

PLANNING COMMITTEE

9th December 2021

Present: Councillor Mike Johnson in the Chair

Councillors Agar (Vice-Chair), Allcott,
A. Amos, B. Amos, Barnes, Bisset, Cleary
and Roberts

Apologies: Councillors Ditta and Hodges

68 Declarations of Interest

The following declarations of interest were made:

Application 21/00987/FUL – Worcestershire Royal Hospital, Charles Hastings Way
(Minute No. 71)

Councillor Agar – Application site is in her ward and knows a number of the residents involved. None are close friends and has not expressed a view on the application. Councillor Agar elected to speak and vote on the item.

Councillor Roberts - As a Member he has facilitated local residents with preparing comments for submission but has not expressed an opinion on the determination of the application. Councillor Roberts had sought legal advice prior to the meeting and was not considered to be predetermined on the application. Councillor Roberts elected to speak and vote on the item.

69 Public Participation

None.

70 Public Representation

None.

Before the start of the meeting Members were reminded that at the Council meeting on 30th November 2021 it was agreed to amend the process to be followed by Planning Committee when a decision is made contrary to officer recommendation. The Chair read out the following statement which identified the resolutions for decisions for refusal or approval contrary to officer recommendation:

Refusal contrary to recommendation for approval

The Planning Committee resolves to:-

i) refuse planning permission on the following grounds:-

.....

and

ii) delegates authority to the Corporate Director of Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee, to confirm the final wording of the above grounds and issue the Decision Notice.

Approval contrary to recommendation for refusal

The Planning Committee resolves to:-

- i) grant planning permission subject to conditions and the completion of a S106 Agreement (if required); and
- ii) delegates authority to the Corporate Director of Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee to confirm the conditions to be imposed and issue the Decision Notice;

OR if S106

iii) delegates authority to the Corporate Director of Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee, to confirm the conditions to be imposed and the heads of terms for the S106 Agreement and, on completion of the s106 Agreement, to issue the Decision Notice.

71 Application 21/00987/FUL - Worcestershire Royal Hospital, Charles Hastings Way**Introduction**

The Committee considered an application for the construction of a single storey extension (971sqm) to the north east elevation of the Aconbury East building to provide a new Urgent and Emergency Care Facility at Worcestershire Royal Hospital, Charles Hastings Way.

Reason Why Being Considered by Planning Committee

The application has been referred to Planning Committee in accordance with the adopted Scheme of Delegation having been referred by the Corporate Director – Planning and Governance.

The application is an identical scheme to application 21/00319/FUL approved under delegated powers on 13th September 2021, which is the subject of an application for Judicial Review to quash the same on the grounds that the decision was not properly taken.

This identical application has been submitted by the applicant to run in parallel with the Judicial Review process to allow the proposal to be brought before the Council's Planning Committee for consideration in accordance with the scheme of delegation.

It is noted that works have commenced on site.

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 local residents. Although the residents were not against the expansion of the hospital facilities, noise was considered to be the main issue, particularly with different rooftop plant systems being installed.

Officer Presentation

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

Public Representations

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

Key Points of Debate

- Councillor Roberts, although not speaking on behalf of the residents, was very sympathetic with their issues and concerns over potential noise from plant equipment, he also identified the planning history for the site, some of which had caused issues for the residents.
- The Chair introduced Richard Williams, Principal Officer (Planning and Technical Pollution Control) from Worcestershire Regulatory Services (WRS) to the Committee. The Chair asked him in terms of the resident's concerns, who had submitted their comments to the committee, based on the current rate rather than the measured noise level, what the impact would be to the installation of equipment on this site.
- Richard Williams in response provided background to this and the previous application. He informed the Committee that WRS had completed their own independent noise assessment and investigation in November 2020. This generated their own set of background measurements and the data was used to evaluate the current emissions from the new plant equipment installation. He confirmed that the advice given on the current and previous application is effectively the same.
- He went on to say that the calculations were taken against background noise levels carried out in four separate locations between 10pm and 2am. The primary concern was the night time noise, as day time noise is drowned out by traffic noise. When assessing the equipment in operation, at full tilt, it will be below the background noise level and to some extent inaudible to residents. A post completion condition has been applied so what is predicted will be delivered, if not it will be investigated.
- In response to a question from Members, the Senior Planning Officer confirmed, that as there were no plans submitted for a specific access for ambulances, this would remain as it is. Members were referred to Figure 2 at paragraph 3.3 of the report which provided details of the ground floor plan.

- In referring to the installation of equipment on the roof it was asked if anti-glare paint could be applied and conditioned. This was agreed. The Senior Planning Officer also confirmed that screening would be provided to the rooftop equipment.
- With regard to a post completion noise assessment this was confirmed in condition 6. This would ensure that noise levels did not exceed the maximum rating as set out by WRS.
- It was asked if any provision had been made to deter gulls from using the new roof area, if not could this be conditioned. The Senior Planning Officer confirmed that details of gull protection measures could be requested.

A proposal to approve the application had been made and this was seconded. There being no further points made the Chair asked the Legal Team Manager to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal was agreed as follows, subject to the additional conditions related to the use of anti-glare paint to external equipment and rooftop, plus gull protection measures in the roof design.

For – 9
Against - 0
Abstentions – 0

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report and to additional conditions related to the use of anti-glare paint to external equipment and rooftop, plus gull protection measures in the roof design.

72 Application 20/00958/FUL - 40 The Shambles

Introduction

The Committee considered an application for the conversion of first and second floors to 3 no. residential studio apartments with first floor extension at 40 The Shambles.

Reason Why Being Considered by Planning Committee

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

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 comments from Councillor Denham, who had called in the application. Councillor Denham was unable to attend the meeting due to other commitments. Her concerns related to access, cycle storage and the size of the units which are below the minimum standard.

Officer Presentation

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

Public Representations

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

Key Points of Debate

- Members noted that the size of two of the units at the front of the property were below national minimum standards, and questioned why the Council's policy team had not adopted a policy which conforms to the national standards, and recommended that they do so as soon as possible.
- Concerns were also expressed that the only source of lighting for the unit at the rear was from a large lantern rooflight, which was considered unacceptable. The comments of the Conservation Advisory Panel were noted by Members who also considered this to be unacceptable.
- Following a debate on the item a proposal was made to refuse the application based on the size and standard of the units which were considered to be unacceptable for future occupiers.

A proposal to refuse the application had been made and this was seconded. There being no further points made the Chair asked the Legal Team Manager to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal was refused for the reason set out above.

For – 8
Against - 1
Abstentions – 0

Contrary to Officer recommendation it was

RESOLVED: That the Committee

- 1. refuse planning permission on the grounds that the size and standard of units would be harmful to the amenity of future residents; and**
- 2. delegate authority to the Corporate Director – Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee, to confirm the final wording of the above grounds and issue the Decision Notice.**

73 Application 21/00679/FUL - 79 Windsor Avenue

Introduction

The Committee considered an application for the change of use of a small house in multiple occupation (Use Class C4) to two apartments at 79 Windsor Avenue.

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 Officers report.

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 Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

Public Representations

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

Key Points of Debate

- The Senior Planning Officer responded to points of clarification to Committee Members on car parking at paragraph 7.17 of the report and to paragraph 7.10 related to sound insulation.
- It was asked if permeable materials could be used for the hardstanding car park areas. This was agreed.

A proposal to approve the application had been made and this was seconded. There being no further points made the Chair asked the Legal Team Manager to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal was agreed as follows, subject to the additional condition relating to the use of permeable materials for the hardstanding car park areas.

For – 7
Against - 0
Abstentions – 2

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report and to the additional condition relating to the use of permeable materials for the hardstanding car parking areas.

74 Application 21/00197/FUL - 5 Shrubbery Avenue

Introduction

The Committee considered an application for the demolition of an existing rear extension/conservatory and replacement with single storey rear extension to house two dwellings, plus reconfiguration of existing units. Demolition of existing garden outbuildings and extension of rear parking area. Creation of stand-alone rear bin and cycle store and garden areas at 5 Shrubbery Avenue.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Lewing as set out in paragraph 1.2 of the Officer report.

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 representation and consultations where applicable.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

Public Representations

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

Key Points of Debate

- Members noted that the site is designated within the Shrubbery Avenue Conservation Area, for which the Article 4 Direction applies. This limits development that can be undertaken as outlined in paragraph 2.10 and 2.11 of the Officers report.
- The Senior Planning Officer informed Committee Members that neighbours had objected to the original scheme submitted, as outlined in paragraph 6. As a result the scheme was amended and neighbours were consulted on the revised scheme. Members noted that the number of objections had been reduced.
- Following a question on consultation on amended plans, the Interim Head of Planning stated that there was a statutory duty to consult on applications and all relevant parties were reconsulted on this particular one. Most amended plans are as a result of concerns that have been raised.
- Members questioned the amount of parking available for the development but it was noted that it had been assessed by highways who stated that the proposed scheme would benefit from four off road car parking spaces accessed from St Georges Lane South.

- In referring to the installation of photovoltaic panels, Members noted that planning permission was required due to the Article 4 Direction.
- In referring to condition 5 related to planting, it was noted that there was a substantial amount on site already, most of what is required is hard landscaping.
- A condition was requested for any hard surface areas to be permeable. It was agreed that condition 5 would be amended to take this into account.

A proposal to approve the application had been made and this was seconded. There being no further points made the Chair asked the Legal Team Manager to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal was agreed as follows, subject to the amendment of condition 5 relating to the use of permeable materials for hardstanding areas.

For – 6
Against - 1
Abstentions – 2

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report and to the amendment of condition 5 relating to the use of permeable materials for hardstanding areas.

75 Application 21/00654/HP - 31 Georgina Avenue

Introduction

The Committee considered an application for the proposed erection of a ground and first floor side and rear wrap-around extension with pitched roofs to match existing at 31, Georgina Avenue.

Reason Why Being Considered by Planning Committee

The application was referred to Planning Committee on 25th November 2021. At this meeting Members were minded to refuse planning permission, contrary to Officer's recommendation, on the grounds of impact on character of the area, concerns that the proposed extension is an congruous and visually intrusive addition to the streetscene and size, massing and bulk of the proposed extension.

The previous report to Planning Committee on 25th November 2021 was attached as Appendix 1.

Report/Background/Late Papers

The report, at paragraph 3, set out a planning assessment of each of the grounds for refusal given at the last meeting. In the summary of the report, at paragraph 4.3, Members were asked to note that if the application is refused contrary to officer recommendation and an appeal is lodged against the decision then it will be necessary to appoint external consultants to act on behalf of the local Authority.

There were no late papers circulated.

Officer Presentation

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation, which had been provided for Members at the previous meeting.

The Interim Head of Development Management drew the Committee’s attention to paragraph 5.1 of the report, which provided a suggested reason for refusal in the event that the Committee reached a different conclusion and resolved to refuse the application, contrary to Officer’s recommendation.

Public Representations

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

Key Points of Debate

- Members agreed that nothing had changed since this application was brought before the Committee 2 weeks ago and reaffirmed their reasons for refusal made at the last meeting.
- On this basis it was proposed that the application be refused for the reasons as set out in the Officers report.

A proposal to refuse the application had been made and this was seconded. There being no further points made the Chair asked the Legal Team Manager to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal was refused for the reason set out in paragraph 5.1 of the Officer’s report as follows:

For – 8
Against – 0
Abstentions – 1

Contrary to Officer recommendation it was

RESOLVED: That the Committee refuse planning permission for the following reasons:

- 1. Policy SWDP 21 of the South Worcestershire Development Plan 2016 requires that development proposals achieve a high standard of design, having regard to the character of the area and harmonising with their surroundings and to make a positive contribution to the character and quality of its environment through good layout and design. Development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. This is reflected in the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to amenity and design.**

In the opinion of the Local Planning Authority the proposed extension would unacceptably compromise the established character and appearance of the site and surrounding area by reason of its scale, design and appearance and as such would appear wholly incongruous within the street scene, thereby compromising the established character and pattern of the development in the locality.

The development would thereby also be contrary to policy SWDP 21 of the South Worcestershire Development Plan 2016 and the aims and interests of the National Planning Policy Framework which seeks to protect and promote amenity and design.

- 2. Policy SWDP 21 of the South Worcestershire Development Plan 2016 requires that development proposals achieve a high standard of design, having regard to the character of the area and harmonising with their surroundings and to make a positive contribution to the character and quality of its environment through good layout and design. Development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. This is reflected in the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to amenity and design.**

In the opinion of the Local Planning Authority the proposed extensions would adversely compromise the amenity of neighbouring property No. 33 Georgina Avenue by reason of its siting, scale and massing.

The development would thereby also be contrary to policy SWDP 21 of the South Worcestershire Development Plan 2016 and the aims and interests of the National Planning Policy Framework which seeks to protect and promote amenity and design.

76 Any Other Business

Enforcement

Councillor Alan Amos raised an issue of breaches of a particular planning application on a site in his Ward. Residents had contacted him to report that breaches of planning control were still ongoing and had been for quite a while and were asking why this is being allowed to continue.

During the discussion the Interim Head of Planning confirmed that this particular site is actively being investigated and he is liaising with the Enforcement Officer on the matter. Processes and procedures are being followed and will be taking expediency.

The Chair asked if a stop notice has been issued. The Legal Team Manager stated that that this is an enforcement issue and not appropriate to discuss further at the Planning Committee meeting.

Duration of the meeting: 1.30p.m. to 3.40p.m.

Chairman at the meeting on
27th January 2022