

PLANNING COMMITTEE

20th June 2024

Present: Councillor Karen Lewing in the Chair

Councillors Agar (Vice-Chair), Cross,
Denham, Kimberley, Kinnersley, Rudge,
Smith, Stephen and Udall

Also in Attendance:

Councillor Desayrah

Apologies: Councillor Amos

1 Declarations of Interest

The following declarations of interest were made:

Application 24/00195/FUL – Elgar Park Retail Park, Blackpole Road
(Minute No. 7)

Councillor Kimberley – Was involved with door knocking prior to the May election, regarding the previous iteration of this application. Councillor Kimberley was approaching this application as new and elected to speak and vote on the item.

Application 23/01004/HP – 112 Comer Road
(Minute No. 9)

Councillor Udall – Has had correspondence with objectors but has not declared a view either way. Councillor Udall elected to speak and vote on the item.

The following declaration of other disclosable interest was made:

Application 24/00176/HP – 61 Spetchley Road
(Minute No. 8)

Councillor Agar – Had called in the application and felt that with the proximity of the election, there was a public perception that there was a conflict of interest. Councillor Agar elected not to speak on the item and left the room during its consideration.

2 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 21st March 2024 be approved as a correct record and signed by the Chair.

3 Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory Panel meetings held on 6th March 2024 and 8th May 2024 be received.

4 **Site Visits**

The Committee visited the following site, which was the subject of an application to be determined, prior to the commencement of the meeting:

Application 24/00195/FUL – Elgar Retail Park, Blackpole Road

5 **Public Participation**

None.

6 **Public Representation**

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

7 **Application 24/00195/FUL - Elgar Retail Park, Blackpole Road**

Introduction

The Committee considered an application for the erection of a drive-thru restaurant with associated car parking and landscaping at Elgar Retail Park, Blackpole Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Desayrah for the reasons as set out in paragraph 1.2 of the officer's report. These have been considered within 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 Committee's attention was drawn to the late papers which related to the following:

- Correction to condition 8;
- Additional recommended conditions for opening hours and a 5-year Landscape Management Plan; and
- Pictorial evidence provided by Councillor Desayrah to support her address to the Committee as local Ward Member

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:

Matthew Brown – Objector (on behalf of local residents)
 Katie Russell-Smith – Agent for the Applicant (Carney Sweeney)
 Councillor Matthew Jenkins – County Council Divisional Ward Member for St Stephen
 Councillor Jill Desayrah – local Ward Member

Key Points of Debate

- The Objector, on behalf of local residents, highlighted the concerns of local residents for the proposal on this retail park. Resident's currently experienced overflowing bins, resulting in vermin and gulls, boy racers, noisy plant equipment, unsocial hours opening hours, LED lighting causing light pollution, noise disturbance from tanoy systems. Main concerns of residents related to traffic congestion on Blackpole Road.
- The objector responded to questions from Committee Member based on his address to Committee, related to the ANPR system and its effectiveness, gridlock of traffic and regularity, timing of deliveries and operating hours. Ease of accessibility to the site. Noise from the tanoy systems and how it impacts.
- The agent for the applicant in addressing the Committee, confirmed that the applicants, Legal and General Assurance, manage both retail parks in this area. She touched on key issues such as the principle of the new drive thru, highways issues, noise, general amenity, design layout and landscaping. In policy terms the site is considered outer centre and are therefore required to undertake a sequential assessment, a number of alternative locations were considered but none were deemed preferable or suitable. The project team have worked with the City Council officers to agree the principle of development. She stated that all technical matters and residents' concerns have been addressed comprehensively.
- The agent for the applicant responded to questions from Committee Members, based on her address to Committee, relating to opening times, cycle storage and its proposed location, penalty notices and those that do not pay, marketing of the drive-thru, delivery of goods and the hours of operation. Transport assessment and the movement of traffic, the flow of traffic within the site, loss of car park spaces within the site, pedestrian and cycle routes through the retail park. Impact on air pollution for the area, why a drive-thru and not a coffee shop, proximity of unit to housing and noise generation and the tanoy system, traffic/parking survey data. Design of the building and its position on the site and the materials to be used i.e. timber.
- The County Council Divisional Ward Member for St Stephen Ward, spoke on behalf of residents. He stated that the residents have raised their concerns over this development and the congestion in the Blackpole area and also the increase in traffic volume between Bilford Road and Blackpole. He focused mainly on the congestion. He referred to paragraph 7.4 (4th bullet point) of the report which referred to access by all travel modes being convenient and safe.

As a regular cyclist through this area, he stated that it was not safe, you need to be a confident cyclist and there were not enough good cycle routes, particularly in and out of this area. He responded to questions from Committee Members.

- The local Ward Member, in addressing the Committee, went through the pictorial information she had provided that had been circulating to Committee Members prior to the meeting, as part of the late papers. This information related to loss of amenity with no benefits, overdevelopment, traffic gridlock, traffic congestion, objections from local residents, overflowing bins, overspill parking, increased litter, seagulls and vermin, noise nuisance and light pollution, anti-social behaviour and unhealthy eating, loss of trees and those at risk. She provided examples of recent precedents for refusal and appeals of such an application. A list of planning conditions was also requested should permission be granted. She confirmed that the drive-thru is not needed or wanted by the residents and would prefer they used an empty unit. The local Ward Member responded to questions from Committee Members based on her presentation relating to traffic gridlock and transport assessment by highways. The Service Manager – Development Management also responded to comments made by the local Ward Member and Committee Members on points of clarification, particularly round the transport statement/transport assessment/modelling.
- Committee Members had the opportunity to ask the Service Manager questions on points of clarification before making their decision, for which he responded to.
- Following the debate and taking all information before into account a proposal to refuse had been made.
- Other Committee Members felt that this was an improved application and the applicants had listened. However, the retail park has not historically been managed well. The site visit showed that there was minimal understanding of the traffic flow within the site already and Members were not sure of the impact if the application was approved. The proposal to refuse was seconded.
- The Service Manager having a proposal before him summarised a reason for refusal.
- Some Committee Members felt that the design of the building was an issue and the cladding to be used was not acceptable, despite being informed it would be of good quality. Air pollution was also of a concern.

The Service Manager again summarised the reasons for refusal for the benefit of Committee Members:

The proposed development by virtue of the drive thru nature of development, its location and physical layout, including pedestrian links, cycle parking and road layout, along with the position and layout of additional vehicle parking spaces within the retail park, represents a poor design and layout that fails to integrate into existing access and site circulation arrangements, resulting in unacceptable

conflict with cyclists, pedestrians and vehicles within the area and unacceptably affecting how the retail park functions safely for all users. The proposal would thus be contrary to Policy SWDP 21 (i), (ix) and (xiv) of the adopted South Worcestershire Development Plan, the principles of Section 7 of the adopted South Worcestershire Design Guide Supplementary Planning Document, Section 12 and Paragraph 135 of the NPPF, and principles of 'Movement' with the National Design Guide

A proposal to refuse the application had been made and this was seconded. 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 refused for the reasons as summarised by the Service Manager.

For: 10

Against: 0

Abstentions: 0

Contrary to Officer recommendation it was

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

- 1. that the proposed development by virtue of the drive thru nature of development, its location and physical layout, including pedestrian links, cycle parking and road layout, along with the position and layout of additional vehicle parking spaces within the retail park, represents a poor design and layout that fails to integrate into existing access and site circulation arrangements, resulting in unacceptable conflict with cyclists, pedestrians and vehicles within the area and unacceptably affecting how the retail park functions safely for all users. The proposal would thus be contrary to Policy SWDP 21 (i), (ix) and (xiv) of the adopted South Worcestershire Development Plan, the principles of Section 7 of the adopted South Worcestershire Design Guide Supplementary Planning Document, Section 12 and Paragraph 135 of the NPPF, and principles of 'Movement' with the National Design Guide; 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 agree the final wording of the above and issue the Decision Notice.**

8 Application 24/00176/HP - 61 Spetchley Road

Introduction

The Committee considered an application for a proposed first floor side extension and single storey rear extension at 61 Spetchley Road.

Reason Why Being Considered by Planning Committee

The application had been referred to the Planning Committee at the request of Councillor Agar, highlighting the issues of overdevelopment, affecting enjoyment of amenity of a neighbouring property.

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 person had registered to speak on the application:

Matthew Brown – Objector

Key Points of Debate

- The objector in addressing the Committee outlined his concerns for the proposed development stating that this would be an overdevelopment for a plot of its size which would have an impact on the character of the area and the amenity of his property. The west side of the property at the 1st floor would overshadow his property. Other concerns related to the west end roof, guttering and two downpipes which would overhang his property and concerns about a risk to trees and hedges in the vicinity.
- The objector responded to questions from Committee Members in relation to the impact on the distance between him and the neighbouring property and the roof and guttering issues. The Service Manager – Development Management also clarified some of the points raised. The objector stated that if the proposal was set back a metre or so it would be more acceptable, as it stands it is right up to the boundary line.
- Committee Members asked if in planning terms was it permissible to build right up to a neighbouring boundary and what happens in relation to maintenance issues, the Service Manager in response stated that it was permissible in design terms and explained this. For maintenance purposes it would be between the neighbours and not a planning matter. The applicant would need to get permission as it is not a given right to go onto another person's property.
- The Chair asked about how it is built, and the prospect of scaffolding being erected on neighbouring property or is this not a planning matter. The Service Manager stated that it was not a planning matter in terms of how it is built but if Members were concerned about access there could be an additional condition for further details on construction methods.

- As there had been concerns raised over the proposal by the objector, which had not necessarily been appreciated by Committee Members, a proposal was made for a deferral of the application to enable a site visit to take place to look at in more detail. This was seconded.
- The Chair agreed that more details could also be obtained in terms of drainage and construction/maintenance of the west elevation.

A proposal to defer the application had been made and this was seconded. 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 to defer was agreed for the reasons set out above.

For: 9
Against: 0
Abstentions: 0

RESOLVED: That the Committee defer the application to enable a site visit to be carried out and additional information requested in respect of the gutter line and construction/maintenance of the west elevation.

For voting purposes Councillor Agar had left the room before the consideration of this item.

9 Application 23/01004/HP - 112 Comer Road

Introduction

The Committee considered an application for extensions to an existing House in Multiple Occupation (Use Class C4) to provide a total of 6 bedrooms at 112 Comer Road.

Reason Why Being Considered by Planning Committee

The application had been referred to the Planning Committee at the request of Councillor Norfolk for the reasons set out in paragraph 1.2 of the officer's report. These have been covered within 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.

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 Senior Planning Officer provided Committee Members with three updates to the report, since agenda publication, which were received after the deadline for the submission of late papers. These were as follows:

- A change to condition 2 (approved plans condition) to change the drawing number, as it was picked up at Chair's briefing that there was an error on the submitted plan relating to the set down of the proposed extension. The revised plan to address this has been received.
- It was recommended that an additional condition was added to the officer recommendation to ensure that the materials of the extension match those of the existing property unable to circulate; and
- With regards to page 73, this was an error on the printing/ drafting where the label for the side elevation plans shown had switched around, so for the avoidance of doubt the left plan is of the proposed side elevation is on the left and the existing is on the right.

The original submitted proposal had raised concerns and revised plans had been submitted omitting the two-storey rear extension element and reducing the number of proposed bedrooms at the site to six from 8. The HMO is currently 4 bedrooms and increase in bedrooms do not in themselves require planning permission as the HMO remains within the same use class.

Public Representations

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

Key Points of Debate

- It was commented that more active sustainable travel should be encouraged and to this end Members should be able to see plans with all the details, in particular cycle racks/storage, and should not rely on conditions to ensure that this is covered. This also applies to refuse storage. It was asked why Members cannot have the designs beforehand with the detail rather than rely on officers.
- In response the Service Manager – Development Management referred to the conditions and advice that that the National Planning Policy Framework and the National Planning Guidance gives us. If there are elements that can be conditioned, then we will do so to make an application acceptable. In terms of this application, we are looking at an existing HMO and not a new one for which we would provide additional detail. We are looking to provide a betterment for this existing situation. He referred to the refuse store and cycle store details as outlined in the report.
- Some Committee Members were pleased that this application has changed significantly and that it is a betterment. However, as there were still residents' concerns over student influx and the increase in size of HMOs, several conditions were suggested. Namely drainage; a Tree Preservation Order on the street outside the property, solar panels and EV charging point on site; bird and bat boxes and hedgehog runs/gate. A Management Plan would also be appreciated by residents and published on the website.

- The Service Manager responded to these requests in terms of reasonableness and agreed to surface water drainage details to be submitted; the provision of an EV point; biodiversity gains in terms of 1 bat box, 1 bird box and 1 hedgehog gate. The Management Plan was already a condition and would be on the website as part of the discharge of conditions. It should also be available for residents if they have any issues. The tree is located on public highway and cannot be conditioned. The Service Manager informed Committee Members that any Ward Member can request that a tree be covered by a preservation order, via the Tree Officer.
- There was a concern of overcrowding and safety implications of getting in and out of the property, particularly with cycles and refuse bins. In response the Service Manager stated that this would be a matter for building regulations and would be part of the HMO Licensing and not for planning.
- In referring to the HMO Management Plan conditions and enforceability, it was asked where the enforcement sat, is it planning or the HMO Licensing regime. The Service Manager in response stated that it would be with planning, as it is our condition.
- Clarification was given on the number of car parking spaces required for the proposal. It was stated that the number of spaces is determined by the Streetscapes Design Guide which sets out the number of spaces for HMOs. No additional parking is required for this proposal.
- The Chair made reference to the Travel Welcome Pack which she considered needed to be updated to take into account the Beryl Bike Scheme and also the Community Care Scheme and would ask the local Ward Member to push this. She also made reference to the security lighting and whether this can be conditioned.
- The Service Manager referred to condition 8 and suggested that an informative could be added to request the applicant include details of the Beryl Bike Scheme and the Community Car Club. In terms of the lighting, it is an existing light and there is no new lighting, therefore cannot be conditioned. It was noted that Worcestershire Regulatory Services were already investigating this.

The Service Manager summarised the amended and additional conditions, to also include an informative, regarding the Beryl Bike Scheme and Community Car Club, to be added to the travel plan, for the benefit of Committee Members.

A proposal to approve the application had been made and this was seconded. 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 agreed, subject to the amended condition, additional conditions and informative as outlined above.

For: 8

Against: 1

Abstentions: 1

RESOLVED: That the Committee

- 1. grant planning permission, subject to the conditions as set out in the report, the amended condition, additional conditions and informative; 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 agree the final wording of the above and issue the Decision Notice.**

10 Any Other Business

None.

Duration of the meeting: 3.00p.m. to 7.10p.m.

Chair at the meeting on
18th July 2024