

PLANNING COMMITTEE

27th January 2022

Present: Councillor Mike Johnson in the Chair

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

Also in Attendance:
Councillor Geraghty

112 Declarations of Interest

The following declarations of interest were made:

Application 21/00295/HP – 7 Cove Gardens
(Minute No.119)

Councillor Allcott – Had called the application in before committee, as local Ward Member, due to a high level of neighbour objections. Councillor Allcott had not predetermined the application and elected to speak and vote on the item.

Application 21/00887/FUL – The Feathers, 45 Upper Tything
(Minute No.120)

Councillor Hodges – Son lives in Britannia Square. Has not discussed the application with him. Councillor Hodges elected to speak and vote on the item.

The following declaration of other disclosable interest was made:

Application 21/00558/OUT – Powell and Harber (Precision Engineering) Ltd;
Brickfields Road
(Minute No.121)

Councillor Roberts – As a relative of one of the Directors. Councillor Roberts left the room during the consideration of this item.

113 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 9th and 16th December 2021 be approved as a correct record and signed by the Chair.

114 Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory panel be received.

115 Public Participation

None.

116 Public Representation

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

117 Application 21/00667/FUL - University of Worcester Arena, Hylton Road**Introduction**

The Committee considered an application for full planning permission for a proposed International Inclusive Cricket Education Centre (Use Class F1(a) and E(d)) including lighting, drainage and associated works at University of Worcester Arena, Hylton Road.

Reason Why Being Considered by Planning Committee

The application is referred to Planning Committee in accordance with the Council's Scheme of Delegation as the application is a Major application (over 1,000sqm).

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 a request from the applicant to make some minor textual changes to conditions 6,7,10,13 and 14. Officers agreed the minor alterations to the proposed wording of conditions 6,7 and 10 and delegated authority is sought in relation to the final wording of the condition. Officers proposed not to agree to a number of changes to conditions for the reasons as set out in the late paper and that only minor textual changes were anticipated.

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.

The Interim Head of Development Management informed Committee Members that this item would be considered in conjunction with Agenda Item 8, related to the infrastructure required for the future redevelopment of the University of Worcester Severn Campus.

Public Representations

The following people had registered to speak on the application:

George Cummings and Stuart Causier (Objectors) and Chris Dodds (Agent – Planning Prospects - for the Applicant)

A local Ward Member, Councillor Simon Geraghty also addressed the Committee.

Key Points of Debate

- The first objector, in addressing the Committee, stated that the proposed cricket education centre would be opposite his house in Hardwicke Close, when measured it would be 80ft from the house to the fence line of the proposed building. He went on to say that the size and height of the proposed building would be as tall as his house and asked for hedging to be planted at the back of the building to screen the lighting and any noise.
- The second objector, in addressing the Committee, informed them that he was a resident of Rectory Gardens, which is built into an embankment and backs onto the proposed development. The construction of the proposed development will be close to his boundary. The noise from this and the sound of cricket balls, air conditioning units and people coming and going will impact on the residents. The lighting from the basketball arena and surrounding areas already cause light disruption as it shines directly into the properties close by.
- Concerns were also raised by the objector that when the basketball and cricket centres hold events at the same time there will be issues with cars parking in Henwick Road, Rectory Gardens and Hardwicke Close. The car park as it is at the moment is full to capacity when events are held. Both objectors responded to questions from Members in relation to the request for hedging, the existing trees, light pollution and the steep slope from Henwick Road and the objection to the proposed cycle route/ramp.
- The agent for the applicant, in addressing the Committee advised that the infrastructure works will deliver the key infrastructure ahead of future development phases including the proposed cricket education centre. All technical planning matters have been addressed including design and access statement, conserving heritage assets and flood resilience. He identified that the access point from Hardwicke Close had now been removed from the proposal. The agent responded to questions from Members on various matters.
- The local Ward Member, Councillor Geraghty had called in the application because of extensive concerns raised by residents some of which had been covered by the speakers. However concerns still remained over the scale and size of the development which is in close proximity to residential premises. More screening of the building whether hedging and/or mature tree planting could be considered. He asked the Committee to think of what undertakings could be given by the applicant in the extent to the planting and the treescape to try and alleviate the concerns of residents. Consideration also needs to be given to the residents when construction takes place.
- In referring to the Construction and Environmental Management Plan it was asked whether the hours of construction should be restricted in view of comments made by the objectors. The Interim Head of Development Management stated that there was already a separate condition related to the hours and there is no disagreement on the restrictions.

- Members welcomed the proposal stating that the facility will be an exciting, high quality landmark for the City which is supported by Sport England and the England Cricket Board. It was also agreed that the University brought many benefits to this city who had a good reputation.
- The decision to call in the application by the Ward Member was agreed by Committee Members as this is a significant application, the size and scale of the proposal is however important and the Committee recognized the approach taken by residents and hope that some of their concerns have been addressed.
- In response to a question about the construction hours and the enforcement of those, the Interim Head of Planning confirmed the hours of operation as requested. If there is a breach it will be investigated.
- In referring to car parking spaces the County Council Highways representative confirmed there were to be 316 spaces which had been supported by a parking accumulation assessment and was considered acceptable. The location of other public car parks within easy walking distance of the site were referred to.
- The Chair asked if the offer of additional planting would be taken up, in response the Interim Head of Development Management clarified this for Members

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 minor textual changes to conditions 6, 7 and 10 as set out in the late paper:

For – 9
 Against – 0
 Abstentions – 2

RESOLVED: That the Committee

- 1. grant planning permission, subject to the conditions set out in section 9 of the report and to the minor textual changes to conditions detailed in the late paper; and**
- 2. delegates authority to the Corporate Director – Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee, to update textual elements of planning conditions under the terms of s100ZA of the Town and Country Planning Act 1990 (as amended) as set out in the late paper and issue the Decision Notice.**

118 Application 21/00629/FUL - University of Worcester Severn Campus, Hylton Road

Introduction

The Committee considered an application for the proposed infrastructure required for the future redevelopment of the University of Worcester Severn Campus; comprising non-vehicular access onto Henwick Road (including emergency vehicle access and flood egress, cycle routes and pedestrian 'wellbeing' routes), vehicle parking including electric vehicle and cycle parking, internal servicing and access roads linking to existing vehicular access from Hylton Road, green infrastructure, lighting, drainage, demolition of existing buildings, new University store building, and structures and associated works at University of Worcester Severn Campus, Hylton Road.

Reason Why Being Considered by Planning Committee

The application has been referred to the Planning Committee at the request of Councillor Geraghty on the following grounds:

- significant concerns in relation to the opening up of Hardwicke Close for access to the University redevelopment site;
- noise;
- vehicular traffic;
- impact on residential amenities; and
- impact on the environmental corridor adjacent to the 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 paper which highlighted a number of factors raised by the applicant. A request was also received from the applicant to make some minor textual changes to conditions 2,5,8, 9 and 10. Officers agreed the minor alterations to the proposed wording of these conditions and delegated authority is sought in relation to the final wording of the conditions.

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. However a local Ward Member, Councillor Geraghty addressed the Committee. See previous item – Application 21/00667/FUL.

Key Points of Debate

See previous item – Application 21/00667/FUL.

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 minor textual changes to conditions 2,5, 8,9 and 10 as set out in the late paper:

For – 10
Against – 0
Abstentions – 1

RESOLVED: That the Committee

- 1. grant planning permission, subject to the conditions set out in section 9 of the report and to the minor textual changes to conditions; and**
- 2. delegates authority to the Corporate Director – Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee, to update textual elements of planning conditions as set out in the late paper under the terms of s100ZA of the Town and Country Planning Act 1990 (as amended) and issue the Decision Notice.**

119 Application 21/00295/HP - 7 Cove Gardens

Introduction

The Committee considered an application for a front single storey and garage extension, side garage extension and first floor rear extension at 7 Cove Gardens.

Reason Why Being Considered by Planning Committee

The application has been referred to the Planning Committee at the request of Councillor Allcott on the following grounds:

- work already undertaken on the period property, conservation, plus the high level of objections in close proximity.

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 a number of points highlighted by a neighbour (in conjunction with all residents and other interested parties objections) in response to the Officer's report.

The late paper also included a response to these comments by officers, who did not consider that the objections raised new matters and proposed no change to the recommendation.

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

The following person had registered to speak on the application:

Rob Louch (Objector)

Key Points of Debate

- The objector, in addressing the Committee, referred them to the late paper which he had submitted. The document sought to address a number of inaccuracies and omissions within the Officer's report and to reinforce previous objections and to comment on later additional changes to the planning application. As part of this submission the objector asked the Committee to reject the application for the reasons outlined in the late paper.
- The Committee asked the objector questions related to the contents of the late paper and his address to the Committee on points of clarification, for which the objector responded accordingly.
- Officers were asked why the Conservation Advisory Panel had not been consulted. The Interim Head of Development Management could not confirm why, but did state that the Conservation Officer liaises with the Chair of the Panel on applications for consideration that affect Conservation Areas.
- Clarification was requested on what was being proposed and what was there already. The proposal with the new extension would increase the dwelling from 2 to 3 bedrooms and the garage will be extended on 2 sides, which could potentially be another usable room. In referring to the plan of the site it was questioned whether there was room for 3 car parking spaces. The County Council Highways representative commented that they are not 3 workable car parking spaces, but a 3 bedroom dwelling under the current standards only requires 2 which they have provided.
- Concerns were raised about the additions to the dwelling which has changed the footprint and was considered overdevelopment of the site, there were also concerns for potential issues for car parking. A proposal to refuse the application was made on the grounds of overdevelopment and out of keeping with the conservation area. This was seconded. Disappointment was raised at the Officer's comments in paragraph 3 of the report, which was disagreed with.

- During general discussions about the site some Members also opposed the development referring to it as a 'wrap around extension', as seen in a previous planning application, although Officers did not agree with this. Concerns were raised that work has already started on the site and some work continued to take place when asked to stop. This was seen as a complete rebuild and totally unacceptable for the character of the area.
- It was asked what the percentage enlargement of the property is. The Interim Head of Development Management stated that there was nothing in planning policy so would not consider these calculations, unless it was in the Green Belt.
- Some Members felt that the reasons for refusal were too weak and would not stand up to an appeal. It was noted that the City Council Conservation Officer had no objection to the application, saying that the revised scheme was an improvement. The Interim Head of Development Management said that this was his professional judgement and if Committee disagreed then that was their judgement.
- The Member who proposed refusal continued to do so and identified that it is before the Planning Committee to make a judgement. He used the reasons for refusal as overdevelopment due to mass, out of character and keeping with the area. A further reason for refusal was given at paragraph 7.17 of the report, which referred to the setting of the Conservation Area, some Members agreed that it would have an impact.
- The Interim Head of Planning said that it's a planning judgement and is a finely balanced case. To assist Members he read out a reason for refusal, final wording to be agreed with the Chair and Vice Chair.
- It was commented that this would have been one occasion when a site visit would have been really useful, to understand the context better. It was asked that consideration be given for site visits in the future for applications of this nature.

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 reasons given, as follows:

For – 6
 Against – 3
 Abstentions – 2

Contrary to Officer recommendation it was

RESOLVED: That the Committee

- 1. refuse planning permission on the grounds of overdevelopment due to mass, out of keeping with the character of the area and impact on the setting of the Conservation Area; and**

- 2. delegates 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.**

120 Application 21/00887/FUL - The Feathers, 45 Upper Tything

Introduction

The Committee considered an application for a new external garden terrace on existing flat roof at the rear of The Feathers public house, 45 Upper Tything.

A new staircase would be installed rising from the existing lower terrace up to the proposed roof terrace which would have 'astroturf' flooring and surrounded by a timber framed pergola of 2.1 metres maximum height being enclosed by planting to the sides and a green plastic roof.

Reason Why Being Considered by Planning Committee

The application has been referred to the Planning Committee at the request of Councillor Lynn Denham on the following grounds:

- principle of development;
- significant local objection;
- impact on neighbouring residents' amenities;
- inappropriate use; and
- hours of operation.

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

The following people had registered to speak on the application:

John Ball (Objector)

A local Ward Member, Councillor Denham also addressed the Committee.

Key Points of Debate

- The objector, on behalf of another neighbour and Britannia Square Residents' Association, addressed the Committee outlining their objections to the application, which was seen as an unsuitable development in a Conservation Area. It was considered that the proposed external garden terrace would create an even greater noise nuisance than that already endured from inside the venue. Whilst acknowledging the timber framed pergola would be a visual screening, it would not be a soundproof one.
- The Chair introduced Steve Williams, Senior Technical Officer (Technical Services) from Worcestershire Regulatory Services (WRS) to the Committee. He informed the Committee that WRS raised no objections to the application and from a statutory noise point of view there were no grounds to object. He confirmed that the noise from people talking on the terrace would be heard from neighbouring properties, if windows were open, even with screening in place. There were no standards for people talking and only action could be taken for amplified music.
- In response to questions from Members, the Interim Head of Development Management clarified that the public house can currently open until 2.00am with live music until midnight, inside. Condition 3 has been applied to ensure that all outdoor space, including access to the roof terrace and external courtyard is closed at 10.00pm every day.
- To reinforce condition 3, the Interim Head of Development Management agreed to add in that the access door to the external areas shall remain closed after 10.00pm. There were however concerns raised that this would be the case in the summer months when it would still be light outside.
- In referring to paragraph 7.6 of the report, which identified that the Design and Access Statement had been amended to reflect the 10.00pm close, this was seen as an improvement to previous hours. It was also noted that the Officer's report did not mention live music and that no one had raised objections, but should the proposal be approved consideration should be given to no live music on the external roof terrace. The Interim Head of Development Management suggested that an additional condition could be added to cover this if Members wished. This was agreed.
- The local Ward Member, in addressing the Committee, thanked Officers for a good report, which she said justified her reason for calling in the application to the Committee, as it is a finely balanced decision to be made. Reference was made to the existing licensing hours of operation, which she thought was extensive and to open this up to the outside roofspace would add to this. It was considered that the proposed structure would not be adequate itself and that to prove nuisance is difficult. If the Committee were minded to approve a condition to prevent any activity on the terrace after 10.00pm was requested.
- There was a general discussion on the health and safety aspects of the roof terrace and clarification on enforcement, whether it is the Council or WRS. The Interim Head of Development Management responded to these matters.

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 3 and to an additional condition related to no music on the external roof terrace:

For – 8
Against – 3
Abstentions – 0

RESOLVED: That the Committee

- 1. grant planning permission, subject to the conditions set out in section 9 of the report, amendment of condition 3 and an additional condition related to no music on the external roof terrace; and**
- 2. delegates 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 conditions and issue the Decision Notice.**

121 Application 21/00558/OUT - Powell and Harber (Precision Engineering) Ltd; Brickfields Road

Introduction

The Committee considered an application for outline permission in relation to the demolition of the existing industrial site and erection of up to 24 no. residential units. The outline application considers matters of access only with all other matters (scale, appearance, landscaping and layout) to be considered as reserved matters, at Powell and Harber (Precision Engineering) Ltd; Brickfields Road.

The scheme is proposed to be 100% affordable housing with a mix of 80% social rent and 20% shared ownership.

Reason Why Being Considered by Planning Committee

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

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 for a Section 106 agreement were attached as Appendix 1 to the report.

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, although disappointed to see the loss of employment land, welcomed the use of this windfall site for much needed housing, which proposed a good mix of tenure.
- It was noted that the County Council Highway Authority had concerns regarding the car parking layout from the proposed indicative plan at paragraph 3.2 of the report, which will need to be in accordance with the adopted Streetscape Design Guide. This however, would be for consideration under the reserved matters stage of the application.
- In response to a question on the marketing exercise, referred to in paragraph 7.3 of the report, the Chair asked if it was an issue that the report had not fully satisfied the criteria in relation to the requirements of SWDP 8 Part Fi. The Interim Head of Development Management stated that the marketing exercise was carried out by the applicant as requested, due to the loss of employment land. Following clarification by the applicant and the agreed marketing methods complied with the Local Planning Authority accepted the loss of employment on the site and the change of use to residential.

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:

For – 10
Against – 0
Abstentions – 0

RESOLVED: That the Committee

- 1. is minded to grant planning permission, subject to the applicant and all 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 draft Heads of Terms, and;**
- 2. delegates authority to the Corporate Director - Planning and Governance to agree the Heads of Terms and subject to being satisfied with the nature of such an Agreement authority to grant the necessary planning permission, subject to the conditions set out in section 9 of the report.**

122 Application 21/00840/REM - Unit 7, Shrub Hill Retail Park, George Street**Introduction**

The Committee considered an application to vary condition 6 of P98L0376. Demolition of existing buildings (industrial units, bus depot/workshop), on a site allocated for non-food retail development at Pheasant Street and a store with an open retail permission of approximately 3,217 metres (34,635 sq ft) public house, small canal side units, two dwellings and a shop at Tallow Hill. The erection of non-food units and a foodstore comprising a total of 10,265 square metres (110,500 sq ft), associated car parking and service yards, new site access and realignment of Tallow Hill/George Street. Reconstruct existing road bridge over canal and erect additional foot bridge at Unit 7, Shrub Hill Retail Park, George Street.

Reason Why Being Considered by Planning Committee

The application has been referred to the Planning Committee as the proposal constitutes a major development.

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 application sought to vary condition 6 of planning permission P98L0376, the original condition was set out in paragraph 3.1 of the report.

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

- Generally Members welcomed the proposal stating that this will bring an empty building back into use which would result in economic benefits.
- Some Members, however, expressed concerns that the proposal would block future attempts to turn the area into housing as part of the South Worcestershire Development Plan review.
- It was noted that the Economic and Development and Regeneration Team of the City Council recognise that the proposal does not preclude the aspirations being delivered in the long term.

The Interim Development Manager also stated that the Masterplan, although not a planning document, was of consideration.

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:

For – 9
Against – 2
Abstentions – 0

RESOLVED: That the Committee approve the variation of Condition 6 of planning permission P98L0376 and grant planning permission, subject to the conditions set out in section 9 of the report.

123 Any Other Business

None.

Duration of the meeting: 12.30p.m. to 4.15p.m.

Chairman at the meeting on
24th February 2022