

MINUTES

Present:

Councillor Gemma Monaco (Chair), and Councillors Tom Baker-Price, Roger Bennett, Michael Chalk, Andrew Fry, Julian Grubb, Bill Hartnett, Jennifer Wheeler and Mike Rouse

Officers:

Helena Plant, David Edmonds, Amar Hussain and Pauline Ross

Democratic Services Officer:

Sarah Sellers

107. CHAIR'S WELCOME

The Chair welcomed the Committee members and officers 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.

108. APOLOGIES

Apologies for absence were received from Councillor Salman Akbar. Councillor Michael Rouse attended as substitute for Councillor Akbar.

109. DECLARATIONS OF INTEREST

In relation to agenda item 6 (Application reference 20/00178/FUL), Members were advised that one of the registered speakers was fellow Councillor Joanne Beecham, participating in a private capacity as a local resident.

Accordingly, all Members sitting on the Committee declared an Other Disclosable Interest in that Cllr Beecham was known to them in her capacity as a fellow Borough Councillor. All Members remained in the meeting during the deliberation of agenda item 6 and participated in the debate and the vote.

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Chair

In relation to agenda item 8, regarding Morton Stanley Park, Councillor Rouse declared that for reasons of transparency he would not be participating as he was the portfolio holder responsible for Leisure and the application was being made by the Council in relation to one of the Borough's parks. Councillor Rouse left the meeting prior to the commencement of Agenda item 8 and played no part in the debate or the vote.

**110. CONFIRMATION OF MINUTES OF PLANNING COMMITTEE
HELD ON 10TH MARCH 2021**

RESOLVED that

The Minutes of the Planning Committee meeting held on 10th March 2021 be confirmed as a true record and signed by the Chair.

111. UPDATE REPORTS

The Update Report was noted.

**112. 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**

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

Officers presented the report and in doing so explained that the application was not for determination by the Committee. The background was that the applicant had submitted a valid appeal for non-determination of the application to the Planning Inspectorate. As such, the power to determine the application now rested with the Planning Inspectorate. Members were being asked to indicate how they "would" have decided the application had it come before them, and this indication would then inform the Council's position in responding to the appeal.

Officers clarified that the specific elements for consideration by the Members related to operational development at the site and that this consisted of the construction of three single -storey extensions, the installation of security fences and other minor alteration works. An earlier version of the application had also included a Change of Use element. However, based upon legal opinions obtained by both the applicant and the Council, it was now common ground that a Change of Use application was not needed. The reason for this

was that it was accepted that the proposed use as a low secure hospital for patients classed as “non-forensic” would fall within the same use class as the previous use as a nursing home, namely the category “C2 Residential Use”.

Officers took Members through the slides, plans and photographs contained in the Site Plans and Presentations Pack, and in doing so described the lay out of the site, the levels of the land and the relationship of the site with the residential dwellings to the north west, north and south eastern boundaries. The position of the three metre and two metre proposed security fencing was noted and Members were reminded that planning permission was not required for fences up to two metres in height. The location of the proposed fencing set back from the site boundary and close to the perimeter of the buildings was noted.

The location and scale of the proposed extensions were also highlighted for Members and officers advised that there would be a condition to retain and add to the existing planting on site.

Members were referred to the additional information contained in the Update Report.

Officers summarised the main issues for Members to consider as being fear of crime, whether the security fence was unduly dominant and its effect on the character of the area. Officers felt the impact of the fence from public vantage points was limited as it would be located mostly at the side and rear. Other issues to take into account were noise and disturbance and privacy. There was likely to be little impact as to parking and highways issues.

Members were referred to the detailed conditions set out on pages 30 to 34 of the agenda.

Members were advised that the recommendation would have been minded to approve the granting of planning permission.

As referred to in the opening of the meeting, the Chair reminded Members that the times for public speaking had been extended.

The following speakers addressed the Committee at the invitation of the Chair: -

Local residents in objection to the application (up to 21 minutes)

- Mr Peter Hill
- Mrs Joanne Archer
- Dr Praveen Kumar
- Mrs Joanne Beecham

Ward Member (3 minutes)

Councillor David Thain – Councillor for West Ward

In support of the application (up to 21 minutes)

Mr Avinash Parmar – agent for the applicant

The first five speakers were opposed to the application and raised various issues including choice of location close to residential properties and far from a paediatric emergency unit, fear of crime, the overbearing nature of the security fence, noise disturbance, privacy of patients and local residents, the potential impact of behaviour of patients on the ability of residents to enjoy their properties and risk of patients absconding.

In response to questions from Members officers confirmed that:-

- The function of a CAMHS unit was to provide care; the need for security was incidental to the giving of care and as such the appropriate use category was class C2. Members were referred to the definition on page 22.
- Patients at the unit would not be free to leave as they would be detained under the Mental Health Act.
- The reference to the security fences as “anti-climb” was based on the small size of the mesh designed to inhibit hand or footholds.
- Fear of crime could be considered as a material planning consideration if linked to the presence of the security fences.
- No works had been commenced on site in relation to the proposed extensions or security fencing.

In debating the application Members commented on the closeness of the security fence to nearby residential dwellings, and the height of the fence which was felt to be intimidating, obstructive and out of character for the area. It was noted that the usual height of a fence in a household location would be 1.8 metres, but the application sought sections of fencing of 3 metres in height. Comments were also made in relation to the changes in levels creating the ability of residents to look into the site, the consequential loss of privacy for patients in the unit and possible issues with noise.

Members referred to the issues raised in public speaking around the suitability of the use of the building for the area, and what could be perceived as the contradiction between the classification of the unit as “low secure” when security measures would be required for the protection of the patients, including the 3 metre high security fence.

Officers re-iterated to Members that the use of the building was not for decision based on the legal opinions that the use was C2. Officers also advised that it was a requirement of the Royal College of Physicians, as set out on page 24 of the report, that a "low secure" unit should have a 3 metre security fence.

Whilst Members indicated that the single storey extension elements and the 2 metre high areas of fencing were acceptable, in further discussion more concerns were raised in relation to the 3 metre high sections of fencing including that it would be out of character with the street scene and overbearing. Members were of the view that the proposals for the fencing had given rise to a genuine fear of crime on the part of nearby residents and there was clearly a high level of concern as evidenced by the number of representations received regarding the application.

Following further discussion as to the scope of reasons for refusal, an alternative recommendation was moved and seconded. The mover of the recommendation summarised the grounds for refusal as arising from the bulk and appearance of the 3 metre security fence, that it would be a means of creating fear of crime, that the fence would not reduce noise and that it would be inconsistent with the location for which it was proposed. The recommendation also proposed a delegation to officers to finalise the exact wording of the refusal reasons.

RESOLVED that :-

- 1. Having regard to the development plan and to all other material considerations, that the Local Planning Authority would have been minded to REFUSE full planning permission in the event that an Appeal against non-determination had not been lodged and it had been able to determine the application for the reasons set out below: -**

The extent and height of the proposed 3 metre high anti-climb security fence and its bulky solid appearance would be an inappropriate design for a means of enclosure and would also unacceptably harm the character and appearance of the locality. Moreover, its scale, appearance and its close alignment to some of the fencing to adjacent dwellings, would be unacceptably overbearing for occupants and thus harmful to their residential amenity. The dominance of the fence would be compounded where stretches of the fence would be set at a substantially higher level than the ground floors of surrounding houses, particularly those adjoining residential properties fronting Shirehampton Close. Furthermore, the dominant extent, scale and appearance of the fence, designed

to be anti-climb and highly secure, would unacceptably reinforce and accentuate the fear of crime inherent to the use of the site as a CAMHS Tier 4, inpatients low secure hospital. These aspects of the proposed development would thereby conflict with the Borough of Redditch High Quality Design Supplementary Planning Document particularly paragraphs 4.4.48 and 6.2.18 which discourages aggressive boundary treatments. The development would also conflict with Policies 39 and 40 of the Borough of Redditch Local Plan No.4 since it would not reflect or compliment the local surrounding, would not contribute positively to the character of the locality, would not assist in reducing the fear of crime and would not protect and safeguard the amenity of adjoining residents.

2. That authority be delegated to the Head of Planning, Regeneration and Leisure Services to finalise the full wording of the refusal reason based on the issues referred to by Members during the debate and as summarised by the mover of the alternative recommendation.
3. That authority be delegated to the Head of Planning, Regeneration and Leisure Services to agree to the proposed method for determining the non-determination appeal.

[In relation to this agenda item, all Members sitting on the Committee declared an Other Disclosable Interest that Cllr Beecham who was speaking in a personal capacity on this application, was known to them as a fellow Borough Councillor. All Members remained in the meeting during the deliberation of agenda item 6 and participated in the debate and the vote.]

113. APPLICATION 21/00139/FUL - LAND AT TORRS CLOSE REDDITCH - DR S ANANTHRAM

Development of six two bedroomed apartments and three 1 bedroom apartment, with associated external works and parking arrangements

Officers outlined the application with reference to the plans and photographs in the Site Plans and Presentations Pack.

The proposed scheme was similar to one for 10 units under reference 18/00784/FUL which Members had approved previously in March 2019. Officers clarified that the decision on that

application had not been issued as the Section 106 agreement had not been completed.

As with the previous application, an objection had been made by Worcestershire Wildlife Trust regarding loss of biodiversity. Officers had considered the issue of ecology carefully. On balance and taking into account the conditions to be imposed around wildlife and biodiversity, officers were satisfied that the issues identified by Worcestershire Wildlife Trust had been sufficiently mitigated.

Members were referred to the additional public comments received as set out on page 7 of the Update Report and were advised that these matters had been addressed in the main body of the report, and that appropriate consultation had taken place.

At the invitation of the Chair, Dr Joseph Uhiara, local resident, addressed the committee in objection to the application.

In debating the application, whilst acknowledging the loss of woodland, Members referred to the fact that the scheme was similar to the one previously approved under reference 18/00784/FUL.

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions set out on pages 45 to 52 of the main agenda.

114. APPLICATION 21/00228/FUL - MORTON STANLEY PARK WINDMILL DRIVE REDDITCH - REDDITCH BOROUGH COUNCIL

Proposed Café, toilets, additional car parking and ancillary works

Officers presented the application which related to the construction of a café building with toilet facilities and outdoor seating area at the park, and the extension of the existing parking area off Windmill Drive to create 50 new parking spaces.

Officers took Members through the slides in the presentation pack and advised Members of the additional condition being sought as to construction materials, as set out on page 8 of the Update Report.

The following public speakers addressed the committee under the Council's Public Speaking Rules:-

- Mr Guy Stabler – local resident - in objection
- Mr Alan Newton-Coombs - local resident - in support

In addition to the above, officers read out the statement of local resident Mrs Margaret Hughes, who was in support of the scheme but raised concerns over parking and access at the rear of the park from Green Lane.

In debating the application, Members commented positively on the addition of the new facilities at the park, in particular the café and toilets. As noted in public speaking, these new facilities would be very much welcomed by visitors to the park and represent a significant improvement, especially for families with children and those with disabilities.

Following on from the comments of the first speaker, Members discussed road safety issues regarding the extension of the existing semi-circular parking area to form a circle, and the resultant enclosure of the circular paved area in the middle of the semi-circle. Officers clarified that Members were not able to alter the plans that had been presented as they formed part of the application.

It was clarified however that officers had made the applicant aware of safety issues around risk and conflict between car drivers and the pedestrians and children on cycles who currently used the paved area. Further work by the applicant to address the safety of the proposed parking configuration would be carried out prior to construction, including a road safety audit which would address risk and conflict and ways in which any risks identified could be mitigated.

Officers confirmed that the public speaking comments in relation to Green Lane were not relevant to the specific application before the Committee.

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions set out on pages 59 to 60 of the main agenda, and additional condition 7 set out on page 8 of the Update Report.

[In relation to this agenda item 8 Councillor Rouse declared that for reasons of transparency he would not be participating as he was the portfolio holder responsible for Leisure and the application was being made by the Council in relation to one of the Borough's parks. Councillor Rouse left the meeting prior to the commencement of Agenda item 8 and played no part in the debate or the vote]