

## **PLANNING COMMITTEE**

**28th October 2021**

**Present:** Councillor Mike Johnson in the Chair

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

**Apologies:** Councillors B. Amos and Hodges

### **47 Declarations of Interest**

The following declaration of interest was made:

Application 21/00680/FUL – New Bungalow, Grosvenor Walk  
(Minute No. 54)

Councillor Udall – Had called the application in and had responded to questions from local residents but had not pre-determined the application. Councillor Udall elected to speak and vote on the item.

### **48 Minutes of Previous Planning Committee**

Matter Arising:-

Minute 41 – Page 7, 3<sup>rd</sup> bullet point – Councillor Alan Amos, in addressing the Chair of the Committee, stated that the minutes of a meeting should be a record of decisions, actions or votes and not a verbatim record of the meeting. It was questioned whether the contents of the minute was appropriate and if it were to remain he would like a right of reply.

The Chair, in response, agreed that the minutes are a record of the material discussions and decisions made by the Committee, and that the relevant paragraph should be removed from the minutes. The Committee were invited for their comments.

After some discussion, and in the absence of Councillor Hodges, the Chair agreed not to sign the September minutes meeting until he had spoken with both Councillor Amos and Councillor Hodges outside of the meeting to agree the way forward, at which point he would sign the minutes.

### **49 Minutes of Previous Conservation Advisory Panel**

**RESOLVED:** That the minutes of the Conservation Advisory Panel be received.

### **50 Public Participation**

None.

**51 Public Representation**

None.

**52 Outline Planning Application P16L0448 (Formerly P13L0316) (MHDC Ref: 13/00656/OUT) - South Worcestershire Urban Extension**

The Committee considered outline planning application P16L0448, formerly P13L0316, Malvern Hills District Council Ref: 13/00656/OUT – South Worcestershire Urban Extension. This was supported by the following appendices:

- Appendix 1 - Worcestershire Acute Hospitals NHS Trust representation dated 19<sup>th</sup> January 2021 (Parts 1 and 2);
- Appendix 2 - Amended list of planning conditions;
- Appendix 3 - Amended Section 106 Heads of Terms;
- Appendix 4 - Malvern Hills report to Northern Area Planning Committee on 3<sup>rd</sup> November 2021; and
- Appendix 5 - Report to Worcester City Council Planning Committee on 19<sup>th</sup> September 2019

Worcester City Council has been consulted by Malvern Hills District Council on the further request from the Trust for financial contributions in respect of the outline planning application that has a resolution to approve, subject to the completion of a Section 106 Agreement and conditions. The background is set out within the report to the meeting of the Northern Area Planning Committee of Malvern Hills District Council to be held on 3<sup>rd</sup> November 2021 attached as Appendix 4.

Worcester City Council Planning Committee is requested to consider the written request of the Trust to Malvern Hills District Council, attached as Appendix 1, and to confirm whether they are in agreement with the proceeding on the basis of the recommendations in paragraphs 2.1, 2.2, 2.3 and 2.4 as set out in Appendix 4.

Duncan Rudge, Head of Planning Services, Malvern Hills District Council, presented the report and responded to questions on various aspects of the request from the Trust and points of clarification from Committee Members.

The Committee Members entered into a debate on the written request from the Trust, as outlined in Appendix 1 of the report where support and opposition was expressed.

The Legal Team Manager stated that this was a decision for the Committee to make, but the 3 district Councils are aiming for a unified approach. If the Committee is minded to refuse then a deferral would be more appropriate to allow time for the 3 district councils to be able to discuss the matter between them rather than refuse. At the moment the Council has delegated its decision making in respect of the application to Malvern Hills District Council and that maybe something that Members may wish to consider. Members were reminded that if they were minded to approve the request to the Trust it would be at the cost of other contributions from the developer to other infrastructure i.e. affordable housing.

A proposal to endorse the recommendation as set out in the report was made and this was seconded.

There being no further comments made the Chair requested the voting of each Member of the Committee, who were eligible to vote. Following the recording of the votes the endorsement of the recommendation was agreed, as follows:

For - 5  
 Against - 4  
 Abstentions - 1

Councillor Alan Amos asked that his vote against the proposal be recorded in the minutes.

**RESOLVED: That the Planning Committee endorse the recommendation set out in paragraphs 2.1, 2.2, 2.3 and 2.4 of the report to the meeting of the Northern Area Planning Committee of Malvern Hills District Council to be held on 3<sup>rd</sup> November 2021(attached as Appendix 4), namely:**

- 1. The request for financial contributions towards acute health services in respect of planning application 13/00656/OUT has been considered and noted as something capable of being a relevant material consideration. However, the local planning authority does not agree to secure the contribution as the application has been subject to detailed investigation with respect to viability and the local planning authority is satisfied that the financial requests made by the Worcestershire Acute Hospitals NHS Trust (in whole or part) could only be accommodated through the re-opening of already accepted financial appraisals and at the expense or reduction of the provision of other infrastructure considered critical to the delivery of sustainable development, including the provision of much needed affordable housing;**
- 2. The Council is not persuaded that the Trust's request fully meets the tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010, having regard to the Inspector's decision and Secretary of State decision on the Wolborough Barton, Newton Abbott, Devon appeal decision and the more recent Claphill Lane, Rushwick appeal decision both of which are capable of being a material consideration. Even if the Council was to be persuaded that the request is CIL Regulation 122(2) compliant and/or compliance is confirmed by the Courts, the Council considers that the previously approved s106 Heads of Terms are still the most appropriate in this case and affordable housing should not be reduced below 20%;**
- 3. In accordance with the decisions made by the planning committees at the three south Worcestershire councils in 2019, the section 106 agreement associated with application 13/00656/OUT does not include reference to a Deferred Contingent Obligation review mechanism on the basis that affordable housing provision at 20% is agreed as the maximum reasonable level of affordable housing across the whole development, not just the initial phase; and**

- 4. To approve the amended list of planning conditions at Appendix 2 and the S106 Heads of Terms at Appendix 3 and to authorise the Director of Planning and Infrastructure to grant outline planning permission in consultation with the local ward members, subject to the completion of the s106 legal agreement and any further minor amendments to the drafting that may be necessary.**

### **53 Application 20/00866/FUL - Unit 7, St Martin's Quarter**

#### **Introduction**

The Committee considered an application for the change of use from retail to 24 residential units at Unit 7, St Martin's Quarter.

#### **Reason Why Being Considered by Planning Committee**

The application had been referred to Planning at the request of Councillor Denham for the reasons set out in paragraph 1.2 of the 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 draft Heads of Terms were attached as Appendix 1 to the report.

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 the principle of the development; car parking; inappropriate use and lack of facilities and poor standard of accommodation for future occupants.

#### **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**

- Concerns were raised over the lack of amenity space, which has small areas, which would be used primarily for bin and cycle storage. It was also noted that the building fronts onto a main shopping area which is a busy retail environment and pedestrian throughfare and would have an impact on those living on the ground floor.

- In expressing concerns over the omission of car parking spaces, the County Council Highways representative in response, informed Members that they had been consulted on this aspect of the proposal and was satisfied that its criteria for parking free development had been met and had no objection, subject to recommended conditions (cycle parking and Travel Welcome Pack).
- The Chair informed Members that there was no legitimate planning issue with the application and from Officers perspective it is a very fine balance and it is recommended for approval. It is up to the Committee to make their own decision.
- In response to this the Interim Head of Planning referred Members to the fallback position, in relation to the application, as outlined in paragraph 7.10 of the report. In relation to car parking, it is in accordance with the provisions of the guidance. As far as amenity space is concerned this a planning balance decision, balanced against the number of units to add to the housing supply, but the issue in relation to amenity space on the ground floor, this is a planning consideration for Members to make,.
- Although noting that the applicant had made an effort to market the site, Members agreed that the site was considered unsuitable and inappropriate for residential development and maybe 1<sup>st</sup> floor residential and ground floor commercial would be more beneficial. Members were reminded that the application before them was for 100% residential and needs to be determined on that basis.

A proposal to refuse the application had been made and this was seconded on the grounds of poor amenity space at the front and rear of the building. The Legal Team Manager reminded Committee Members that the 'Minded to Refuse' procedure still needed to be followed as the new procedure recommended for adoption at the Committee meeting in September 2021 had yet to go to full Council for amendment to the Constitution to reflect the new process.

If 'Minded to Refuse' the application would need to be referred back to the next available meeting in accordance with the current adopted procedure.

There being no further points made the Chair requested the voting of each Member of the Committee, who were eligible to vote. Following the recording of the votes the proposal was minded to refuse for the reasons set out above as follows:

For – 9  
 Against – 1  
 Abstentions - 0

Contrary to Officer recommendation it was:

**RESOLVED: That the Committee is minded to refuse planning permission on the grounds of poor amenity space to the front and rear of the building.**

**54 Application 21/00680/FUL - New Bungalow, Grosvenor Walk****Introduction**

The Committee considered an application for a proposed new bungalow to the rear of the new bungalow, (land adjacent to) Grosvenor Walk.

**Reason Why Being Considered by Planning Committee**

The application had been referred to Planning at the request of Councillor Udall for the reasons set out in paragraph 1.2 of the 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 Senior Planning Officer informed Committee Members that the application was a resubmission of application P17K0234 which had been determined under delegated powers in December 2017 and the permission had now lapsed. The previous decision notice and report was included in the Officers report as appendix 1 and 2 respectively.

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**

- Concerns were raised that an additional property would add to the parking problems for this area, which would be accessed off the very narrow Bromyard Terrace, which was also a heavily pedestrianised area. Clarification and reassurances were sought from the County Council Highways representative.
- In response the County Council Highways representative agreed that Bromyard Terrace was a very narrow road, but the site had been thoroughly considered and assessed, together with the safety of pedestrians and is determined to be acceptable and in safety terms is safe.
- Concerns were expressed over this extra building taking up more green space in an area that is already congested, which had seen new properties in the area in recent years. The Council's policy on not building on green space was questioned, together with the meaning of the word sustainability.

- The Interim Head of Planning stated that there were policies which are taken into consideration to guide and support the decision of each application, with each application being judged on its own merit. In terms of sustainability and in the context of this application it is the location, which is close to public transport and within easy walking distance of shops. The proposed was considered to be a sustainable form of development.
- Members noted from the Officers report that there were no objections to the proposal and one letter of support. The Senior Planning Officer stated, when questioned, that the same consultation had taken place for this application as with the previous one.
- In referring to the car parking area, it was commented that this may cause drainage issues and it was requested that a condition be considered for permeable surfacing to improve drainage. This was agreed.
- The County Council Highways representative, in referring to their consultation response on the application, had noticed that a request for a Construction Environmental Management Plan had been made and asked that a condition be added for this to be submitted. This was agreed.
- In order to prevent further development on the site, if the proposal is approved, Members asked for the removal of Permitted Development Rights and asked that this be conditioned. This was agreed in the context of concerns over the loss of open space.

A proposal to be minded to refuse the application on the grounds of over development and inappropriate use of garden space was made and this was seconded. The Chair requested the voting of each Member of the Committee, who were eligible to vote. Following the recording of the votes the proposal to be minded to refuse was lost, as follows:

For – 4

Against - 6

A proposal to approve the application was then made and seconded. The Chair requested the voting of each Member of the Committee, who were eligible to vote. Following the recording of the votes the proposal was agreed, subject to the additional conditions as set out above, as follows:

For – 7

Against – 2

Abstentions - 1

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report and to the additional conditions relating to permeable surfacing for car parking areas, a Construction Environmental Management Plan, and the removal of Permitted Development Rights.**

**55 Any Other Business**

**Potential Additional Committee Meeting**

The Interim Head of Planning informed Committee Members that there may be a requirement for an additional meeting in November. This will be confirmed as soon as possible.

**Duration of the meeting:** 1.30p.m. to 3.15p.m.

Chairman at the meeting on  
25th November 2021