PLANNING COMMITTEE

19th December 2019

Present: Councillor Chris Mitchell in the Chair

Councillors A. Amos, B. Amos, Barnes, Berry, Bisset, Cawthorne, Hassan, Johnson, Squires (in place of Councillor Agar) and Udall (in place of Councillor Hodges)

Apologies: Councillors Agar and Hodges

105 Declarations of Interest

The following declarations of other disclosable interest were made:

Application 19/00444/FUL – ‘Mayfield’, 282 Malvern Road
(Minute No. 111)

Councillor Cawthorne – neighbour of application address is a close friend. Councillor Cawthorne elected not to take part in the debate or the decision of the item.

Application 19/00807/FUL – 31 Comer Road
(Minute No. 116)

Councillor Udall – as an objector of the application, Councillor Udall remained to address the Committee as local Ward Member. Councillor Udall elected not to take part in the debate or the decision of the item.

106 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 21st November 2019 be approved as a correct record and signed by the Chairman.

107 Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory Panel held on 6th November 2019 be received.

Matters arising:
Minute No. 63 – Land at Sherriff Street Industrial Estate – the Committee noted that there were no comments from the Conservation Advisory Panel on this item as they had requested a deferral to allow time for consideration.

108 Site Visits

The Committee visited the following sites which were the subject of applications to be determined:

Application 19/00444/FUL – ‘Mayfield’, 282 Malvern Road
Application 19/00614/FUL – Units 1, 2 and 5 Elm Road

109 Public Participation

None.

110 Public Representation

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

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

Introduction

The Committee considered an application for the demolition of an existing dwelling and the erection of a detached block of 6no. 2 bed flats and 3no. detached bungalows with associated green space, car parking and road infrastructure at ‘Mayfield’, 282 Malvern Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor A. Amos on the grounds of concerns about backland development.

Site Visit

The application was 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 draft Heads of Terms were attached as Appendix 1 to the report.

There were no late papers circulated.

Officer Presentation

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

The Committee’s attention was drawn to the powerpoint presentation and in particular the proposed building heights, proposed layout and landscape treatment.

The Development Management Services Team Leader also highlighted that the County Council Highway Authority had raised concerns and had deferred then refused the application but following extensive consultations with the applicant the scheme has been amended to the currently proposed layout and had no objection, subject to conditions.
Public Representations

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

Key Points of Debate

- Concerns were raised by some Members over ‘backland’ development and that if approved would set a precedent for other properties in the Malvern Road area. The comments of the City Council Landscape and Biodiversity Adviser were also referred to in paragraph 6.3 of the Officer’s report with regard to backland garden development.

- Reference was made to the objections from residents, highlighted in the report, who had accepted the original proposal but now had concerns for the amended application with regard to overbearing/overlooking, out of character and the loss of green space.

- In referring to the site visit Members raised concerns for the access issues and highway safety, particularly the speed at which vehicles travel. It was commented that it would be useful to have the figures on accidents in this area, concerns which had been highlighted by residents.

- The Worcestershire County Council Highways representative stated that they did have concerns initially but have had extensive discussions with the applicant for which the visibility splays and gradient issues at the access to the site had now been resolved and speed limits reviewed. With regard to accident figures it was noted that on Malvern Road two slight accidents had taken place in the last 3 years and one serious accident in the last 5 years, although these were not in the immediate vicinity of the application site. These were personal injury accidents information only.

- Some Members felt that following negotiations the developer had now put forward an acceptable scheme which had made good use of a derelict area and it was preferable to see development in the City areas rather than on green space on the edge of the City.

- For clarification the Development Management Services Team Leader referred Members to paragraph 7.2 of the report regarding ‘Principle of Development’ which referred to ‘windfall’ sites and also to paragraph 7.9 of the report.

- The Chairman reminded Members that the Committee has to make a balanced decision from all perspectives as to whether there is harm. The Development Management Services Team Leader referred Members to his report at paragraph 7.15, residential amenity and 7.29, the environmental role which addressed neighbouring residents’ issues.

It was proposed that the application be refused on the grounds of loss of garden land/green space, out of character with the surrounding area, over development and over bearing/looking. This was seconded and on being put to the vote the proposal of minded to refuse was approved on the grounds cited.

Contrary to Officers recommendation it was:-
RESOLVED: That the Committee is 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 overlooking/overbearing impact.

112 Application 19/00826/REM - Land at the junction of Berkeley Way and Parsonage Way

Introduction

The Committee considered an application for the variation of condition 7 of application P15P0013 and 19/00651/REM relating to tree works at land at the junction of Berkeley Way and Parsonage Way.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor S. Hodgson due to the number of representations and level of controversy generated by the host application.

Site Visit

The application had not been the subject of a site visit on this occasion but had been on the 18th February 2016.

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

The Principal Planning Officer informed the Committee that Warndon Parish Council had confirmed that as the Council had responded to their recent questions, they had no further questions or comments to make on the application. They had, however, indicated a wish to meet with Planning and Legal Officers in the new year with a view to understanding the Development Management processes with regard to controversial applications.

The Principal Planning Officer informed Members that the application is submitted under Section 73 of the Town and Country Planning Act 1990. Paragraph 3.2 of the report explained the process of dealing with such applications.

The Committee’s attention was drawn to the proposed amendment to condition 7 at paragraph 7.8 of the Officer’s report. It was considered that, as amended, the condition would continue to accord with the expectations of policies 22, 25 and 38.
Public Representations

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

Key Points of Debate

- The Chairman reminded Committee Members not to debate the original planning permission but to focus on the proposed variation of the condition.

- In referring to the previous planning permission Members asked whether the amendment of the condition was necessary for them to commence development. The Principal Planning Officer stated that the application was only seeking a change in wording the reason for the condition remained the same.

- Members commented that the applicant had had 3 years to commence development and were now requested variation to a condition 3 days before expiry. The Principal Planning Officer in response stated that he was in dialogue with the applicant and would be meeting with them to discuss conditions and commencement of the development. Members were also informed that one of the conditions of the original consent was that development should commence within three years of the date of permission being granted i.e. 22nd December 2019.

- Members were also informed that the applicant had to obtain licences in respect of protected species this had taken some time. The submission of ecological enhancements meant a commitment had been made. Officers were not aware of any breaches and informed Members that it was all about timing.

On being proposed and seconded and put to the vote the proposal to vary condition 7 of P15P0013 and 19/00651/REM relating to tree works, as set out in the report was agreed.

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

113 Application 19/00614/FUL - Units 1, 2 and 5, Elm Road

Introduction

The Committee considered an application for the demolition of existing units 1, 2 and 5 and replace with a new 2 storey building for commercial storage (Use Class B8) at Elm 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 the following:

- Contaminated Land Consultant response including two conditions;
- Amendment to condition 2 in relation to amended plans and supporting information.

Officer Presentation

The information in the report 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

- Due to its sensitive location on the edge of the riverside and its historical industrial uses on the site it was requested that an acknowledgement to these be placed at the site.
- The Development Management Services Team Leader in response stated that the Council did not have a policy for such matters but could ask the applicant to provide an interpretation board.

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 section 9 of the report with the revisions and additional conditions set out in the late paper and a condition removing Permitted Development Rights.

114 Application 19/00693/REM - Land at Sherriff Street Industrial Estate

Introduction

The Committee considered an application for the variation of conditions1,2,11,12,13,14,15,17,20,21,23,26 ad 27 of application P12G0199.

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.

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

- amendment to the description of the development;
- amendment to proposed variation of condition 15;
- recommended conditions;
- additional recommended conditions; and
- highway alteration works and alternative informatives.

**Officer Presentation**

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

Members were reminded of the approved scheme in the form of a powerpoint presentation.

The Development Services Management Team Leader informed Members that the application is submitted under Section 73 of the Town and Country Planning Act 1990. Paragraph 3.1 of the report explained the process of dealing with such applications.

**Public Representations**

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

**Key Points of Debate**

- In response to a request for the summary of the conditions to be varied, the Development Management Services Team Leader referred Members to paragraph 3.6 of the report which summarised the conditions and the reasons for them. Paragraph 4.1 of the report reflected the changes.

- The Chairman commented that when dealing with complex developments, particularly around phasing, it was not unreasonable to receive requests for variations.

- In relation to car parking spaces for the hotel Members were referred to Application 19/00694/REM (approval of all matters reserved by condition 5), which had subsequently been withdrawn from the agenda (item 12), in particular paragraphs 3.3 to 3.5 which identified the main changes proposed. However it was noted that Worcestershire County Council Highway Authority currently had holding objections.
- Members expressed concern that by approving the variation of the conditions in this application they were automatically approving application 19/00694/REM. It was suggested that deferring this application to consider alongside agenda item 12 at a future meeting would be preferable. The Development Management Services Team Leader explained the process for this application.

- The Committee adjourned for clarification on the level of car parking proposed to serve the flats in the first phase of the development and when they would be provided.

- The Development Management Services Team Leader confirmed that the parking would be provided with each phase of the development and identified the location of car parking on the powerpoint presentation.

The Chairman gave thanks to all for the clarification.

On being proposed and seconded and put to the vote the proposal to vary conditions 1,2,11,12,13,14,15,17,20,21,23,26 and 27 of application P12G0199 was agreed, subject to the details as set out in the late paper.

**RESOLVED:** That the Committee grant planning permission, subject to the amendment of the description of the development, amendment to proposed variation of condition 15, recommended and additional conditions, highway alteration works and alternative informatives as set out in the late paper.

115 Application 19/00694/REM - Land at Sherriff Street Industrial Estate

This item was withdrawn from the agenda.

116 Application 19/00807/FUL - 31 Comer Road

**Introduction**

The Committee considered an application for the conversion of a takeaway to a 1 bed flat at 31 Comer Road.

**Reason Why Being Considered by Planning Committee**

The application had been referred to Planning Committee at the request of Councillor Udall on the grounds of over occupation of the site and lack of adequate parking.

**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 in the report 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. However a local Ward Member, Councillor Udall addressed the Committee objecting to the proposal.

**Key Points of Debate**

- The local Ward Member in addressing the Committee stated that the loss of a retail unit was important for the area. This was a retrospective application which was an over occupation of the site with a total lack of adequate parking. He asked for the Committee to refuse the application and ask for re-negotiations to return the premises to a retail unit.

- Members noted that Worcestershire County Council Highway Authority had objected to the original plan for 2 bedsits and further objected to the amended proposal to 1 bedroom flat as set out in paragraph 6.1 of the Officer's report. The comments were supported by the Committee.

- It was agreed by the Committee that approving the application would set a precedent. This was a retrospective application and there was no planning reason to approve it.

On being proposed and seconded and put to the vote the proposal was refused on the grounds of inadequate parking for the development.

Contrary to Officer recommendation it was:–

**RESOLVED: That the Committee refuse planning permission on the grounds of inadequate car parking for the development.**

117 **Application 19/00874/HP - 125 Holly Mount Road**

**Introduction**

The Committee considered an application for a single storey extension at 125 Holly Mount 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 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 in the report 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

- Members had noted that the County Council Highway Authority had recommended deferral of the application requesting that additional detailed plans related to parking be provided, as the provision of an additional bedroom would require a parking space.

- The Development Management Team Leader in response drew the Committee’s attention to the County Council Streetscape Design Guide requirements but also pointed out that the existing property did not currently have any off road parking.

- The Development Management Team Leader informed Members that all material planning issues had been considered, as at paragraph 8.2 of the report, and on balance considered the proposed development acceptable.

- Members acknowledged that the proposal would not create more usage of the site and was providing accessible accommodation for a resident with mobility issues.

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

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

118 Application 19/00824/HP - 10 Saltwood Avenue

Introduction

The Committee considered an application for a ground floor side extension and conversion of garage to form additional living accommodation at 10 Saltwood Avenue.

Reason Why Being Considered by Planning Committee
The application had been referred to Planning Committee at the request of Councillor S. Hodgson on the following ground:

The property is unsuitable for this type of development being at the end of a narrow drive with no street vehicle parking directly in front of the house. The nearest road, about 30m away is towards the entrance to Saltwood Avenue off Hastings Drive which is already congested with parked vehicles and narrows to just one lane beyond the drive way leading to 10 Saltwood Avenue and neighbouring properties.

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 represents and consultations where applicable.

There were no late papers circulated.

Officer Presentation

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

Public Representations

There had been not one registered to speak on the application.

Key Points of Debate

- In response to neighbour objections with regard to the proposal the Development Management Team Leader informed Members that all material planning issues had been considered, as at paragraph 8.2 of the report, and on balance considered the proposed development acceptable.

- Members had noted that the County Council Highway Authority had originally recommended deferral of the application for clarification of parking arrangements, but following the revision of plans had no objection. A condition was recommended however that cycle parking be provided, which had now been included.

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

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report.**
119 Any Other Business

None.

Duration of the meeting: 1.30pm to 5.40pm

Chairman at the meeting on
23rd January 2020