



Planning Committee

Thursday, 13th February,
2025

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor William Boyd (Vice-Chair) and Councillors Brandon Clayton, Claire Davies, Bill Hartnett, Sid Khan, David Munro, Jen Snape and Paul Wren

Also Present:

Councillors Juliet Barker Smith and Ian Woodall

Officers:

Amar Hussain, Helena Plant, Jo Chambers, Steve Edden and Chad Perkins

Democratic Services Officers:

Gavin Day

43. APOLOGIES

Apologies for absence were received from Councillor Juma Begum with Councillor Paul Wren in attendance as substitute.

44. DECLARATIONS OF INTEREST

During consideration of Agenda item 6 (Minute No48) Councillors Bill Hartnett and Jen Snape declared an interest in that they were Rubicon Board Members.

45. CONFIRMATION OF MINUTES

The minutes of the Planning Committee meetings held on 16th January 2025 were presented to Members.

RESOLVED that

the minutes of the Planning Committee meeting held on 16th January 2025 were approved as a true and accurate record and were signed by the Chair.

Chair

46. UPDATE REPORTS

The update report was presented to Members, The Chair permitted Members 10 minutes to familiarise themselves with the content as the report was 22 pages in length.

47. APPLICATION 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 had 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 17 of the Site Plans and Presentations pack.

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

The application had come before Members on 5th December 2025 and the decision at that time was for deferral, to attain additional information from Worcester County Council Highways (County Highways). The requested information had been attained and formed part of the Committee Report. However, the responses to the four questions were summarised as follows:

1. **The likelihood of a Toucan crossing being installed and when?** – there was no guarantee of a crossing being installed, this would be subject to an assessment being carried out.
2. **Were the people who undertook the Traffic Audit aware of the two schools?** – County Highways were aware of the schools.
3. **Why was the traffic survey undertaken in August and why is this acceptable given it is during school holidays?** – the survey was a traffic speed survey to ascertain stopping and viewing distance and therefore it was deemed acceptable to be undertaken at this time.
4. **Did a County Highways Officer visit the site and adjacent roads?** – an Officer from County Highways visited the site and adjacent roads.

Officers proceeded to draw Members attention to the Presentation which had not changed from the last Committee with the exception

of a single slide detailed on page 9 of the Site Plans and Presentations pack. The additional slide highlighted the differences between the existing and proposed site layout.

The current site usage Class (Class E) permitted the building to be used as a convenience store. Should the application be refused, the applicant could choose to open a convenience store retaining the existing layout, without the additional landscaping, parking provision (EV, Bike and Bicycle) and could retain both entrances with no delivery time restrictions.

The Update Reports document from the Committee on 5th December 2024 was incorporated into the new Committee Report before Members. Officers guided Members through the changes to the report detailing the additions to Members.

Officers highlighted that County highways had clarified their position in that they considered the development could be safely operated with the existing or proposed configurations, therefore, they could see no reason to refuse the application on Highways grounds.

At the invitation of the Chair, local residents Emma Ravenscroft and Leslie Champion, 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:

- That illegal parking was stated as a matter for the police to enforce, however, the Chair clarified that parking enforcement was performed by a traffic warden employed by Wychavon District Council but paid for by Redditch Borough Council.
- The Legal Trigger for the £30k Section 106 contribution towards a crossing would be paid prior to commencing the development.
- The "Traffic Survey" previously mentioned as having been undertaken in August 2023 was a "traffic speed survey", intended to assess vehicle speeds to ascertain required visibility splays and was not to measure the volume of traffic along the road. To determine traffic speed it was deemed acceptable to have a traffic speed survey completed in a holiday period, as during this time traffic would not be impacted by severe rush hour traffic. Therefore, the average speed would be greater in the absence of a school rush hour and the visibility splays would need to be greater, benefiting road safety for the development.

- It was stated that during public speaking a consultation response recommending refusal by the Highway Authority was provided in May 2024 with an almost identical report being approved in September 2024. However, Officers clarified that there were a number of changes around key issues, following the submission of additional information. These changes led to the withdrawal of the County Highways objection.
- The addition of EV charging points was detailed under County Highways streetscape guidance. Additionally, this guidance included an allocation for staff parking on site. Therefore, the number of parking spaces proposed complied to this guidance.
- The 8:00-20:00 delivery restriction was decided on amenity (noise) grounds and County Highways did not consider that there was any highways based reason for a more onerous restriction.
- There was no guarantee of a toucan crossing being installed, this would be dependent on an assessment which needed to be carried out, the timescale for that being unknown. It was further detailed that County Highways did not see any safety grounds to expediate this, as based on their data, safe crossing could be achieved without the toucan crossing.
- Deliveries could take place during school rush hour and it was not deemed appropriate to restrict this, the Servicing Management Plan states that deliveries would be managed by a banksman who would assist with pedestrian safety.
- County Highways had visited the site and took likely vehicular parking patterns into account when assessing HGV turning data.

Officers also clarified that the Trip Rate Information Computer System (TRICS) was a nationally recognised which can be used to predict the traffic associated with new sites that match or have similar criteria. The system used a database to approximate the impact based on the size and type of proposed development, TRICS was a nationally recognised system and was the data requested to be submitted by County Highways. It was further clarified that in this instance County Highways were happy with the process and assessment and therefore, were not compelled or inclined to perform a local traffic survey for the development. A bespoke survey was not considered necessary.

Members then proceeded to debate the application

There was a short comfort break between 20:22 and 20:26 hours.

Members Stated that they had to adhere to guidance and procedures when determining an application, otherwise they would run the risk of having their decision overturned by judicial review. Members further stated that in determining an application, they must give significant weight to professional advice given by consultees and any reasons must be firmly planted in planning policy with justifiable reasons.

Members were displeased that the traffic assessment was performed in August which was not detailed as a neutral month. Officers clarified that the survey was to assess vehicle speeds only and that County Highways had found no issues with the findings.

The Chair clarified the stance of County Highways in that they were invited to attend the Committee considering questions raised by Members. However, County Highways declined to attend and stated that they would not usually attend meetings unless the developments were large in scale or in a strategic location.

Members expressed the importance of the resident's views and noted that should Members approve the application there were still several points to be finalised as the application was recommended to be Delegated to the Assistant Director for Planning, Leisure and Cultural services. Members of the public were encouraged to raise concerns with their ward Members who were present and that they would be relayed to Officers to attempt to come to a solution which would serve the community in the best way possible.

After comments from Members, Officers clarified that there would be no grounds to support an Alternative Recommendation to amend the operational times of the HGV vehicles to outside of school hours as this was not a concern raised by the relevant consultee. Additionally, the allocation of EV charging points was covered under County Highways streetscape guidance and therefore it would not be suitable to amend that allocation.

Some Members expressed concern with the TRICS data used to determine the impact of the development, stating that in their opinion it was a desktop exercise which did not consider the specifics of the location with two schools in close proximity. Members expressed the opinion that the desktop exercise may be suitable for County Highways purposes, but they did not feel that it was enough for Elected Members representing their communities.

The specifics of the application were discussed by Members, and they were sympathetic as the development would lead to an increase of traffic, leading to road safety concerns. However, it was noted that the application was for the erection of a new building and there was no change of use required, therefore, matters relating to

traffic should not be material consideration as the applicant could open a convenience store without any amendment to the site. It was further noted that the building was the subject of the application and there was not a single objection from consultees or residents as to the suitability of the building.

Members stated that they were very sympathetic to the views of the local community, however, the law was not on their side and that restaurants, entertainment venues and Retail outlets were all covered under Class E usage. Should the Committee choose to throw out the application it would put the Council at risk and effect all the people in the Borough, furthermore, the application would likely be approved during judicial review considering the lack of consultee objection and go ahead anyway with the Council incurring costs.

The Chair noted the updated recommendation detailed on pages 14 and 15 of the Update Reports pack and on being put to a vote it was:

RESOLVED that

having had regard to the development plan and to all other material considerations, authority be DELEGATED to the Assistant Director for Planning, Leisure and Culture Services to GRANT planning permission subject to:

- 1. The satisfactory completion of a Section 106 planning obligation as detailed on page 14 of the Update Reports pack and;**
- 2. that DELEGATED POWERS be granted to the Assistant Director for Planning, Leisure and Culture Services to agree the final scope and detailed wording and numbering of Conditions and Informatives as summarised on page 14 and 15 of the Update Reports pack.**

After voting for the Chair Announced a short comfort break and to permit Members of the public to leave if they wish. The Meeting stood adjourned from 21:11 hours to 21:13 hours.

48. APPLICATION 24/01242/S106A - 2 GROVE STREET, REDDITCH, WORCESTERSHIRE, B98 8DX

As noted in the Declarations of Interest under agenda item 3 (Minute No45), During consideration of this agenda item, Councillors Bill Hartnett and Jen Snape declared an interest in that they were Rubicon Board Members. Both Members left the room and took no part in the voting thereof.

The application was being reported to the Planning Committee because the application required the removal of a Section 106 (S106) Agreement. Therefore, 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 19 to 24 of the Site Plans and Presentations pack.

The application was for 2 Grove Street, Redditch, B98 8DX and sought the removal of the S106 agreement attached to the planning permission 2004/066/FUL.

Officers detailed to Members the location shown in red on page 20 of the Site Plans and Presentations pack, it was further clarified that before Members was not a planning application but an application to remove the Section 106 agreement from the planning permission 2004/066/FUL.

The S106 agreement covered three areas:

1. The provision of pedestrian footway / pavement improvements
2. Pedestrian linkage improvement including contributions to enhance the subway and its approaches. A figure of (£9,500) was required for these purposes.
3. The free use of the car park including the use of disabled spaces for the parking of private motor vehicles on a first come first served basis by users and staff of the Palace Theatre between the hours of 6pm and 12 midnight on every Saturday and Sunday

Numbers 1 and 2 had been completed in full and were discharged in May 2007 and therefore were not a consideration for Members. However, Number 3 was an ongoing agreement which was the subject of the application before Members.

Officers stated that the site had been up for purchase since Feb 2023 when Hughes ceased trading, and it was determined that the applicant may have more success if the carpark did not have a S106 agreement attached.

Officers were in support of the removal of the agreement as it was not reasonable to enforce one business to provide free parking to another.

At the invitation of the Chair, Mr. Scott Bracken, the applicant, addressed the Committee in support of the application.

After questions from Members the following was clarified by Officers:

- That there were a number of disabled parking sites in close proximity to the Palace Theatre which included two 24hour carparks.
- That it was unknown why it was deemed necessary 20 years ago to include the parking provision in the S106 agreement, however, it would not stand up to the current tests of necessity and reasonableness.

Members then debated the application

Although Members were sad to see the loss of parking provision, particularly for disabled users, they noted that removing the agreement was the right thing to do and if that permitted the site to come back under use it would be of a great benefit to the wider area.

It was further noted that the Palace Theatre was lucky to have attained the S106 agreement on the site in 2004, however, it was not suitable under regulations today.

Members also noted that the use of the carpark as a starting point for the Remembrance Day parade and asked that the site owner consider continuing to permit its use during that occasion.

On being put to the vote it was.

RESOLVED THAT

the request for the removal of the Section 106 agreement attached to 2004/066/FUL be granted.

49. APPLICATION 24/01338/FUL - LAND AT CHURCH GREEN EAST, REDDITCH

This application was being reported to the Planning Committee because the applicant was Redditch Borough Council. 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 25 to 30 of the Site Plans and Presentations pack.

The application was for the Land at Church Green East, Redditch and sought the erection of a CCTV Camera and steel column

Officers detailed the location of the new CCTV Column on pages 26 and 27 of the Site Plans and Presentations pack, with Pictures on Page 28 to detail the areas which it would be monitoring.

The CCTV camera was installed to close a blind spot in the current system's coverage, and oversee an alleyway between two buildings which was of some concern.

The new CCTV Pole would be slightly taller (10.6m) than existing units in the area (8m), the reason for this was due to the proximity of some trees and to permit good CCTV coverage without needing regular trimming of the trees.

Officers clarified that the Camera would cover a 360 degree range and in conjunction with the current units, enabled a consistent coverage in the town centre.

On being put to a vote it was

RESOLVED that

having had regard to the development plan and to all other material considerations, planning permission be granted subject to the conditions as outline on page 57 of the Public Reports pack.

The Meeting commenced at 7.00 pm
and closed at 9.41 pm

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