

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor William Boyd (Vice-Chair) and Councillors Juma Begum, Brandon Clayton, Claire Davies, Bill Hartnett, Sid Khan, David Munro and Rita Rogers

Also Present:

Councillors Joe Baker, Jane Spilsbury and Ian Woodall

Officers:

Helena Plant and Amar Hussain and Jo Chambers

Democratic Services Officers:

Gavin Day

34. APOLOGIES

Apologies were received from Councillor Jen Snape with Councillor Rita Rogers in attendance as substitute.

35. DECLARATIONS OF INTEREST

Councillor David Munro declared in that he was a Ward Member for The Headless Cross and Oakenshaw Ward, however, he had not been involved in any discussion with constituents so as not to effect his decision making.

Councillor Juma Begum declared that she lived in the vicinity of the application, however, she had not been involved in any discussion with residents and it would not affect her decision.

36. UPDATE REPORTS

The Chair Announced that there was an update report in relation to Agenda item 4 (Minute No37).

Members were given a few minutes to read the report, after which Members indicated they were happy to proceed and moved that the Update reports were noted.

Chair

37. 23/01388/FUL - 131-135 BIRCHFIELD ROAD, REDDITCH, WORCESTERSHIRE, B97 4LE

This application was being reported to the Planning Committee because the application required a Section 106 Agreement. Furthermore, eleven or more objections have been received and the recommendation was for approval. As such the application fell outside the scheme of delegation to Officers.

Officers presented the report and in doing so, drew Members' attention to the presentation slides on pages 5 to 16 of the Site Plans and Presentations pack.

The application was for 131 - 135 Birchfield Road, Redditch, Worcestershire, B97 4LE and sought the demolition of the existing building and construction of a new convenience store and associated parking.

Officers drew Members attention to the location of the development on page 7 of the Site plans and presentations pack, the site was identified as use Class E (Commercial, Business and Service), therefore no change of use was sought as part of the application.

The site plan was detailed on page 8 of the Site Plans and Presentations pack, Officers drew attention to the singular vehicular entrance proposed off Feckenham Road with the current vehicular entrance from Birchfield Road being closed off with pedestrian access only being provided from this point. The proposed parking was also detailed which included 15 spaces, 2 of which were disabled spaces, 2 electric Vehicle Charging spaces and additional motor bike and cycle parking.

Worcestershire County Council Highways ("County Highways") had raised no objection to the development, subject to a contribution of £30,000 towards a Toucan crossing which would be secured via a Section 106 agreement.

Acoustic fencing of varying heights, ranging from 1.8m to 4m, was detailed as being located adjacent to Archer Terrace it was clarified that the 5m hedge along the boundary of the site would be retained to aid in screening.

Officers clarified that delegated authority was being sought to allow the completion of the Section 106 agreement, Conditions would also to be decided by delegated authority, however, Members were assured that all the usual conditions would be enforced should Members approve the application.

At the invitation of the Chair, local residents Leslie Champion, Emma Ravenscroft and Margaret Wheeler addressed the committee in opposition of the application, Councillor Ian Woodall also addressed the Committee in opposition as a Ward Member. Tony Aspbury addressed Members in support of the development.

The following was clarified following questions from Members:

- There was no separate staff parking proposed. The 15 parking spaces required under the Streetscape Design Guide included the provision for employee parking.
- The proposed development was single storey, the towers shown in the elevation images on pages 11 and 12 of the Site Plans and Presentations pack, were cosmetic in nature and would have false windows.
- Articulated lorries would not service the site, the largest delivery vehicle would be a 10.35m long rigid delivery vehicle.
- 70% of the trips to the unit would already be on the highway network.
- The designation (Class E) of the site would allow the conversion of the current building to a convenience store without any planning approval.
- That the £30,000 contribution towards the Toucan crossing was not the full cost but a contribution based on the size and type of development. Officers had no information on the total cost or when this crossing would be installed. It was further clarified that there was no requirement from the County Highways to complete the crossing prior to opening.
- The AM delivery restriction proposed by County Highways would need to be discussed with the applicant, who have stated that it would make the development unviable. However, once a decision has been attained it would become a drafted condition that must be adhered to.
- The traffic survey took place during the summer period when schools were not in session.
- Traffic calming measures were not recommended by County Highways, therefore, it would be unreasonable to attach Conditions relating to this to the application.
- That a 147-page transport statement document was submitted by the applicant which covered pedestrian and vehicular traffic generated by the development.

Members then debated the application.

Members expressed a general displeasure that the traffic survey was undertaken during the summer holiday period and expressed the opinion that this may have tainted the results of the assessment. Members explored the possibility of asking for a new

traffic survey to be undertaken at a more appropriate time. However, after discussion with Officers it was detailed that County Highways raised no objection and did not identify the timing of the survey to be a weakness in the assessment. Therefore, it would not be reasonable to ask for a new traffic survey and there would be no obligation for either County Highways or the applicant to undertake this.

It was highlighted that the applicant had a strong fallback position in that the site was designated as Use Class E. The applicant would be able to convert the current building to a convenience store without requiring planning permission. It was further noted that in such an instance the two access points to the site would remain, County Highways would not receive a contribution towards a toucan crossing and there would be no requirement for the applicant to provide parking amendments such as EV charge points and disabled parking.

Officers clarified that for County Highways to raise an objection to a development the impact on the highway system would need to be severe. However, according to data submitted by the applicant which had been analysed by County Highways the increase trip generation would be +27 vehicles in each direction during the busiest period. This was not deemed as a severe impact and thus no objection was raised by County Highways.

Members enquired as to if County Highways was aware of the immediate location around the site, in particular if they were aware of the proximity of the two schools, and if Officers had visited the location. Officers assured Members that during their assessment they had been to the site, however, they were not able to answer the questions in regard to the County Highways team.

Some Members stated that they were not technical experts and had to listen to the analysis of the data submitted by relevant consultees, regardless of if they disagreed with the results. The importance of having evidence to support material Planning Reasons to go against the Officer's recommendation was highlighted, otherwise the applicant could appeal the decision and the Council could have costs awarded against them.

After discussion and input with various Members an alternative Recommendation was proposed by Councillor Claire Davies to defer the application. However, as there were a number of reasons suggested by various Members, the Chair permitted a short break to allow Councillor Davies an opportunity to formulate the exact wording of the Alternative Recommendation on which Members would vote.

At the invitation of the Chair, the Committee adjourned between 21:22 hours and 21:42 hours, to allow Members time to consider the wording of the Alternative Recommendation.

Having reconvened the meeting, Councillor Claire Davies raised an Alternative Recommendation which was seconded by Councillor Brandon Clayton to defer the application to a future meeting of the Planning Committee subject to the following information being sought from County Highways.

1. The likelihood of a Toucan crossing being installed and when?
2. Were the people who undertook the Traffic Audit aware of the two schools?
3. Why was the traffic survey undertaken in August and why is this acceptable given it is during school holidays?
4. Did a County Highways Officer visit the site and adjacent roads.

On being put to a vote it was

RESOLVED that

having had regard to the development plan and to all other material considerations, the application was deferred to a future meeting of the Planning Committee pending submission of information from County Highways on the following matters:

- 1. The likelihood of a Toucan crossing being installed and when?**
- 2. Were the people who undertook the Traffic Audit aware of the two schools?**
- 3. Why was the traffic survey undertaken in August and why is this acceptable given it is during school holidays?**
- 4. Did a County Highways Officer visit the site and adjacent roads.**

The Meeting commenced at 7.00 pm
and closed at 9.50 pm