PLANNING COMMITTEE

23rd January 2020

Present:  Councillor Agar in the Chair

Councillors  A. Amos,  B. Amos,  Barnes,
Berry,  Bisset,  Ditta (in place of Councillor
Mitchell),  Hassan,  Hodges,  Johnson and
Stalker (in place of Councillor Cawthorne)

Also in Attendance:  Councillor Udall

Apologies:  Councillors Cawthorne and Mitchell

120  Declarations of Interest

The following declaration of interest was made:

Applications 19/00670/FUL and 19/00671/LB
Applications 19/00676/FUL and 19/00677/LB
Application 19/00593/VAR – Mount Battenhall, Battenhall Avenue
(Minute No’s 131, 132 and 133)

Councillor Berry – attended the recent Mount Battenhall Retirement Village Event at The Guildhall. Councillor Berry made no comment on the current applications and elected to speak and vote on the items.

The following declaration of other disclosable interest was made:

Application 19/00896/FUL – Children’s Play Centre/Café, The Trinity
(Minute No. 128)

Councillor Hassan - as a Director of the company that owns the site. Councillor Hassan left the room during the consideration of this item.

121  Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 19th December 2019 be approved as a correct record and signed by the Chairman.

122  Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory Panel held on 4th December 2019 be received.

123  Site Visits

The Committee visited the following site which was the subject of an application to be determined:

Application 19/00634/HP – 110 Medway Road
124 Public Participation

None.

125 Public Representation

Those representations made are recorded at the minute to which they relate.

126 Application 19/00444/FUL - 'Mayfield', 282 Malvern Road

Introduction

The Committee considered an application for the demolition of an existing building and the erection of a detached block of 6no. 2 bed flats and 3no. detached bungalows with associated open space, car parking and road infrastructure.

Reason Why Being Considered by Planning Committee

The application was referred to Planning Committee on 19th December 2019. At this meeting Members were minded to refuse planning permission on the grounds that the proposal would be unsustainable development in relation to:

- The loss of garden land/green space;
- Out of character with the surrounding area; and
- Over-looking/over -bearing impact.

In accordance with procedure the application was deferred to enable Officer’s to examine the proposed grounds of refusal and provide their professional opinion on the robustness of the same.

The previous report to Planning Committee on 19th December 2019 was attached as Appendix 1.

Site Visit

The application was not the subject of a site visit but had been at the meeting held on 19th December 2019.

Report/Background/Late Papers

The report set out the comments of the Deputy Director – Economic Development and Planning on the robustness of the following matters:

- Loss of garden land/green space;
- Impact on the character of the surrounding area; and
- Over-looking/over-bearing impact.

The Committee’s attention was drawn to the late papers which related to the following:

- Letter from the Agent, RCA Regeneration in support of the application; and
- Neighbour correspondence maintaining their objections and requesting an amendment to the Officer’s report.
Officer Presentation

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader continued to recommend the application for approval but if Members resolved to refuse the application then suggested reasons for refusal were given at paragraph 5.1 of the report, although it remained his opinion that the reasons were not sufficiently robust to be defended in the event of an appeal.

Public Representations

The following people had registered to speak on the application:

Neil Sharpe (Objector) and Ian O’Gorman (on behalf of the Applicant).

Key Points of Debate

- The objector informed the Committee that following consultation by the applicant to an earlier scheme, residents comments had been taken into account. He informed the Committee that no consultations between the applicant and neighbours had taken place for this application which was still for a block of 6 2no.bed flats, resulting in a three storey building which was unacceptable and out of character for the area.

- The objector responded to questions from Members around the lack of consultation and the removal of hedges to the north of the site which the applicant said were to be retained.

- The applicant in response informed the Committee that it was appropriate to convert unkempt gardens into residential space and referred to the South Worcestershire Development Plan which focuses on development in urban areas. The site is in an urban area and surrounded by residential properties.

- In referring the Committee to their decision at the December meeting of ‘Minded to Refuse’ the applicant stated that they had been disappointed with the outcome and that the reasons given were not robust enough to stand up in an appeal. He considered that the proposal would not have an unacceptable impact on neighbours or its residents.

- The applicant responded to questions from Members around the changes to the scheme during the negotiations with Officers and what meetings had taken place. He was also asked about the consultation process.

- The Chairman asked the Development Management Services Team Leader to clarify the changes made to the scheme and consultation with neighbours on the amended plans.
• For clarification the Development Management Services Team Leader also explained the difference between ‘infill, backland and windfall’ development. ‘Windfall’ development was explained in more detail and Members were informed that this site was one of those by demolition of the existing property.

• Some Members were still not happy with the proposal and stated that approving it would be setting a precedent in this area and the rest of the City. It was proposed that the application be refused contrary to Officer recommendation for the reasons given at paragraph 5.1 of the report.

• Other Members felt that the proposal fitted in with other developments in the area and saw no reason for refusal. The Development Management Services Team Leader after listening to the debate by Members suggested additional conditions relating to details of finished floor levels; refuse/ cycle storage and tree replacement.

The proposal to refuse the application was seconded. On being put to the vote the recommendation to refuse the application was lost.

It was then proposed and seconded that the application be approved, as per the Officer’s recommendation. On being put to the vote the proposal was agreed, with the additional conditions.

**RESOLVED: That the Committee is minded to grant planning permission, subject to the applicant and all other persons having an interest in the land entering into an agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the agreed Heads of Terms, and subject to the Deputy Director – Governance being satisfied with the nature of such an agreement delegate to the Deputy Director – Economic Development and Planning to grant planning permission, subject to the conditions set out in paragraph 9 of the report annexed at Appendix 1 and additional conditions relating to details of finished floor levels; details of refuse storage; cycle storage and tree replacement.**

**127 Application 19/00634/HP - 110 Medway Road**

**Introduction**

The Committee considered an application for a two storey rear extension and single storey side extension at 110 Medway Road.

**Reason Why Being Considered by Planning Committee**

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation.

**Site Visit**

The application had been the subject of a site visit.
Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

The Committee’s attention was drawn to the late papers which related to comments from neighbouring residents in relation to:

- extension of neighbour consultation period;
- ownership Certification;
- guttering; and
- 45 and 25 degree code tests.

An Officer response was provided for each of the issues raised.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.

Public Representations

The following person had registered to speak on the application:

Andrew McGhee (Objector)

Key Points of Debate

- The objector informed the Committee that the proposal would create a shadow across his property and all he would see is a red brick wall. He was also concerned as to where the cycle store was to be placed which originally was to be located on the forecourt. The objector also stated that he had no objection in principle to the extension but how it was to be built.

- Some Members raised concerns over the construction at the rear of the property as there was no side access and what impact this would have on neighbouring properties. On the basis of this it was asked if a condition for a construction management plan could be added which would also include the phasing of access and construction (construction project plan). The Development Management Services Team Leader agreed to also include construction and delivery hours.

- In response to a query on the provision of cycle storage the Development Management Services Team Leader stated that as the cycle storage had been omitted from the scheme a condition for the provision of a more suitable cycle storage had been recommended as the original submission was not considered acceptable. Condition 4 refers.
Reference was made to the 45 and 25 degree code tests and the minor breaches. The Development Management Services Team Leader informed Members that in order to assess the impact of the proposal on neighbouring residents, the 45 and 25 degree code tests as set out in the South Worcestershire Design Supplementary Planning Document are used. Paragraphs 7.7-7.9 of the report referred.

Some Members agreed that by granting planning permission and the recommended conditions, the proposal could be monitored and controlled by building regulations. Other Members felt that the proposal was inappropriate and overdevelopment.

On being proposed and seconded and put to the vote the proposal was agreed with the additional conditions relating to the construction management plan and a construction project plan.

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in paragraph 9 of the report, and additional conditions related to a Construction Environmental Management Plan and a construction project plan (phasing/means of access and construction).

128 Application 19/00896/FUL - Children's Play Centre/Cafe, The Trinity

Introduction

The Committee considered an application for the change of use to Use Class A2 at the former Children’s Play Centre/Café, The Trinity.

The application sought permission for a permanent change of use to Use Class A2 with the intention of it being used as housing advice centre.

Reason Why Being Considered by Planning Committee

The application had been refereed to Planning Committee in accordance with the adopted Scheme of Delegation as the application is made on behalf of Worcester City Council.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.
The Principal Planning Officer informed the Committee that there were no policies within the Development Plan which defined the use of the site and therefore there is no in principle objection to the proposed use.

**Public Representations**

There had been no one registered to speak on the application.

The Chairman stated that this was the right development in the right place.

On being proposed and seconded and put to the vote the proposal was unanimously agreed.

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in paragraph 9 of the report.**

**129 Application 19/00836/FUL - Former Ice Works, 174 Bromyard Road**

**Introduction**

The Committee considered an application for amendments and alterations to the design of a residential scheme for 54 no. apartments approved under Application P15C0371 at the former Ice Works, 174 Bromyard Road.

**Reason Why Being Considered by Planning Committee**

The application had been referred to Planning Committee at the request of Councillor Udall for the reasons set out in paragraph 1.2 of the report.

**Site Visit**

The application had not been the subject of a site visit.

**Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

The Committee’s attention was drawn to the late paper which related to an additional condition as requested by the County Council Highway Authority for an additional car parking space to serve the additional bedroom proposed in the previously approved one bed unit.

**Officer Presentation**

The information was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader drew the Committee’s attention to paragraph 3.1 of the report which identified the proposed amendments and alterations to the design. The original design when first considered was shown to Members in the form of a powerpoint presentation.
Public Representations

There had been no one registered to speak on the application. However a local Ward Member, Councillor Udall addressed the Committee objecting to the proposal, as outlined in paragraph 1.2 of the report.

Key Points of Debate

- A local Ward Member in addressing the Committee acknowledged that the principle of development had already been established but had raised concerns over the loss of industrial and employment land.

- Concerns were raised that the proposed staircase tower would impact on the privacy of the neighbouring properties in Broadway Grove. The Ward Member asked the Committee to defer the application for discussions and negotiations with the applicant to consider the use of opaque/obscure glazing in the staircase tower.

- Members noted that the revised design with a partial reduction from five to three storey height was an improvement to the original scheme and would lessen any potential overlooking to nearby properties.

- After some discussion it was agreed that the Committee ask Officers to hold discussions with the applicant with a view to using opaque/obscure glazing in the staircase tower.

- In response to the local Ward Member’s concern over traffic safety and parking the County Council Highways representative stated that access had been improved and met the required standards. An additional parking space to serve the proposed additional bedroom was now required as set out in the late paper.

On being proposed and seconded and put to the vote the proposal was agreed, subject to the additional condition as set out in the late paper and to a caveat that the Officer’s discuss the potential for the use of opaque/obscure glazing in the lift/staircase tower.

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in paragraph 9 of the report and to the additional condition as set out in the late paper.

130 Application 19/00736/ FUL - 87 Windsor Avenue

Introduction

The Committee considered an application for the change of use from 3 bedroom house (C3) to 4 bedroom House in Multiple Occupation (C4) at 87 Windsor Avenue.
Reason Why Being Considered by Planning Committee

The application was referred to Planning Committee on 21\textsuperscript{st} November 2019. Members deferred the application for clarification of HMO data and the accuracy of the HMO calculation, this included checking that the 100 metre radius was correct and understanding the inclusion of properties in the radius and the information provided.

The previous report to Planning Committee on 21\textsuperscript{st} November 2019 was attached as Appendix 1.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the comments of the Deputy Director – Economic Development and Planning which related to the following matters:

- Accuracy of the 100 metre radius - a screenshot of the Local Planning Authority’s GIS mapping system was included in the report (Figure 1). This automatically provided the current percentage of HMO’s within the 100 metre radius;
- Analysis of HMO’s in the local area – a table was provided at paragraph 2.4 of the report identifying HMO’s proximity and relationship to the site locally;
- Figure 2 showing HMO’s in local context;
- Figure 3 a heat map which gave a clear spatial impression of clustering locally where there are higher densities of existing HMO’s present ; and
- Figure 4 showing Windsor Avenue and surrounding HMO’s and relative distances.

The Committee’s attention was drawn to the late paper which identified the revision of condition 4 related to the management plan.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.

The Planning Officer informed Members that she had met with the Ward Member, Councillor Udall and the objector who had spoken at Planning Committee on 21\textsuperscript{st} November 2019 and had gone through the methodology used for the calculation of the threshold percentage as set out in the HMO Supplementary Planning Document.

Public Representations

There had been no one registered to speak on the application. However a local Ward Member Councillor Udall addressed the Committee objecting to the proposal.
Key Points of Debate

- A local Ward Member, Councillor Udall in addressing the Committee thanked the Planning Officer for her assistance in understanding the process.

- The Ward Member still maintained that the proposal should be refused as there was already a concentration of HMO’s in this area and that one property in particular should not be included. He did agree however that this was a very marginal case and asked if permitted development rights could be removed.

- Members acknowledged the methodology used in the calculation of HMO’s and the need to be consistent.

On being proposed and seconded and put to the vote the proposal was agreed, subject to the revision of condition 4 as set out in the late paper and to the removal of permitted development rights.

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in paragraph 9 of the report, the revision of condition 4 as set out in the late paper and to the removal of permitted development rights.

131 Applications 19/00670/FUL and 19/00671/LB - Villa A, Mount Battenhall, Battenhall Avenue

Introduction

The Committee considered applications for the erection of 3no. apartment units as part of the existing retirement community, 2no. additional apartments in a first floor extension to the host property and 1no. apartment in a small extension to the stables building at Mount Battenhall, Battenhall Avenue.

Reason Why Being Considered by Planning Committee

The applications had been referred to Planning Committee in accordance with the adopted Scheme of Delegation.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.
Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.

Public Representations

There had been no one registered to speak on the application.

Key Points of Debate

- Although concerns had been raised by some Members in relation to car parking, the County Council Highway representative stated that there was no objection to the proposed development and parking provision, as set out in paragraph 6.1 of the report.

On being proposed and seconded and put to the vote the proposal was agreed.

RESOLVED: That the Committee grant planning permission and listed building consent, subject to the conditions set out in paragraph 9 of the report.

132 Applications 19/00676/FUL and 19/00677/LB - Mount Battenhall, Battenhall Avenue

Introduction

The Committee considered applications for the alteration, extension and change of use of existing building to create 2no. care apartment units as part of the approved scheme within the main building at Mount Battenhall, Battenhall Avenue.

Reason Why Being Considered by Planning Committee

The applications had been referred to Planning Committee in accordance with the adopted Scheme of Delegation.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.
The Development Management Services Team Leader informed the Committee that this proposal related to a previously consented scheme and was a reconfiguration which meant that the proposed scheme was only 0.47% larger than the consented footprint, as shown on the powerpoint presentation.

Public Representations

There had been no one registered to speak on the application.

On being proposed and seconded and put to the vote the proposal was agreed.

RESOLVED: That the Committee grant planning permission and listed building consent, subject to the conditions set out in paragraph 9 of the report.

133 Application 19/00593/VAR - Villa A, Mount Battenhall, Battenhall Avenue

Introduction

The Committee considered an application for the variation of condition 1 of Application P18B0059 to allow minor material amendments to the internal layout and external appearance of Villa A at Mount Battenhall, Battenhall Avenue.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.

Public Representations

There had been no one registered to speak on the application.

On being proposed and seconded and put to the vote the proposal was unanimously agreed.
RESOLVED: That the Committee grant planning permission and listed building consent, subject to the conditions set out in paragraph 9 of the report.

134 Application 19/00648/HP - 9 Wordsworth Avenue

Introduction

The Committee considered a retrospective application for the installation of a combined shed/summer house at 9 Wordsworth Avenue.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation, at the discretion of the Deputy Director – Economic Development and Planning.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader informed the Committee that this was a retrospective application as a result of an enforcement complaint. This application sought to regularise this.

Public Representations

There had been no one registered to speak on the application.

Key Points of Debate

- Members commented that the structure was quite substantial in a residential area but had noted that neither of the properties either side had objected.

- Clarification was sought on paragraph 6.1 of the report which related to confidential objections which could not be considered.
The Committee felt that without having these representations they could not make an informed decision on the application and requested a deferral of the application.

On being proposed and seconded and put to the vote it was unanimously agreed to defer the application to allow for the anonymous objections to be clarified for consideration.

RESOLVED: That the Committee defer the application for clarification of the anonymous objections.

135 Application 19/00798/HP - 16 Drapers Close

Introduction

The Committee considered an application for the erection of a two storey extension at 16 Drapers Close.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation on the grounds that the Council is recommending approval against the advice of Worcestershire County Council Highway Authority.

Site Visit

The application had not been the subject of a site visit.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader informed Members that in terms of design there were no issues it was the issue of the parking space and was referred to Planning Committee because of the highway objection.

The County Council Highway representative in response informed Members that there was no parking for this site and the area infront of the garage was not sufficient to accommodate a parking space and it would be unacceptable for any vehicle to overhang the pavement.

Public Representations

There had been no one registered to speak on the application.
Key Points of Debate

- Members noted that this area was already very congested and residents did experience problems and agreed with the comments of the Highway Authority objecting to the proposal.

- It was also agreed that that the proposal would result in the loss of the rear garden and noted in the report at paragraph 7.9 that the area would be slightly below what was recommended in the Design Guide, although Officers considered the garden still provided a suitable and usable space.

On being proposed and seconded and put to the vote the proposal was unanimously refused on the grounds cited.

Contrary to Officer recommendation it was:-

**RESOLVED:** That the Committee refuse planning permission on the grounds of inadequate car parking and harm to highway safety and convenience and over development of the site by reason of inadequate private amenity space to serve enlarged dwelling contrary to the Design Guide Supplementary Planning Document.

136 Any Other Business

23 Bozward Street

Concerns had been raised by Councillor Alan Amos on the recent granting of a 'Lawful Development Certificate' for 23 Bozward Street which had twice previously had applications rejected by the Planning Committee and the Government Planning Inspector for an extension to an existing House in Multiple Occupation. It was questioned which route the applicant had taken to obtain the permission.

The Development Management Services Team Leader explained that the appeal was dismissed by the Planning Inspector who had made reference to the 'fallback position' in his letter to the applicant. The applicant had exercised his permitted development rights and had applied for a 'Lawful Development Certificate'.

Councillor Amos asked Officers if they had advised the applicant that this was a route they could go through to obtain permission. The Development Management Services Team Leader in response stated that no advice was given to the applicant to go down this route and proceeded to explain the process by which the certificate had been issued.

In response Councillor Amos stated that the Committee needed to be informed about these decisions when they happen.

Tree Preservation Orders - Elgar Retail Park

Councillor Alan Amos had also raised concerns about work carried out to trees, covered by TPO’s, at Elgar Retail Park. He informed the Committee that Officers had granted permission for recent tree works consent, but the contractor who had carried out the work had cut more than was advised which meant the branches would not now grow.
The Development Management Services Team Leader in response stated that the applicant’s had been written to requesting supplementary planting to mitigate the breach and agreed to update Councillor Amos with the correspondence.

Appeals

In terms of Planning Appeals, Members highlighted that these were not referred to this Committee as had been done previously. Officer’s confirmed that the numbers of appeals were reported, as part of the quarterly performance report to the Place and Economic Development Sub-Committee, but could consider a short report to Planning Committee if Members wished.

**Duration of the meeting:** 1.30p.m. to 6.20p.m.

Chairman at the meeting on 20th February 2020