Wales.
- Concern that any granting of planning permission for a CAHMS facility within class C2A (secure residential institution) would make it difficult to resist any subsequent changes e.g., a facility for young offenders.
- The site which is closely surrounded on three sides by houses is inappropriate as a secure residential facility needs more space around it
- There is existing capacity in Hewell Grange Prison which could be used for such a secure facility.
- There are better uses for the site e.g. a Doctor's surgery
- Risk of people using the wider grounds to throwing things over the security fence for patients.

Summary Comments related to proposed Security Fencing, Extensions and Alterations for CAMHS unit – tier 3For

- We need more mental health support.
- If the plans were in line with a tier 3, as labelled implying an outpatients' facility rather than a tier 4 secure hospital inherent in the detailed proposals it may resolve some concerns

Against

- The applicant has not been transparent and honest with the proposals.
- The amended application was labelled tier 3 yet the text of the applicant's supporting reports states that two of the wards would be for inpatients and there is a proposed 3-metre-high security fence which inherently falls in the tier 4 category.
- The Council's Counsel's opinion is based on inaccurate information. For example, comparison has been made with Leeds City Council planning approval of a tier 4 CAMHS facility as falling within the use Class C2. However, the Leeds unit is not a low secure unit within tier 4 whereas the facts of the proposed development point to it being a low secure unit. There are more valid comparisons – e.g. Ardenleigh in Birmingham
- There is no local need for a tier 3 CAMHS unit particularly as there is one in Redditch town centre – 'The Peartree Centre'.
- There are more suitable locations for this type of facility than Webheath e.g. adjacent to Alexandra Hospital or Hewell Grange.

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- Medical infrastructure is likely to be relatively remote since it is likely to be the paediatric services of Worcestershire Royal Hospital and Birmingham Children's Hospital that would be used.
- Noise, disturbance and antisocial behaviour – facility not suitable to quiet residential area and not able to be mitigated by the fence or boundary vegetation. This could include frequent call alarms, assistance from the ambulance service and noise from outdoor recreation areas.
- Unsustainable location for this type of unit
- Fear of crime from the facility. The specific proposals which inherently fall within a Tier 4 CAMHS category would involve patients with a significant history of harm to self, to others and to properties and are likely to present with extremely impulsive and unpredictable behaviour such that they are likely to be detained under the Mental Health Act This would mean that some of the patients would be under the forensic pathway, known to Young Offender Teams.
- Facilities that provide care to vulnerable young people are often a target of criminal activity.
- A 3-metre-high security fence would not be needed for a proposed CAMHS tier 3 unit.
- Loss of privacy and compromised dignity, modesty and confidentiality due to limited separation distance. For example, disrobing is one of the presentations in patients in such facilities which would be distressing to both local residents and patients.
- Security fence would be a heavily engineered and overbearing feature unacceptably harming the outlook from adjoining residential properties and garden and uncharacteristic of the residential area.
- Insufficient space between the proposed security fence and the boundary of the site for meaningful and effective soft landscaping
- Security fence may not be able to keep everyone in
- Local infrastructure cannot cope with yet another development.
- Non-material issues such as Increased house insurance premium and devaluation of property.

Summary of comments related to current application description (single storey extensions, security fence and alterations for a proposed tier 4 CAMHS' & clarified to be for Tier 4 'Low Secure Non-Forensic' (not adequately covered by comments on previous versions

Nature of proposed use

- The claim that patients needing management in a Tier 4 low secure unit ONLY present with risk to themselves is difficult to achieve since they are not necessarily mutually exclusive and frequently overlap.
- Concern regarding future control regarding the preclusion of admission of patients under the forensic pathway
- Concern that there is no separate NHSE service specification for patients with non-forensic and complex non forensic presentations.

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- The reality of the proposal is for young, aggressive, psychiatric patients, sectioned and sometimes incarcerated for years - housed just over garden fences of closely adjacent residential houses.

Need

- Recognition that there is a needed regionally, but this is not the right place to site.

Policy

- Contrary to Redditch Local Plan policies 1, 2, 39. It does not improve the economic, social and environment conditions and the proposed development would not accord with the character and local distinctiveness.
- Contrary to NPPF relating to ensuring a safe and accessible environment.

Fear of Crime

- Any requirement for a 3 metres high security fence around residential institution would mean it would be unsuitable to a low crime area.
- Concern that people absconding, will not just be a threat to themselves - self-harm or suicide and that they could become very hostile and abusive.
- Concern that such facilities might attract criminal gangs.
- Concerns of a risk of a patient climbing the roof and things being thrown into the nearest garden, which has been highlighted by the police.
- Concerns regarding security design e.g., the use of the flat roof of the building as a means of getting over the proposed fence.
- Non forensic patients are equally likely to be capable of the same irresponsible, unpredictable and hostile behaviour, self-harming, violence towards others, arson and attempting to abscond and are sectioned often being held against their will
- The proposed anti climb security fence does not surround the entire property and therefore would be ineffective.
- Care management plans do not necessarily inhibit a patient absconding and attempting to commit a crime e.g., case of Jonty B in 2020.

Noise and Disturbance:

- Close proximity of dropping off area, Reception and Admissions Ward to adjacent residential properties.
- Related to patients trying to abscond by scaling the fence.
- Noise, Anti-social and aggressive behaviour within the fenced enclosure which cannot not be mitigated.
- Related to comings and goings of ambulances because patients could need daily medical assistance with associated sirens.
- Doors banging
- Noise from patient's music
- Vocalised distress from patients
- From various alarm systems – call/ fire/ door and/or window alarms
- Security fence would be no barrier to noise.
- Prospect of noise and disturbance at all times of the day and nights and every day of the year

Light pollution

- Including impact on local wildlife e.g., local bat population

Dominant scale of security fence

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- Overbearing and overshadowing scale and 'prison like' appearance and proximity to residential gardens and houses of 3-metre-high security fence
- Accentuated by a difference in levels between the existing site buildings and the ground floor level of properties in Shirehampton Close estimated to be 3 metres in the case of no.48 Shirehampton Close

Privacy

- In terms of use of rear gardens of houses and use of habitable roofs particularly first floor rear elevations.
- Poor privacy for patients living at the site – rear of houses can look into proposed bedrooms.
- Inadequate separation distance between the building and fence and the surrounding residential houses
- Absence of information about proposed landscaping to mitigate the loss of privacy.

Highways and Parking

- Traffic generation would include visitors and staff shift changes.
- Insufficient parking for staff and visitors and on road parking outside the site is competitive.
- Cars often drive in excess of 30mph on Church Road.

Sustainability

- CAMHS units need to be located close to a suitable hospital for the sake of the patients.
- Safety and sustainability implications of distance and drive time from appropriate emergency medical treatment in Worcester and Birmingham since Alexandra Hospital refers under 18's to these hospitals.

Character

- The proposed security fence is not in keeping with the area would be visible from all sides of the site.

Safety

- Concern that the site is relatively remote from Ambulance Services.

Construction

- Upheaval, noise and disturbance during construction phase exacerbating constructional disturbance for nearby housing construction site.

Procedural

- Concern regarding the misleading and reluctant provision of specific information regarding the 2nd version of the application undermining the credibility of the current version of the application.
- Constant changes in the nature of the application designed to beat the system.
- If it is solely for treatment of patients with non-forensic presentations, why is there a need for a 3 metres high security fence.
- All previous individual comment on previous versions of the application ought to be carried forward to this latest amendment.
- Human rights under article 1 of the first protocol: protection of property
- A possible future appeal should not prevent elected members rejecting this proposal.

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- The Council would be held to account if planning permission is granted and if any harm comes to residents.

Cllr Thain: Objects on the following grounds:

The Government's current National Planning Policy Framework states that: 'planning policies and decisions should aim to ensure that developments create: "Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion," It must therefore be the duty of each Authority to exercise its various functions and do all it reasonable can to prevent Crime and Disorder in its area. This proposal, if passed, would greatly inhibit the Council's ability to uphold such an environment.

'Fear of Crime' issues remain high on Webheath residents' agendas. Fears about the proposed CAMHS facility are significant, genuine and have been exacerbated by the fact the plan envisages a three meters high security fence around its perimeter. Such a facility should not be in a residential village such as Webheath.

The facility, with its proposed three meters high border fence, would be immediately adjacent to several residents' houses and gardens, causing disquiet, disruption and considerable unease to those residents.

I ask that the experienced Planning Committee reject this proposal.

Assessment of Proposal

This assessment is divided into what is considered to be the main issues arising from the application which are:

- I. Legal issues – Whether the proposed use is a material change of use?
- II. Fear of Crime
- III. Whether the proposed security fence is overly dominant
- IV. Effect on character and appearance of the area
- V. Noise, Disturbance and Privacy
- VI. Highways, Parking and Sustainability
- VII. Other issues – Drainage, Alternative Locations and Procedural

Legal Issues - Whether the proposed use is a material change of use?

This section of the report is divided into 4 parts:

- Assessment of applicant's Counsel opinion
- Summary of Council's Legal Opinion
- Application of legal opinions to the specific proposed use
- Consideration of prospect of creeping development

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In view of the technical nature of this part of the assessment a Glossary is attached as an appendix to assist with specific terminology.

Applicant's Counsels opinion

The applicant's Counsel's opinions can be summarised as follows:

- Two opinions were provided in respect of the second and third descriptions of development with reasoning and conclusions as to why the proposed use would continue to be a use within Use Class C2 (residential institution) and, accordingly, that no planning permission is required for the proposed use.
- The conclusions of the applicant's original Counsel's opinion resulted in the alteration of the description of development to operational development – security fence, extensions and alterations, rather than a material change of use
- The proposed developments (security fence, extension and alterations) are associated with the provision of secure treatment for vulnerable individuals and the primary purpose is to provide for their care and wellbeing and the security provision is directed at protecting those individuals from themselves and not directed at protecting others.
- The applicant states the proposed development will be for the use of the building for the provision of 'non forensic' rather than 'forensic' mental health services both of which fall within the umbrella of secure mental health in-patient provision.
- NHS England (the body responsible for commissioning Tier 4 services) provides a 'service specification' for 'Tier 4 community-based forensic Child and Adolescent Mental Health Service' models and this is instructive in identifying the clear differences between forensic and non-forensic care.
- The provision of non-forensic care can be contrasted with forensic care where secure provision is made for those 'who present a high risk of harm towards others and about whom there is major family or professional concern' -and/or are in contact with the youth justice system OR about whom advice about the suitability of an appropriate secure setting is being sought because of the complexity of presentation and severe, recurrent self-harm and or challenging behaviour which cannot be managed elsewhere..."
- That contrasts markedly with those individuals whose treatment falls within the category of 'non-forensic' care where care and treatment is provided to, in part, ensure that the individuals propensity to self-harm or engage in self-harming behaviours is addressed.
- The provision of care is provided within a secure setting however that security is provided to ensure that those the subject of care cannot harm themselves – not that they could harm others. That is a critical distinction between Use Class C2 and Use Class C2A wherein the latter is principally concerned with security in the sense of either keeping individuals in (i.e., a prison / YOI) or keeping individuals out (i.e. a military facility).

Council's Counsels Opinion

The Council has sought Counsels Opinions which can be summarised as follows:

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- Definitions in the Town and Country Planning Use Classes Order 1987 (the UCO) at Schedule 1 Part 3. The Class C2 description includes a reference to 'care' whilst the Class C2A description is principally about security. Article 2 of the UCO provides the definition of 'care' as:

Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.

- There are no 'bright lines' between the concepts of care home, hospital and nursing home and the distinction between each use is fact specific and a matter of planning judgment and the concept of care is all embracing (*R (oao Tendring District Council) v SSCLG & Others [2008] EWHC 2122 (Admin)*). This means that the line between one use class and the next may be blurred. In contrast, the main purpose of the categories in class 2A is;

"to keep persons under control, who are a potential danger to society at large"

(Sullivan J at [13] in *R (oao Tendring District Council) v SSCLG & Others [2008] EWHC 2122 (Admin)*).

- Whilst use Class C2 may include an element of security the provision of 'care' is likely to be the unit's primary function and

"security, although strict, is in place more for the safety of the residents, to prevent them from harming themselves, rather than there being a danger to society beyond the boundaries of the site"

(Sullivan J at [13] *oao Tendring District Council) v SSCLG & Others [2008] EWHC 2122 (Admin)*).

- In *Tendring District Council*, the suggestion was that the critical distinction is a distinction between security imposed for the security of residents (who might harm themselves) and security imposed because residents pose a danger to others. It might be expected that where residents pose a danger to others security will be much tighter, more intrusive and more apparent.
- Whilst 'secure hospital' is listed as an example of a Class C2A use, it seems that this must be a use more analogous to a detention centre/ holding centre in terms of the level of security imposed.
- Since the planning application has been limited to the construction of a fence/ building extensions (rather than any material change of use) the issue of drafting a planning condition to control the use has fallen away
- Conclusion – Agreement with applicants Counsel that a CAMHS Tier 4, Low Secure unit for patients with non-forensic presentations would not be a material change of use from the existing lawful use of Class C2

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Application of legal advice to the specific facts of the case

Taking account of these legal concepts and applying them the consideration of whether the specific proposed use constitutes a material change from the previous lawful use, the starting point is the primary purpose of the unit, in this situation it is to provide care and the role of security is to enable that purpose to be undertaken. In such circumstances whilst security would need to be significant, its purpose would not primarily be security, the fence (and other associated measures such as doors locks, restricted access areas) would be to keep patients in for their own safety i.e., so they could continue to be treated and cared for within the unit. Whilst acknowledging there are no bright line boundaries between these Classes, in practice, it is considered that it is reasonable to regard facilities which accommodate patients with a non-forensic and complex non-forensic presentation to have care as their primary purpose and thereby fall within Use Class C2 Residential Institution

In contrast, it is it is considered that it is a reasonable to conclude that the purpose of a unit which would also permanently accommodate patients with forensic presentations, which by definition means that the occupants would be a significant risk to others, and where tight physical security is necessary to stop young people absconding who could endanger people outside, would be a material change of use. This is because the security would be at least an equal purpose to the provision of care and at most the primary purpose of the unit. In these circumstances it is considered that the unit would fall within class C2A i.e., a Secure Residential Institution.

The applicant has applied for a Non-Forensic use and the Planning Statement (PS) sets out that it is for a "Tier 4 low secure non-forensic" CAMHS facility only. Thus, in terms of security, it advises that those forensic patients – i.e., those who pose harm to others and/or have committed an offence, are to be excluded from admission. The PS states that the proposed facility would be commissioned by NHS England (NHSE) and registered with the Care Quality Commission (CQC) and this would be stated in the 'commissioning certificate' as a Tier 4, Low Secure, Non-Forensic CAMHS Facility. Also, it is noteworthy that the applicant accepts (in a paragraph 2.2 of the Supplementary Planning Information dated 9th December) that in respect of facilities accommodating patients with forensic presentations, e.g., those with criminal convictions, that this use would fall under use Class C2A. To provide clarity to the scope of the permission and to provide some assurances and comfort to interested parties a suggested informative can highlight this to the applicant.

In terms of the proposed security fence, the guidance in the Royal College of Psychiatrist (RCP) 'Standards for Forensic Mental Health Service', on page 24, refers to the need for 3-metre-high fence for Forensic Low Secure Units. However, there is no hard evidence that the proposed 3-metre-high anti climb security fence is excessive, overly engineered or is designed to meet any form of longer-term objective, or that it would be disproportionate for the stated purpose of keeping non-forensic patients in the unit for their own care. Moreover, the comments of the West Mercia Police are in terms of the security purpose of the fence being appropriate in scale and design. Furthermore, it is

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noteworthy that NHSE indicate that the security minimum standards would be informed by the RCP standard for low secure forensic fencing and this would be irrespective of the patient population.

Local Residents concerns of the potential for the development to evolve.

The concerns of residents regarding the challenge in practice of ensuring that patients with forensic presentation would not be admitted, particularly as NHSE have confirmed that there is no separate NHSE service specification for patients with non-forensic or complex non forensic presentation, are legitimate. However, should the use materially alter e.g. from a CAMHS Tier 4 low secure in patients facility occupied solely by patients with non-forensic or complex non-forensic presentation to one which is also occupied by significant numbers of patients with forensic presentations and this has clear planning consequences, including the added fear of crime, then the Council will be able to revisit the matter. Powers which may be relevant in those considerations could include a Planning Contravention Notice or consideration of whether it is expedient to use a more formal Enforcement powers. Should that situation arise, such decisions would be made at that time and based on the evidence presented, but that action, or indeed possible inaction, should not be second guessed as part of this application.

In terms of traffic movements and parking the highway authority in general terms concludes that the proposals will not be significantly different to the previous care home use. Whilst the materiality of any change in traffic movement is a matter of planning judgment, it is not evident that this would result in a significantly different character. This conclusion supports and adds weight to the LPA'S view that the 'on the ground planning consequences of the use' are not materially different from the existing C2 Care home use.

In conclusion, Officers consider it would be inappropriate to assess the application based on the harm flowing from a change of use because the proposed change would not be of a scale, nature or degree to be a material change of use from the lawful Class C2 Residential Institution. Accordingly, it is only appropriate to assess the proposed operational developments.

Fear of Crime

The SPD (6.1.9) and the Borough of Redditch Local Plan No. 4, policy 40 vi) sets out the importance of good design and the fact that new development will be expected to encourage community safety and design out vulnerability to crime by incorporating the principles, concepts, and physical security standards of the 'Secured by Design' award scheme.

It is clear that there is a real and pronounced fear of crime particularly voiced by local residents, particularly those occupying houses adjoining the site arising from the operational developments particularly the proposed security fence. There is appeal case law that indicates that the fear of crime is a material consideration relating to the erection

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of security fences. Moreover, there are clear concerns, reinforced by the views of West Mercia Police, of what a 3-metre-high anti climb fence represents, and this includes fear of crime, particularly of crime from patients absconding who have presentations that may be, or perceived to be, harmful to people outside the site. This is particularly the case since many of the rear gardens of surrounding houses adjoin the site and views from dwellings and rear garden areas enable clear observation of the proposed fencing.

However, given the conclusion that planning permission is not required for the proposed use, per se, it is reasonable to conclude the proposed 3-metre-high anti climb fence, would not unacceptably exacerbate the fear of crime which primarily relates to the proposed use, rather than the fence itself. With regards the Worcestershire County Complex Needs comment regarding the legalities of fencing, the applicant maintains the fencing is essential to enable the administration of necessary care plan for each patient. Indeed, since the comments from West Mercia Police indicate that the proposed fence is appropriate and fit for purpose it could eventually result in anxious fears subsiding. Therefore, the proposed security fencing is considered essential, in principle, to enable the administration of necessary care plan for each patient.

The observations and comments made by Community Safety colleagues were shared with the applicant. They indicated they are satisfied the building is fit for purpose and considered many of the comments were non-material planning considerations. Officers note also that some of these matters relate to the management of the unit and the internal arrangement of the facility and would therefore be outside of the control of the Local Planning Authority.

Therefore, in respect of this issue the application would accord with policy 40 of the Borough of Redditch Local Plan No. 4

Dominance of security fencing

The closest stretches of security fencing to the rear elevation of adjacent properties are 17.8 metres and 21.7 metres in the cases of no's 48 and 46 Shirehampton Close and 16.5 metres and 17.5 metres in the cases of no's 34 and 35 Lordswood Close. The closely spaced welded mesh design of the 3 metres high anti climb security fence would be such that from oblique angles it could appear relatively solid and dark in colour.

The Borough of Redditch High Quality Design Supplementary Planning Document (SPD), paragraph 6.2.18 states that boundary treatments must be appropriately designed and use existing features and existing vegetation, such as hedgerows and mature trees. In terms of guidance and the issue of high fences near dwellings affecting outlook, there is no minimum separation distances for 2 storey dwellings facing security fences. The nearest equivalent comparator in the SPD is the example of 2 storey dwelling facing a flank wall of a two-storey dwelling where the minimum is 12.5 metres for parallel face to face building. In terms of whether the security fencing would be unduly overbearing, the on-site distance separation would be above this comparison minimum separation distance. Moreover, the proposed fence alignment would be set at a slight angle to the

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alignment of the rear elevation and the fence would be lower than the eaves level of a typical two-storey house.

On the other hand, the proposed fence would also be considerably wider than a typical blank wall of a facing house. Furthermore, in the case of the juxtaposition of the 3 metre high fence to certain properties fronting Shirehampton Close, perhaps most notably, no. 48, there is a difference in levels. The lack of levels information on the submitted plans has been explored with the applicant. The occupant of no. 48 Shirehampton Close estimates that the rear elevation of his property is 3 metres lower than the base on the proposed fence. If this is the case it would add to the dominance of the fence.

However, considering the separation distances involved and the intervening features, it is not considered that this juxtaposition would be unduly overbearing, at ground floor level where the daytime habitable rooms are located because a rising garden with a garden fence at the top would obscure the views of the lower parts of the security fence. Whilst it would be relatively conspicuous at first floor level the fence would mainly be seen with a backdrop of the building and to some extent the solidity of the fence would be softened and broken by existing and any proposed intervening mature soft landscaping. Therefore, whilst the proposed 3 metres anti climb security fence would represent a change of outlook compared with the existing situation, particularly from the first-floor rear windows, it is considered by reason of distance separation, relative juxtaposition, backdrop of buildings and the softening of mature vegetation which can be enhanced by further landscaping secured by condition, that it would not be unduly dominant.

In terms of the proposed 2-metre-high security fencing at the front/side of the unit and visible from the public vantage points of Church Road, the alignment of stretches of fencing are set back behind the car park at the front of the site and minimum of 5.3 metres from the existing north west boundary fence. In both cases it would be disguised to varying degrees by existing trees and shrubs between the proposed fence and the site boundaries. It is noteworthy also that the erection of a 2m high fence in a position not adjacent to a highway would represent a permitted form of development by virtue of Class A Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Effect on Character and Appearance*Security Fence*

The views of the proposed operational development; principally the proposed anti climb security fence from public or quasi-public vantage points surrounding the site are largely restricted to the Church Road frontage which is disguised by existing trees and shrubs fronting the site across a frontage car park and seen with a backdrop of the mass of a complex of single storey building with ridged roofs. Moreover, apart from a corridor of 3-metre-high fencing leading into the courtyard, the stretches of 3-metre-high security fence which would enclose part of the courtyard are further back and would be largely surrounded by buildings. In terms of other public views these are restricted to narrow or

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high level, glimpsed views between houses and from the informal footpath through the east of the site. Again, the proposed 3 metre high, anti-climb, security fence and the 2-metre-high security fence would be seen with the relatively close backdrop of substantial buildings and through intervening existing trees and shrubs in the grounds. Appeal case law tends to give little or no weight to the impact of views from private land. Whilst these proposed additional boundary treatments are not typical of the characteristic of the area, they would have a degree of transparency and would be less aggressive than other types of security fence e.g., galvanised palisade fencing. Moreover, given the conclusions on the lawfulness of the proposed use, appropriate security fencing is necessary.

Proposed extensions and alterations

The proposed single storey classroom would be extended from the north western inner face of the existing detached building in the south western part of the grounds. The additional bulk of the proposed classroom would be disguised from the Church Road frontage by both the backdrop of buildings and the existing trees and shrubs which are to be retained. Only the relatively narrow end elevation of the classroom extension would be seen with the backdrop of other buildings.

The proposed two extensions adjoining the north west (side) elevation of the building would be relatively small scale and not prominent from public views and this together with the proposed matching materials would enable them to be assimilated into the form and scale of the existing building without causing visual harm.

In terms of proposed alterations, the feature render and wood cladding provide for a more varied appearance and uses materials often used in the locality. The prospective changes to the car park to accommodate the suggested highway conditions would be relatively modest but would involve some erosion of existing frontage landscaping, all be it that this could be addressed using a suitably worded condition.

The small bin store situated at the back of the car park, which would be an enclosure surrounded by fence panels would be seen with a backdrop of the existing outbuilding. The original proposal for a smoking shelter in the front corner of the were removed from the amended plans address the officer concerns.

Therefore, overall, in in terms of character and appearance the proposed operational development would accord with policies 39 and 40 of the Borough of Redditch Local Plan No. 4

Noise, Disturbance and Privacy

Given the Officers conclusions that there is no material change of use arising from the proposal, this assessment needs to focus of the implications of the proposed operational developments. The proposed anti climb security fencing, which would leave the corridor around the building, has the potential to be an area in which people may congregate when enjoying outdoor recreation and leisure. Residents congregating in these areas

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would also be visible and audible, to some extent, from surrounding properties, albeit that some intervening features exist in some places. This is not a materially different situation to the use of the site as a nursing home. Regarding the concern expressed with respect to access to the roof area, the applicant has stated that the amenity space to each wing, located in the central courtyard is fenced off away from the building, therefore they consider unauthorised roof access very unlikely. Access to the perimeter of the building, between the fence and the building is only for when patients are leaving/entering the site during which they are accompanied. Therefore, it is reasonable to conclude that with appropriate management techniques and controls, combined with lighting and CCTV would be sufficient to address this and adequately manage this situation.

Similarly, the proposed extensions on the north west side of the existing building, whilst emphasising that this would be the main entrance to the existing building, would not in themselves add to the noise and disturbance that might occur with people and vehicles coming and going to a building with a lawful use. There would be minimal noise implication from the classroom extension given the conclusions on the lawfulness of the proposed use

Since WRS have concerns about the lack of information regarding mechanical ventilation it is appropriate to impose a planning condition

Parking, Highway Issues, and sustainability

The Borough of Redditch Local Plan, Policy 20, deals with the transport requirement of new developments including incorporating safe and convenience accesses and meeting parking standards. The assessment of this issue needs to be made in the context of the proposed operational developments. These involve some extra floor space which could, in a limited way, have additional highway implications. It is noteworthy that the County Highway Authority have no objections subject to conditions with the reasoning that the extra floorspace would not be significantly different in terms of transport and parking implications than the previous use of the property as a care home.

The applicant has questioned the detailed planning justification for the Highway Authority's suggested conditions. In conclusion on this issue given there would be a limited increase in floorspace and no increase in bedroom numbers it is not considered that the suggested condition for cycle provision is reasonable and appropriate. Therefore, the proposed operational development would accord with policy 20 of the Borough of Redditch Local Plan No. 4

In terms of sustainability, whilst the site would potentially cater for more of a regional rather than local need for CAMHS tier 4 low secure provision, the site is set within the built-up area of Redditch and can therefore be considered a sustainable location.

Other Issues*Drainage*

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Whilst there is a lack of information about drainage Worcestershire Water Management are satisfied that it is appropriate to remedy this with a pre-commencement condition. The applicant has indicated that the suggested condition and reasoning is acceptable

Alternative locations

Some representations suggest there may be preferential locations for such a development e.g., adjacent to hospital sites. However, it would not be reasonable to recommend refusal of the application for operational development on the basis that the feasibility of alternative sites have not be properly investigated. A decision has to made on the proposal before Members and in the absence of any material or technical issue that is not capable of being addressed by condition, then Officers are minded to support the application.

Procedural

The public concern about the actual or perceived misleading and reluctant provision of information and allegedly poor record of the applicant's management of another site is not a reasonable reason to recommend refusal of the application as these are not material planning matters. The shortcomings in the original application package of information and design have been adequately rectified by the applicant and this has been the subject of extensive consultation and publicity. There is no specific documented evidence that the proposed use would be different to that applied for in the current amended application. Therefore, there are no procedural grounds for deciding that the application ought to have been refused.

Overall Conclusions

The consensus of the various legal opinions submitted which has been commissioned by both the applicant and the Council is that the proposed use; a CAMHS Tier 4, Low Secure, Non-Forensic unit, is one where the primarily function is of providing care for its occupants rather than it being a place principally involved in securing its occupants for the protection of the wider public. The purpose of the security fence for example, is to prevent young people who might abscond and thus avoid receiving the care they need, from leaving the unit. This provision of care is not materially different to the lawful use of the site as a Residential Institution falling within Use Class C2. It is considered that this a reasonable conclusion given the unit would accommodate patients with non-forensic or complex non- forensic presentations. Therefore, the proposed use, per se would not require planning permission.

The proposed operational developments: security fencing, extensions and external alterations which are the only developments for which planning permission is being sought, should be assessed purely on their affects and not because they might facilitate a different use now or in the future. In this context the operational developments, by

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themselves, do not cause unacceptable harm in respect of the aforementioned issues including fear of crime, design & character, living conditions and highway safety.

RECOMMENDATION:

- a) That the LPA would have been minded to **GRANT** full planning permission subject to conditions as listed in the event that an Appeal against non-determination had not been lodged and it had been able to determine the application

and

- b) That Delegated Powers be given to the Head of Planning, Regeneration and Leisure Services to agree to the proposed method for determining the non-determination appeal.

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.

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 proposed development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

- Location/ block plan – 110A – 11/02/20
- Proposed Site Plan 1:200 denoting areas of use in building – 190185/109(-) – 18/05/20
- Proposed Site Plan 1:500 - 190185/110(B) – 18/05/20
- Proposed NE Wing Rev B -- floorplan 'Admissions Ward' – 190185/112(B) – 18/05/20
- Proposed SW Wing floor plan Rev B 'Transitions Ward' – 190185/113(B). – 18/05/20
- Existing & Proposed Street Scene Elevations & photomontage & indicative cross section – 18/05/20
- Proposed School floorplan – 114A – 11/02/20
- Proposed Main Elevations – 115A – 11/02/20
- Proposed School Elevations –116(-) - 11/02/20

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- Planning Statement Ref 190185 Rev B – 28/09/20
- Design & Access Statement Revision B – 18/05/20
- Supplementary Planning Information Rev A - 03/12/20

Reason: For avoidance of doubt to seek compliance with the approved plans

3. Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

4. Prior to the commencement of any works on site, including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected with fencing around their Root Protection Areas. This fencing shall be constructed as detailed in Figure 2 and positioned in accordance with Section 4.6 of British Standard BS5837:2012 and shall be maintained as erected until all development has been completed.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties from damage which would occur if such works were commenced prior to the installation of tree protection fencing

5. No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: In order to protect the trees which, form an important part of the amenity of the site

6. No development shall commence until a scheme of landscaping, including details of proposed tree and shrub plantings and treatment of all parts of the site not covered by buildings, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the sizes, numbers, species and grade of all proposed trees/plants; and specifications to ensure successful establishment and survival of new planting. The approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are

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removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and in accordance with the approved details.

Reason; To ensure that the designs for and implementation of an approved landscaping scheme would satisfactory mitigate the proposed large scale and expanse of security fencing and to complement the security of the site, in the interest of character of the area, the living conditions of adjoining residents and site security.

7. Prior to any works above foundation level or surfacing works commencing on site a scheme for surface water drainage will be submitted to and approved in writing by the Local Planning Authority. 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.

8. Prior to the installation of glazing, details of the specification of glazing and any mechanical ventilation to be installed shall be submitted and approved by the Local Planning Authority. The glazing shall be installed in full accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed development.

9. Full details, including the cumulative predicted assessment level(s) at the nearest noise sensitive receptor(s) in terms of BS4142:2014+A1:2019, of any proposed mechanical ventilation, that requires external plant / equipment, should be submitted to and approved in writing by the local planning authority before brought into use. The mechanical ventilation shall be installed in accordance with the approved details.

Reason To safeguard the amenities of the occupiers of the proposed development.

10. No development shall be commenced until details of the proposed external lighting and CCTV cameras and system shall be submitted to and approved, in writing, by the Local Planning Authority. The installation of the external lighting and CCTV systems shall be in accordance with the approved details.

Reason: To achieve an acceptable design for and implementation of external lighting and CCTV as an integral part of the development in the interests of site security and residential amenity

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

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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 or Bank holidays or public holidays. 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 that there would be an acceptable method and provision of adequate on-site facilities and in the interests of highway safety and residential amenity.

12. The development hereby approved shall not be occupied until the parking facilities have been provided as shown on drawing 190185/110(A)

Reason: To ensure conformity with the submitted details

Notes to be added to Planning Permission

1. The application has been defined and described as providing a Tier 4, Low Secure CAMHS facility, for patients with Non-Forensic presentations. This is also the basis on which the facility has been commissioned via NHS England. As a result, the LPA is of the view that a material change of use has not been proposed. However, if the way in which the facility operated were to materially change, or if the facility were also to provide care for on a permanent basis for patients with presentations not defined as Non-Forensic, this may represent a material change of use, for which a further planning permission may be required.
2. In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application, including the addressing two amendments to the original application, securing of amended plans, supplementary information and legal opinions. This necessitated three rounds of notifications, consultations and site and press publicity and the consideration of the issues arising. This application is considered to accord with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
 - The lawfulness of the proposed use and the principle of the development,
 - impact of the operational developments on the street scene and character of the area
 - Effect of the proposed operational development on fear of crime
 - Impact of the proposed operational development upon amenity of neighbours.
 - Improving the design of the proposed developments
 - Consideration of Highway safety and car parking issues

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The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development and as such the application falls outside the scheme of delegation to Officers. In addition, this application is being reported to the Planning Committee because two or more objections have been received.

Glossary of Terms

CAMHS - Child and Adolescent Mental Health Services

CAMHS Tier 3 are specialised CAMHS including eating disorder services (*Healthy young minds*)

CAMHS Tier 4 are specialised services including day and inpatients service commissioned directly by NHS England. It provides assessment and treatment for children and young people with more severe mental health problems, including emotional, behavioural or mental health difficulties, in four services treating patients with more complex needs usually requiring inpatient treatment.

(Schedule 2 Service Specification – reference 170024/S for Tier 4 CAMHS, Low Secure Inpatient Service published by NHS England)

Tier 4 inpatient CAMHS services in England offer care at four levels to support the effective management of differing nature of risk presented by children and young people under 18 years. Medium secure, low secure and Psychiatric Intensive Care Units (PICU) services provide a range of physical, procedural and relational security measures not required in general adolescent services to ensure effective treatment and care whilst providing for the safety of young people, staff and the public.

- **Medium secure settings** accommodate young people with mental and neurodevelopmental disorders (including learning disability and autism) who present with the highest levels of risk of harm to others including those who have committed grave crimes.
- **Low secure settings** accommodate young people with mental and neurodevelopmental disorders at lower but significant levels of physical, relational, and procedural security. Young people may belong to one of two groups: those with 'forensic' presentations involving significant risk of harm to others and those with 'complex non-forensic' presentations principally associated with behaviour that challenges, self-harm, and vulnerability.
- **Psychiatric Intensive Care Units (PICU)** manage short-term behavioural disturbance which cannot be contained within a Tier 4 CAMHS general adolescent service. Behaviour will include serious risk of either suicide, absconding with a significant threat to safety, aggression, or vulnerability due to agitation or sexual disinhibition. Levels of physical, relational, and procedural security should be similar to those in low security.
- **General adolescent services** provide inpatient care without the need for enhanced physical or procedural security measures

(2.1.2 and 2.1.3 Schedule 2 Service Specification – reference 170024/S for Tier 4 CAMHS, Low Secure Inpatient Service published by NHS England)

Care Quality Commission regulates all health and social care services in England. The commission ensures the quality and safety of care in hospitals, dentists, ambulances, and care homes, and the care given in people's own homes. (*Care Quality Commission*)

Clinical Commissioning Group (CCG) Clinical commissioning groups (CCGs) were established as part of the Health and Social Care Act in 2012 and replaced Primary Care Trusts on **1 April 2013**. CCGs are groups of general practices (GPs) which come together in each area to commission the best services for their patients and population. (*NHS England*)

NHS England (NHSE) is an executive non-departmental public body of the Department of Health and Social Care. It oversees the budget, planning, delivery and day-to-day operation of the commissioning side of the NHS in England as set out in the Health and Social Care Act 2012.^[2] It directly commissions NHS GPs, dentists, optometrists and some specialist services. (*NHS England*)

NHS England Improvement NHSE/I - NHSE/I specialised commissioning teams commission Providers to deliver specialised Tier 4 CAMHS services. For patients to be admitted into specialised services such as a Tier 4 Low Secure provision,

Complex non- forensic presentations those with complex non-forensic presentations principally associated with behaviour that challenges self-harm and vulnerability.

Forensic presentations those involving significant risk of harm to others.

(*Schedule 2 Service Specification – reference 170024/S for Tier 4 CAMHS, Low Secure Inpatient Service published by NHS England*)

Low secure service requirements and functions - Acceptance Criteria the following must apply:

- The young person is under 18 at the time of referral
- The young person must be detained under Part II or Part III of the Mental Health Act 1983
- The young person is not safely managed in an open environment, does not require a medium secure setting, and is assessed as having needs that cannot be managed by shorter term admission to a PICU and either
- The young person has been directed to conditions of security under a restriction order by the Ministry of Justice
- The young person presents a risk of harm to others or themselves or suffers from a behavioural disturbance that requires inpatient care, specialist risk management procedures and a specialist treatment intervention.

Exclusion Criteria the following apply:

- Young people who present a grave risk to the general public (which may include some high-risk young people who may have no offending history, as well as those who have been charged with or convicted of specified violent or sexual offences under Schedule 15 of the Criminal Justice Act 2003) These young people are more suitable for medium secure in-patient settings
- Young people with brief episodes of disturbed or challenging behaviour as a consequence of mental disorder. These young people are more appropriately cared for in a PICU

(2.4 and 2.5 NHs England Schedule 2 – Child and Adolescent Low Secure Service. Service Specification no C11/S/b)

Royal College of Psychiatrists - is the main professional organisation of [psychiatrists](#) in the [United Kingdom](#), and is responsible for representing psychiatrists, for psychiatric research and for providing public information about mental health problems. The college provides advice to those responsible for training and certifying psychiatrists in the UK. *Wikipedia*

Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'

The relevant extracts of which are detailed below:

- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders' institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.

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Planning Application 21/00139/FUL**Development of six 2 bedroom apartments and three 1 bedroom apartments, with associated external works and parking arrangements****Land At, Torrs Close, Redditch, Worcestershire, ,****Applicant: Dr S Ananthram
Ward: Central Ward****(see additional papers for site plan)**

The case officer of this application is Mr Anthony Young, Planning Officer (DM), who can be contacted on Tel: 01527 881234 Email: anthony.young@bromsgroveandredditch.gov.uk for more information.

Site Description

The site covers approximately 0.1ha and is located between Torrs Close and Mount Pleasant to the south of the town centre. Access is from the south of the site from Pool Bank.

The site is rectangular in shape, orientated north to south. To the eastern boundary, Torrs Close is a residential street off which there are 11 properties. The northern boundary is formed of the gable of 12 Torrs Close, and on the western edge, elevated above the site on a steep sided "escarpment" feature, is in part the rear of a commercial garage premises and the rear garden of Southcrest Nursing Home. A private drive from Pool Bank leading to further residential properties closes the southern boundary.

This vacant site is currently occupied by broadleaved woodland, dominated by semi-mature sycamore trees. Opposite the site is a linear strip of woodland running parallel to and on the north side of Pool Bank. Bordering the south side of Pool Bank is Southcrest Wood, a Local Wildlife Site.

Proposal Description

This application seeks planning permission to erect an apartment building of 9 units over three floors. It would provide 6 x 2 bed and 3 x 1 bed accommodation. The southern half of the site would provide landscaped parking for the units with a single point of access off Torrs Close.

Relevant Policies :**Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient use of Land

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Policy 11: Green Infrastructure
 Policy 14: Protection of Incidental Open Space
 Policy 16: Natural Environment
 Policy 18: Sustainable water Management
 Policy 19: Sustainable travel and Accessibility
 Policy 20: Transport Requirements for New Development
 Policy 39: Built Environment
 Policy 40: High Quality Design and Safer Communities

Redditch High Quality Design SPD

Others

NPPF National Planning Policy Framework (2019)
 NPPG National Planning Practice Guidance

Relevant Planning History

18/00784/FUL	Erection of a new apartment block consisting 10no. 1 and 2-bed residential units together with associated car parking and external works	Committee resolution to approve (13.11.19) subject to completion of S106 (not completed therefore decision not yet issued)
17/00996/FUL	Proposal to create 4 numbers of detached houses.	Withdrawn
2006/371/RM	Reserved matters for 6 apartments in a three storey block	Approved - 18/7/2006
2004/214/RC3	Outline Application - 6 apartments in a three storey block	Approved - 29/11/04

ConsultationsHighways - Redditch

No objections subject to conditions.

Waste and Recycling

No objection

Worcestershire Wildlife Trust

Maintains its objection as it did to 18/00784/FUL, despite the application having a committee resolution to approve. Notwithstanding this, it continues to believe that the

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proposed development would lead to a net loss of biodiversity contrary to guidance in the NPPF (see for example paras. 170 and 175). In the event of approval, it recommends that a condition is applied requiring biodiversity mitigation and enhancement.

Tree Officer

Although there is a high level of tree loss within the site, all the trees are predominately self-sets, or trees in poor condition or with structural defects, all of which is low amenity value. Any trees, groups or hedgerows that are to be retained should be adequately protected during the construction phase of the development

North Worcestershire Water Management

The site is in flood zone 1 (low risk of modelled river and tidal flooding) and there are no records of flooding on site.

A planning condition is recommended requiring a drainage plan to be submitted to demonstrate how the applicant wishes to deal with surface water on site, including drainage for the proposed retaining wall. It should detail the extent of the new buildings and any new hard standing and what materials will be used to finish these areas. It is also required that there is an appropriate level of attenuation.

WRS - Contaminated land and noise

Contamination - the site is currently vacant and adjacent to a petrol filling station and car repair garage with potential for ground contamination. A condition is therefore recommended to secure site investigation and any remediation.

Noise - No objection, subject to approval of a Construction and Environmental Management Plan

Public Consultation Response

A total of 15 letters were sent on 5th February 2021 (expired 1 March 2021). Site notices were displayed around the application site on 9th February 2021 (expired 5th March 2021).

A total of 3 objections received raising the following principle issues.

- Scale of development too large for the site
- Disturbance and inconvenience to residents during the construction phase of the development
- Loss of trees and habitat
- Will disturb care home residents
- Will cause further traffic and parking issues
- Insufficient parking provision proposed

Assessment of Proposal

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Housing land Supply

The Council is unable to demonstrate a 5 year supply of housing land and therefore the NPPF paragraph 11(d)(ii) 'tilted balance' applies. This means applying a presumption in favour of sustainable development, and for decision taking means granting permission unless any adverse impacts of doing so would significantly outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point of decision making.

Principle of residential development

The application site is within the Redditch urban area and in accordance with RDLP Policy 2 - Settlement Hierarchy, is the focus for development, as it provides the highest level of services and facilities provision and offers the most sustainable location for development.

RDLP Policy 2, in supporting housing on the site in principle, is relevant and the most important for determining the application.

Ecology

BRLP Policy 16 - Natural Environment seeks to ensure the natural environment is protected and enhanced. The NPPF seeks to avoid significant harm to biodiversity from a development and if it can't be adequately mitigated or compensated for, then planning permission should be refused. Contribution to and enhancement of the natural and local environment should be achieved by, amongst other things, providing net gains for biodiversity.

The application was accompanied by an Update Preliminary Ecological Assessment (PEA), prepared by Worcester Wildlife Consultancy. It concluded that there did not appear to be any significant changes to the site since the previous PEA and bat surveys were carried out by Focus Ecology Ltd., submitted with 18/00784/FUL.

The Local Wildlife Site (LWS) known as Southcrest Wood is wholly south of Pool Bank Road and the application site is outside of the LWS. The proposal is therefore unlikely to impact on its conservation status. Other woodland neighbouring the site, together with Southcrest Wood, do present themselves as a cohesive whole. However, the application site is a very small element on the edge of this large woodland block and beyond its north and west boundaries is built development. The proposed development therefore would not result in any fragmentation or loss of connectivity within the wider woodland.

Given the site contains continuous broadleaved habitat within proximity to Southcrest Wood, the Focus Ecology bat survey revealed a moderate amount of common pipistrelle bat commuting and foraging within the site, but there was no observed roosting within the trees. The use of an old oak tree on the site as a roost on an occasional basis and/or during the winter period of hibernation could not, however, be ruled out. Therefore,

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further survey effort and a precautionary approach to the felling of the tree was recommended.

I am satisfied that, given the above considerations, significant harm to biodiversity would not arise as a result of the proposed development. The PEA recommends that nesting opportunities for house sparrows and house martins could be provided in the form of sparrow terraces and house martin cups on the exterior walls of the proposed new building(s). Both these species have undergone a decline in recent years (Red List in the case of house sparrows, Amber List in the case of house martins). Opportunities for roosting bats can be provided in the form of a bat box installed on the exterior of one of the proposed buildings or nearby mature tree.

A net gain for biodiversity may not be achieved in this case, but this shortfall needs to be weighed against the mitigation that can be achieved and the pressing need to provide more housing within the district.

With the exception of nesting birds and the potential for roosting bats, the PEA confirmed that no other evidence of any protected species was found on the site and there were no other obvious and immediate implications for the proposed development) with regards to the habitats present.

I am satisfied that sufficient ecological information has been submitted, including addressing third party concerns, to enable determination of the application in line with the law and planning guidance, subject to conditions. The scheme is therefore compliant with Policy 16 of the Borough of Redditch Local Plan.

Design and amenity

BRLP Policy 39 - Built Environment seeks to ensure all new development in the Borough contributes positively to the local character of the area and Policy 40 lists criteria to encourage good design to make the Borough a better place to live, work and visit.

The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The application was first submitted for four detached dwellings across the site. However, officers were of the view that the dwelling proposed at the southern end of the site, and which would be visible at the top end of Poolbrook, would dominate this otherwise wooded vista. The scheme was therefore amended to provide, instead, a 10-unit apartment block which allowed the approach from Poolbrook to remain free of buildings and instead remaining open as a landscaped carparking area. As a consequence, the building itself would have only become visible when entering Torrs Close. The 10-unit proposal was resolved to approve at Committee on 13.11.19, subject to completion of S106 (not completed therefore decision not yet issued). This 9-unit scheme follows a similar layout format as the 10-unit proposal, and as such would achieve the same design benefits in terms of its relationship to Poolbrook.

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The proposal would continue the perimeter block format existing along Torrs Close and introduce a contemporary building, with gable forms and fenestration adding interest to form and massing along with a mixed palette of materials to add visual interest. I am satisfied that the proposal would introduce a distinctive building that would be in keeping with the scale of neighbouring development and with a layout that respects the wooded character of the area.

As the development would be at the entrance of Torrs Close concern has been raised about the impact on neighbouring residents during the construction phase of the development, namely from parking of workers vehicles, position of site entrance, storage of materials. I consider that more detail is required to understand how these activities are to be sensibly managed, and therefore consider it appropriate that a Construction Management Plan be secured and implemented by way of planning condition.

There is a commercial repair garage on elevated ground to the rear of the site and given that an acoustic fence is proposed along this boundary, I am satisfied that this will adequately mitigate any noise to acceptable levels for the benefit of future occupiers.

Flooding and Drainage

RDLP Policy 17 deals with flood risk management and Policy 18, sustainable water management, seeking to ensure, amongst other things, that development addresses flood risk from all sources and does not increase the risk of flooding elsewhere, with appropriate use of SuDs techniques.

North Worcestershire Water Management requires further information by way of planning condition to demonstrate how the applicant intends to deal with surface water on site, and how surface water will be disposed of.

With appropriate measures secured by condition for foul and surface water disposal your officers are satisfied that the proposal would be Policy 17 and 18 compliant.

Highways

At the heart of BRLP Policy 19 and 20 is the importance of improving accessibility and mobility, whilst avoiding past trends of increased traffic and longer journeys.

The proposed development is located in a residential and sustainable location off an unclassified road. Torrs Close does not benefit from footpaths or street lighting and no parking restrictions are in force in the vicinity. Pool Bank adjacent to Tors Close benefits from footpaths on one side of the carriageway and street lighting is also present; no parking restrictions are in force along this road in the vicinity. The site is located within walking distance of amenities, bus route and bus stops which are located approx. 125m from the proposed development.

The Highway Authority has requested four pedestrian crossing points to enable pedestrians to reach the bus stops safely, along with other conditions.

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Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained. It recommends a number of planning conditions.

Given the above, and with the application of conditions, the scheme would be compliant with Policies 19 and 20 of the Borough of Redditch Local Plan.

Conclusion

Paragraph 8 of the NPPF defines sustainable development as having three dimensions: economic, social and environmental. In this case, given the 5 year housing supply shortfall, the presumption in favour of sustainable development for decision taking means, the 'tilted balance' under paragraph 11 d) ii) applies. This does not change the statutory status of the Local Plan as the starting point for decision making.

In view of the above assessment, the Council is satisfied that the proposal complies with the relevant policies of the Local Plan and no other material considerations have been identified that would indicate that the Local Plan should not be followed.

Furthermore, application of the 'tilted balance' means applying a presumption in favour of sustainable development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

In terms of economic benefits, the proposal would make a contribution to the Council's supply of housing. It is also acknowledged that there would be some economic benefits associated with the proposal during the construction phase and it will bring into efficient and productive use a piece of land of limited amenity value in Redditch urban area, which can assist in economic support for shops and services.

The proposal would also fulfil the environmental and social dimensions of sustainable development, because the site is in a sustainable location, therefore reducing the requirement to travel by private vehicle and would contribute to supporting a sustainable community.

I conclude that the adverse impacts of this proposal, as discussed above, would not significantly and demonstrably outweigh the benefits.

For the reasons set out in the report, it is considered that the proposal complies with the Local Plan and is sustainable development and should therefore be approved without delay.

RECOMMENDATION:

That having regard to the development plan and to all other material

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considerations, planning permission be **GRANTED** subject to the following conditions:

- 1) The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 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 -

- 1954- 06A-SITE ELEVATION AND SECTIONS
- 1954- 05A-SITE ELEVATION AND SECTIONS
- 1954- 04A-BUILDING PLANS
- 1954- 03A-PROPOSED SITE PLAN
- 1954- 02A-BLOCK PLANS
- 1954- 01A-LOCATION PLAN

Reason: To define the permission and in the interests of proper planning

- 3) Prior to the first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out accordance with the approved details.

Reason: To ensure a high-quality appearance is achieved, to safeguard the visual amenities of the area.

- 4) Prior to any works above foundation level commencing on site, a scheme for surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. 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.

- 5) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, shall not commence until conditions A to G have been complied with:

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A) A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

B) Where an unacceptable risk is identified a scheme for detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme shall be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

C) Detailed site investigation and risk assessment shall be undertaken and a written report of the findings produced. This report shall be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment shall be undertaken by competent persons and shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

D) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme shall ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

E) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

F) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out shall be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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G) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

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

- 6) Prior to first occupation of the development hereby approved an acoustic fence shall first have been erected on the western site boundary in accordance with a design specification and location that has first been submitted to and approved in writing by the Local Planning Authority. The fence shall be retained in place thereafter.

Reason: To safeguard the amenities of future occupiers.

- 7) Prior to site clearance works commencing details of tree and root protection fencing for retained trees, in accordance with BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed and retained in its approved position throughout the construction phase of the development.

Reason: To ensure retained trees are protected from construction activity in the interests of the amenity of the area.

- 8) Prior to the occupation of the proposed dwellings, a scheme of landscaping and planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

a) full details of all existing landscape features on the site including the position, species and spread of all trees clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, retaining walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate. The approved scheme shall be implemented within 12 months from the date of any of the dwellings hereby permitted are first occupied.

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Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: To protect and enhance the character and ecology of the site and the area and to ensure the appearance is satisfactory.

- 9) Prior to the commencement of works on site in connection with this development an update bat survey of the site shall be carried out and a bat survey report of the findings along with any recommendations submitted to and approved in writing by the Local Planning Authority

Reason: To determine the status of the site for bat habitat during the intervening period.

- 10) Prior to the removal of Tree 4, as identified in Focus Ecology Ltd Bat Survey Report June 2018, understorey vegetation (including all tree saplings) shall be cleared from the site. Following vegetation clearance, the site shall be left undisturbed for a minimum of five days. Following the five day resting period and immediately prior to the felling of the tree, a tree climbing inspection by an appropriately licensed ecologist/arborist under ecological supervision shall be carried out. The tree shall then be soft felled (e.g. cutting the tree in sections and gently lowering the section to the ground). Cut sections shall be examined by an ecologist prior to removal and if necessary left overnight to allow any resident fauna to escape. If cavities are evident in the trunk or elsewhere, it is important that these are brought down intact rather than sawn through.

Reason: To allow any resident fauna to escape in the interests of safeguarding protected species.

- 11) Prior to the commencement of development in connection with this approval, a detailed Ecological Mitigation and Enhancement Strategy including a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved Strategy and programme.

Reason: To enhance biodiversity and contribute towards local and national biodiversity targets.

- 12) No part of the development hereby approved shall begin until a Construction Environmental Management Plan (CEMP) to include details of:
- a. Parking for site operatives and visitors;
 - b. Area for site operative facilities;

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- c. Parking, turning and arrangements for unloading and manoeuvring of delivery vehicles;
- d. Areas for the storage of plant and materials;
- e. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- f. Hours of operation for the construction phase of the development, including the hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- g. Details of any temporary construction accesses and their reinstatement;
- h. A highway condition survey, timescale for re-inspections, and details of any reinstatement have been submitted to, and approved in writing by the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety, to prevent indiscriminate parking and protect neighbour amenity.

- 12) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 14) The Development hereby permitted shall not be first occupied until the proposed apartments car parking spaces have been fitted with an electric vehicle charging point (1 per apartment). The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 15) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be

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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 encourage sustainable travel and healthy communities.

- 16) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 1954.03A.

Reason: To ensure conformity with submitted details.

- 17) Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 22 metres to the left on exiting the site measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 18) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 19) The Development hereby approved shall not commence until drawings of the highway improvements/offsite works/site access works (tactile drop crossing and footway) comprising:-

- tactile dropped crossing to be relocated in order for pedestrians to cross over Pool Bank to the existing footpath
- tactile dropped crossing to cross over the Manor Court Hotel access road
- tactile dropped crossing to cross over the following Southcrest Gardens access junction

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- tactile dropped crossing to cross over the Pool Bank Road/ Mount Pleasant Road junction to allow pedestrians to walk into Redditch town centre have been submitted to and approved in writing by the Local Planning Authority; and the building shall not be occupied until those drop crossings / footway have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

Procedural matters

This application is being reported to the Planning Committee at the discretion of the Head of Planning and Regeneration, due to objection raised by Worcestershire Wildlife Trust.

Section 278 Agreement

The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

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Planning Application 21/00228/FUL**Proposed Café, toilets, additional car parking and ancillary works****Morton Stanley Park, Windmill Drive, Redditch****Applicant: Redditch Borough Council**
Ward: West Ward**(see additional papers for site plan)**

The case officer for this application is Steven Edden, Principal Planning Officer (DM), who can be contacted on Tel: 01527 64252 Ext. 3206 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site forms part of Morton Stanley Park, which is comprised of 95 acres of open space. The park was once a farm owned by William Morton Stanley who left the land in his will to the inhabitants of Redditch, to be used as a park. The park, however, was not opened until 1986, over 60 years after the death of William Morton Stanley. The park lies to the north of Callow Hill and is accessed off Windmill Drive to the east and Green Lane to the west.

Proposal Description

Planning permission is sought for the erection of a new building at the site which would contain a kitchen/food preparation area, a café and three uni-sex toilets. An outside seating area is also proposed for the café area. The existing car parking area which is semi-circular in shape and contains 66 spaces is proposed to be extended and would provide an additional 50 car parking spaces of which 4 would be for disabled users. Minor footpath works including the surfacing of the area linking the car park to the existing play area and the proposed café building are also proposed.

Relevant Policies:**Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 13: Primarily Open Space

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 43: Leisure, Tourism and Abbey Stadium

Others

Redditch High Quality Design SPD

NPPF National Planning Policy Framework (2019)

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Relevant Planning History

None

Consultations

WCC Highways

Comments summarised as follows:

I have no highway objections to the proposed development and have noted that 4 accessible / disabled parking spaces are to be provided. It is recommended that 5 electrical vehicle charging points are provided within the car parking area.

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. Correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

The proposed scheme is acceptable in principle from a flood risk and land drainage perspective however drainage details will need to be submitted and reviewed by the LPA. This information can be provided via a condition.

If this application is approved, we would request that a detailed drainage strategy be submitted by means of a planning condition.

West Mercia Constabulary

Comments summarised as follows:

The canopy shelter could become a focal point for young people. As legitimate users of the park young people are entitled to use all the facilities, my fear is that it could also become a focal point for bad behaviour and damage to the building.

It is recommended that all materials used be fire resistant.

The roof of the building may be easy to access. It is recommended that anti-climb measures be put in place.

It is recommended that blank walls on the building that lend themselves to graffiti be treated so that writing on them would be difficult.

Toilets can be favoured locations for drug taking and as such it is recommended that the interior is designed such that there are no flat surfaces.

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Public Consultation Response

3 letters have been received in objection to the application.
Comments received are summarised below:

- Additional vehicle generation with cars entering and exiting the site onto Windmill Drive raises highway safety concerns
- Design of parking area is not ideal and may lead to pedestrian / vehicular conflict
- Quiet atmosphere of this space will be spoilt

22 letters have been received in support of the application.
Comments received are summarised below:

- This proposal will help bring the community together and will attract more people to a beautiful green space
- Adding a café is a great idea and will add vibrancy to the area
- Additional parking is long overdue and welcomed
- Excellent idea to have toilet facilities at the park
- Glad to see that toilets will be accessible for all
- Having such a facility would be a good starting or ending point for wider countryside walks which should be encouraged
- The proposed building is ideally positioned having regard to the location of the play area and the car park
- Proposals will greatly enhance what is already an excellent parkland area
- Great idea. Sadly, potential vandalism needs to be considered

Other matters which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application

Assessment of Proposal

Principle of development

Morton Stanley Park is designated as Primarily Open Space (POS) and therefore Policy 13 of the Borough of Redditch Local Plan No. 4 (BoRLP4) is most relevant when considering the principle of new development. The main aim of this policy is to ensure that designated POS is protected, and where appropriate, enhanced to improve its quality, value, multifunctionality and accessibility. Loss of POS is resisted.

With regards to the current proposal, the development as a whole represents a package of improvements to enhance existing provision at the park aimed at all age ranges of visitors to the park and the proposals have been generally well received from the wider public who have responded.

Given that this development contributes towards an enhanced and improved area of POS which would increase its value, functionality and accessibility to more users, the proposal

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clearly meets the aims of Policy 13 of the BoRLP4, and therefore the principle of the development is supported. Furthermore Policy 43 of the BoRLP4 supports proposals relating to leisure facilities provided they are located within a sustainable location, which is accessible by a choice of transport. In view of this, Morton Stanley Park is an established leisure facility, which is in an accessible and sustainable location, within walking distance of many residents.

Whilst the principle of development is considered acceptable it is still necessary to consider other material planning considerations.

Design and siting of new building

Policy 39 of the BoRLP4 requires development to contribute positively to the local character of the area. Paragraph 39.5 states that areas should be designed to ensure they make places better for people, and that community views should be taken into account. As stated above, the application has been generally well received by the wider public.

Further to the above policy, Policy 40 of the BoRLP seeks development of a good design including that which contributes to both public and private spaces. In order to achieve this, Policy 40 expects proposals to be of a high quality design which reflects or complements the local surroundings, is of an appropriate siting and layout, is accessible, and encourages community safety.

With regards to the Policy 40, the proposed new building which would contain a kitchen/food preparation area, a café and three uni-sex toilets is considered to be appropriately sited within close proximity of the existing car park and play area. An existing bank of mature trees and hedgerow mean that the building is well screened from Windmill Drive which lies to the east.

The new building would be approximately 3.2m in height at its lowest point and approximately 3.5m in height at its highest point. The building would measure 8.4m in length and 5.35m in width. A projecting canopy roof would extend beyond the main structure bringing the buildings maximum overall dimensions to 11.3m in length and 7.8m in width.

The floorspace given over to the various uses within the building would be as follows:

- Café 15.8 m²
- Kitchen 10.5m²
- Store 2.69m²
- Disabled WC (one) 4.71m²
- Disabled WC (two) 3.56m²
- WC (three) 2.11m²

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Of the three toilets proposed, two would be accessible from outside the building and both would be Unisex (M/F). One of these would be DDA compliant.

One Toilet (WC one above) would be accessible from inside the building and would be Unisex (M/F) and would be DDA compliant.

Materials / fittings proposed for use are as follows:

Walls: steel colourcoated panels – colour Olive Green RAL 100 30 20 / BS 12B27 with part cedar cladding

Windows: Polyester Powder coated (PPC) aluminium with PPC aluminium roller shutters in black

Main entrance door: PPC aluminium frame with PPC aluminium roller shutters in black

Roof: steel colourcoated roof sheet: colour 'Albatross' (light grey)

Fascia: cedar cladding with concealed UPVC gutter

Canopy: Timber angled support columns on a concrete upstand

External WC's and kitchen door: PPC steel doors in black.

External lights: Bulkhead LED external lighting

Your officers have concluded that the siting and the design of the proposed new building is acceptable having regard to context.

West Mercia Police have been consulted in relation to the proposal and have raised no specific concerns regarding the siting of the building.

Clearly the nature of such a building can become a gathering or focal point for anti-social behaviour and comments have been raised regarding the buildings potential for being a target for vandalism.

The buildings design as set out above is considered to respond positively to the context of the site's surroundings.

Due to the building being single storey and its roof shape it is recommended that anti-climb paint or similar be utilised in order to prevent climbing. Recommended Condition 5 would cover the submission of additional security measures.

The chosen materials are a response to the Councils policies which seek good design, but that palette also pays due regard to community safety considerations. Much of the building would be in steel with a Polyester Power Coated (PPC) finish, predominately in olive green but with black doors. This choice of material is considered to be robust and has good fire-retardant properties and would therefore be less prone to vandalism than a building constructed using alternative materials. Your officers commented during the early stages of this applications' consideration that the external PPC material used on external walls, doors and shutters should be treated in order that writing on the surfaces would be difficult and where it does take place it can easily be removed.

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The Police comments have been communicated to the applicant and the comments raised with respect to the use of rounded rather than flat surfaces within the toilets have been noted.

Having regard to the building's location, the development is not considered to cause any adverse impact to residential amenity and it is noted that objections on these grounds have not been received.

Highway safety matters

The existing car parking area which is semi-circular in shape is proposed to be extended and would provide an additional 50 car parking spaces of which 4 would be for disabled users. This would bring total parking provision at this part of the site to 116 spaces. The public response has been largely favourable in terms of the additional parking area proposed although two of the three objections received have raised highway safety concerns. I have however noted that no evidence has been advanced to substantiate the highway safety concerns raised and Worcestershire County Council as the Highway Authority have raised no objection of the development on highway safety grounds.

Conclusion

The proposals are considered to enhance and improve an existing area of POS, which provides a valued leisure facility for the community. The café and toilet facility would expect to attract a wide range of users to this community park who might otherwise elect to travel elsewhere to alternative facilities. The proposal is considered to score highly in relation to the social aspect of sustainable development. The siting, design and appearance of the development is considered acceptable, and given that no technical concerns have been raised by consultees, it is considered that the proposal complies with the provisions of the Development Plan and therefore it is recommended that planning permission is granted subject the conditions as set out below.

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.

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

Drawing 11171_1_001 Rev J: Floor plans and elevations - café building - amended dated 23 March 2021

Drawing P2232.44.1 Rev A General Layout sheet 1 of 2 - amended dated 23 March 2021

Drawing P2232.44.2 General Layout sheet 2 of 2- dated 16 February 2021

Drawing P2232.44.3 Cross Sections- dated 16 February 2021

Drawing P2232.44.4 Infra construct details- dated 16 February 2021

Drawing P2232.44.5 Site Location Plan- dated 16 February 2021

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

- 3) The café and toilet facility hereby approved shall not be opened to the public until 5 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority. 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.

- 4) 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 first brought into use. The development shall be carried out in accordance with the approved details prior to the first use of the development.

Reason: In the interests of providing appropriate security for the proposed development

- 5) All windows serving the new building hereby approved shall be appropriately secured. Details of all security measures together with roller shutters to be installed on the building shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The development shall be carried out in accordance with the approved details prior to the first use of the development.

Reason: In the interests of providing appropriate security for the proposed development and in the interests of protecting the visual amenities of the area.

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- 6) Prior to any works above foundation level commencing on site, a scheme for surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The scheme should provide appropriate levels of surface water attenuation. 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.

Procedural matters

This application is being reported to the Planning Committee because the application site relates to land belonging to Redditch Borough Council and RBC is the applicant. As such the application falls outside the scheme of delegation to Officers.