

PLANNING COMMITTEE

24th March 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 Lewing

136 Declarations of Interest

The following declaration of interest was made:

Applications 21/00410/VARCO and 21/00411/VARCO – Manor Farm, Worcester
Early Years Centre, Malvern Road
(Minute No. 147 and 148)

Councillor Bisset – Knows the applicants socially but has not discussed the applications with them. Councillor Bisset elected to speak and vote on the item.

137 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 24th February 2022 be approved as a correct record and signed by the Chair.

138 Minutes of Previous Conservation Advisory Panel

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

139 Public Participation

None.

140 Public Representation

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

141 Application 21/00936/FUL - Land off Broomhall Way

The application was not considered by the Planning Committee as the applicant had withdrawn it on 22nd March 2022.

142 Application 21/01100/FUL - Land at London Road

The application was not considered by the Planning Committee as the applicant had withdrawn it on 17th March 2022.

143 Application 21/01144/VARCO - Land at Sherriff Street Industrial Estate**Introduction**

The Committee considered an application for the variation of condition 1 of planning approval 19/00693/REM at land at Sherriff Street Industrial Estate.

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 site 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.

The Interim Head of Development Management informed Committee Members that the application was submitted under Section 73 of the Town and Country Planning Act which allows an application to be made to vary conditions associated with a planning permission.

This application sought to deal with minor variations to the physical work on Phase 1, which resulted from initial investigations on the site.

As part of the powerpoint presentation, the Head of Development Management highlighted the principal alterations to the design which was to move the development away from the existing retaining wall on the corner of Tolladine Road and Sherriff Street. The original and proposed layouts were shown in paragraph 7.4 of the report. There were also alterations to the proposed scale and these were shown in paragraph 7.7 of the report, approved and proposed.

The Interim Head of Development Management commented that these changes had improved the scheme.

Public Representations

The following person had registered to speak on the application:

Chris Evans (Objector)

The Chair had allowed the objector to address the Committee before the presentation by Officers but did inform him that the scheme already had planning permission and this application was to consider the variation of the condition only.

Key Points of Debate

- The objector, whilst supporting the regeneration of the site, objected to the plans in their current format. His objections were focused on the design and recommended that the Committee should defer the application in order to seek the advice of the Design Review Panel. The objector informed the Committee that his full comments were available to view on the planning portal.

A proposal to approve application had been made and this was seconded. There being no further points made the Chair asked the Legal Team representative 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 - 0
Abstentions - 2

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

144 Application 21/00916/FUL - Former Worcester Swimming Pool and Fitness Centre, Sansome Walk

Introduction

The Committee considered an application for the erection of 40 affordable residential dwellings consisting of a mixture of 1 bed apartments and 2, 3 and 4 bed house types, split across the development with associated infrastructure (road/parking and landscaping) at the former Worcester Swimming Pool and Fitness Centre site at Sansome Walk.

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 site itself, relevant policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late papers which related to points of clarification from local Ward Member, Councillor Lewing on air source heat pumps and the proposed boundary treatment. Officers were suggesting recommended conditions if the Committee agreed.

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 drew the Committee's attention to paragraph 7.8 of the report which related to the affordable housing proposed tenure breakdown. Details of the provision to be secured through a Section 106 Agreement. The agreed Heads of Terms of the S106 were attached as appendix 1 to the report.

Public Representations

There had been no one registered to speak on the application. However, a local Ward Member, Councillor Lewing addressed the Committee.

Key Points of Debate

- The local Ward Member, Councillor Lewing, in addressing the Committee asked for clarification on the location of the electric vehicle points (EVPs) and would this cover Chestnut Street. The site was seen as an ideal location for car sharing and it was asked that this be considered. It was requested that the boundary treatment could include blue brick coping detailing to reflect the character of the area. Although a Construction Environmental Management Plan is in place as a condition it was asked if the contractors could be requested to register with 'Considerate Contractors Scheme'.
- The Interim Head of Development Management in response to the clarification of EVPs in Chestnut Street, highlighted condition 10, whereby the detail was covered in the Car Park Management Strategy.
- The County Council Highways Authority representative informed Committee Members that contractors are encouraged to sign up to the 'Considerate Contractors Scheme' through their conditions but cannot force them to register.
- The Head of Planning appreciated that there has been some discussion about the car share initiative but confirmed that this could not be applied on the back of planning policy. It would be more of a discussion between the landowner and the purchaser but to date has not been part of the sale but would encourage.
- With regard to the blue brick coping as part of the boundary treatment, the Head of Planning stated that this would be part of the discharge of conditions but can delegate to the Chair and Vice Chair to confirm the details of boundary treatment.
- The County Council Highways Authority representative in response to a question on car parking requirements for the proposal confirmed that it was fully compliant with the Streetscape Design Guide in terms of parking numbers, visitor's car parking and the additional 26 spaces to alleviate some of the parking issues in the area.
- There were concerns by some Members as to how the 26 car parking spaces would be allocated, although not part of the immediate plan, is an important issue.

It was noted that they were currently in the Council's ownership and the Council should not lose sight of this and do need to have the extra consultation. Members did note that the parking arrangement was not a legal right to park and was only ever a temporary licence.

- The Chair stated that if approval was given today for the proposal, it would be for the design and construction, the management of the car parking spaces would be managed separately.
- The comments of the Conservation Advisory Panel were noted and agreed by some Members, but it was whether it was of sufficient weight to refuse the proposal.
- In response to concerns over the loss of trees in the area, the Interim Head of Development Management confirmed that condition 4 identified new tree planting to replace those lost and that 3 large trees on site were to be retained.
- It was commented that the Council and the developers could have worked together to obtain a zero-carbon development, as opposed to 35%, as an example to other developers in the city.

A proposal to approve application had been made and this was seconded. There being no further points made the Chair asked the Legal Team representative 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 related to details of the boundary treatment:

For - 11
Against - 0
Abstentions - 0

RESOLVED: That the Committee grants delegated authority to the Corporate Director – Planning and Governance to grant planning permission, subject to:-

- 1. the applicant entering into an agreement to the satisfaction of the Corporate Director – Planning and Governance under Section 111 of the Local Government Act 1972 requiring the applicant to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the agreed Heads of Terms;**
- 2. the conditions set out in section 9 of the report and to the additional condition related to details of the boundary treatment with blue brick coping, as set out in the late paper as amended; and**
- 3. 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 conditions and issue the Decision Notice.**

Introduction

The Committee considered an application for the change of use to a 6- bedroom House of Multiple Occupation at 8 Bromwich Lane.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Alan Amos.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the site 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

- Committee Members questioned the size of the bedrooms, which were quite small, particularly bedroom 6, although it was noted that they met the Council's prescribed housing standards. Also, the Interim Head of Development Management stated that bedroom 6, measuring 7.6sqm, would be considered appropriate as far as the National Space Standards are concerned.
- In response to an issue with regard to car parking, the County Council Highways representative confirmed that the applicant had submitted further details to demonstrate that in line with the Streetscape Design Guide the proposal met the exception criteria for a parking free development. There were also parking restrictions in the vicinity of the site to prevent displacement parking. It was pointed out that there will be a new Streetscape Design Guide out shortly which will change the advice given.
- Whilst there is no parking proposed for the site, a condition for the provision of six cycle spaces was recommended by the Highway Authority.
- In response to clarification on the word 'sustainable', which had been used several times in the report, the Head of Planning explained the definition for the word in terms of the National Planning Policy Framework and the South Worcestershire Development Plan.

- Whilst accepting that the property would require a license to operate as a House in Multiple Occupation (HMOs), which has its own legislation and criteria which has to be met, some members felt that the number of occupants would not be enforced, and this could potentially increase the demand for parking.
- Some Members felt that whilst it was considered that bedroom 6 is small, it was not a sufficient reason for refusal, potential occupants would not be forced to take the room if they did not feel it was adequate and that the HMO licence will cover his.

A proposal to refuse the application had been made on the grounds of the size and layout of the proposed bedrooms, particularly bedroom 6 and this was seconded. There being no further points made the Chair asked the Legal Team representative 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 - 7
Against - 3
Abstentions - 0

Contrary to Officers recommendation it was

RESOLVED: That the Committee

- 1. refuse planning permission on the grounds of the proposed size and layout of the bedrooms, particularly bedroom 6; 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.**

146 Application 21/01111/VARCO - Aldi, Tybridge Street

Introduction

The Committee considered an application for changes to condition 1 of application 20/00776/REM to alter the delivery times from the approved 0700 to 2300 to 06.00 to 2300 at Aldi, Tybridge Street.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Udall.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the site 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 letter from the applicants' agent in support of the proposal.

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.

This application sought to vary condition 1 to the revised hours of 0600 to 2300 on a permanent basis.

Public Representations

There had been no one registered to speak on the application. However, a local Ward Member, Councillor Udall addressed the Committee.

Key Points of Debate

- A local Ward Member, Councillor Udall, in addressing the Committee raised concerns that the change in delivery hours from 0700 to 0600 would cause potential disruption for nearby residents. He asked that the Committee be sensitive to the location, geography and residential amenity of the area.
- Although the report identified that no complaints had been received from neighbours, nor Worcestershire Regulatory Services, for the approved delivery hours of 0700 to 2300 during the 12-month period, Councillor Udall disputed this and stated that neighbours had faced problems but did not know that they could complain.
- In view of the comments from Councillor Udall, the Head of Planning had suggested that as a way forward, the Committee may wish to defer the application to seek another temporary period which would allow residents to let the authority know if they continued to experience problems.
- Some Members agreed that this was a busy area already and noise exists on a day-to-day basis and did not see an issue with the change of hours. Others agreed that it was unhelpful that there had been no complaints to the authority.
- In debating the issue of whether to propose a 3 or 6 month review, a proposal to refuse the application was made on the grounds of residential amenity and that the approved delivery times 0700 to 2300 to remain as originally decided. This was seconded.

There being no further points made the Chair asked the Legal Team representative 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 - 5
Against - 4
Abstentions - 1

Contrary to Officers recommendation it was

RESOLVED: That the Committee

1. **refuse planning permission on the grounds of the proposed permanent extended delivery hours and the impact on neighbouring residents' amenity; 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.**

147 Application 21/00410/VARCO - Manor Farm, Worcester Early Years Centre, Malvern Road

Introduction

The Committee considered an application to vary condition 5 of planning approval P14C0106 to allow for the use of the facility by community groups during specified hours at Manor Farm, Worcester Early Years Centre, Malvern Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Alan Amos.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the site 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.

The application sought to vary part ii of condition 5 of planning permission P14C0106. For clarity condition 5 was highlighted in paragraph 3.2 of the report, the proposed variation highlighted in paragraph 3.3. The proposed variation to the condition was to include pre-school education and community groups. It was emphasised that the hours of operation were not changing.

Public Representations

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

Key Points of Debate

- Questions were raised on the neighbour and third-party comments, at paragraph 6.1 of the report, whereby 10 objections had been raised. It was commented that the site is next to a well-established area which had been the subject of numerous complaints. Clarification was requested on community groups and who/what they would be and questioned the wider social community benefit.
- The comments in Paragraph 7.16 of the report were questioned in relation to access and highway safety.
- The Interim Head of Development Management referred Members to the National Planning Policy Framework and read out a statement on what they describe as the social objective. In response to a question on the location of those who support the facility, the Interim Head of Development Management identified the postcode areas which were from the wider local area but including local residents.
- It was questioned why a nursery would need to be open from 0630 to 2200 and it was suggested that the room would probably be used for other purposes and that doubted that any event would be finished by 2200. It was commented however that parents dropping off young children at 0630 in readiness for work at 0700 would be acceptable.
- The Head of Planning explained to Members the Use Classes Order and where certain aspects of use, such as a nursery, fitted in. He suggested that more precision was needed to the Use Classes Order but would be unable to resolve this at this time.
- The Head of Planning recommended to Members that they may wish to defer the application and discuss with the applicant further and bring back to the Committee with more precision.
- Committee Members agreed that they needed to understand what was happening now and in the future.

It was proposed and seconded that the application be deferred for the reasons given and this was agreed.

RESOLVED: That the Committee defer the application in order for the Use Classes Order to be clarified.

148 Application 21/00411/VARCO - Manor Farm, Worcester Early Years Centre, Malvern Road

Introduction

The Committee considered an application to vary condition 3 of planning approval 19/00195/FUL to amend operating hours of the lighting at Manor Farm, Worcester Early Years Centre, Malvern Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Alan Amos.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the site 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.

The application sought to vary condition 3f of planning permission 19/00195/FUL. For clarity condition 3 was highlighted in paragraph 3.3 of the report. The proposed variation to the condition was highlighted in paragraph 3.4 which proposed to amend the operating hours of the lighting.

Committee Members attention was also drawn to paragraph 3.6 of the report which highlighted that the approved plan under condition 2 of the approved planning permission only showed 4 bollards, despite 6 being approved by conditions and the development condition. The plan in figure 1 at paragraph 3.2 of the report had been received to allow for correction of this as an approved plan.

Paragraph 3.5 of the report also confirmed that the hours of lighting should follow the hours that the facility is operational to facilitate safe and convenient access to and from the facility from the car park.

Public Representations

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

Key Points of Debate

- The proposed hours of lighting were highlighted, which some Members felt were a significant change. It was commented that when condition 3 was applied originally it was done so for a good reason, neighbours and wildlife were still there and it was considered that the application should be refused. It was also noted that the hours of this application were identical to those of the previous application.
- In referring to the objections at paragraph 6.1 of the report and the comments of one objector, it was noted how many of the officer's responses related to the fact that they were subject to separate investigation and enforcement action. The Chair in response commented that those matters were being dealt with separately as they raised issues outside the application consideration and the lighting of the bollards and that this application needs to be determined on its own merit.

- Some Members felt that if this application is to be considered on its own merit, then a refusal on the impact on residential amenity should be recommended, the hours that were approved previously reflect the conditions, nothing has changed so does not need the hours to be changed.
- The Head of Planning stated that the potential benefit for approving this application is to identify where the bollards will be situated. If moving towards a refusal, then reasons need to be articulated. There is a need to make a safe dependable position.
- In referring to paragraph 3.5 of the report some Members were mindful if the application was refused this could result in an accident and deemed it sensible to request longer lighting hours. It was felt that there were no sound reasons to refuse the application.

A proposal to refuse the application on the grounds of impact on residential amenity had been made and this was seconded. The Chair asked the Legal Team representative to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal was lost as follows:

For - 3
Against - 6
Abstentions - 1

A proposal was then made to approve the application as per the recommendation and this was seconded. There being no further points made the Chair asked the Legal Team representative 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 - 6
Against - 4
Abstentions - 0

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

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

149 Any Other Business

None

Duration of the meeting: 1.30p.m. to 4.25p.m.

Chair at the meeting on
28th April 2022