

## **PLANNING COMMITTEE**

**25th November 2021**

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

Councillors Agar (Vice-Chair), Allcott,  
A. Amos, B. Amos, Bisset, Hodges,  
Mrs L. Hodgson (for Councillor Roberts)  
and Udall (for Councillor Barnes)

**Also in Attendance:**

Councillor Roberts (Agenda Item 7 only)

**Apologies:** Councillors Barnes, Cleary, Ditta and  
Roberts

### **56 Declarations of Interest**

The following declaration of interest was made:

Application 21/00937/VARCO – Rose Villa, Nunnery Lane  
(Minute No. 61)

Councillor Udall – Known to the objector who had registered to speak on the item, Councillor Udall had not discussed the application with him. Councillor Udall elected to speak and vote on the item.

### **57 Minutes of Previous Planning Committee**

**RESOLVED: That the minutes of the meeting held on 28<sup>th</sup> October 2021 be approved as a correct record and signed by the Chair.**

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

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

### **59 Public Participation**

None.

### **60 Public Representation**

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

### **61 Application 21/00937/VARCO - Rose Villa, Nunnery Lane**

The Interim Head of Planning informed the Committee that a number of concerns had been raised by neighbours that some changes had taken place on site, which were not covered by this application. In response to the concerns raised, the Enforcement Officer visited the site and confirmed that some changes had taken place which were not included in the current application. It was also noted that there were anomalies in the plan.

It was suggested by Officers that Members may wish to defer the application in order for the changes to be included in the application and to also allow for the anomalies in the site plan to be rectified.

The deferral of the application was agreed by Committee Members for the reasons given.

**RESOLVED: That the Committee defer the application in order to allow the applicant to amend the application to include all changes and for the anomalies in the site plan to be rectified.**

## **62 Application 21/00767/FUL - 15 Darwin Avenue**

### **Introduction**

The Committee considered an application for the demolition of three existing dwellings and erection of 50 affordable dwellings, access, public open space and associated development including re-routing of public footpath at 15 Darwin Avenue.

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

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation as it is a major application.

### **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**

The following people had registered to speak on the application:

Ms Jan Scrine (Objector on behalf of local residents) and Jonathan Adams (Agent – Tetlow King Planning for the Applicant)

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

### **Key Points of Debate**

- The local Ward Member, Councillor Roberts again addressed the Committee expressing his concerns for the proposal which he considered did not conform to the South Worcestershire Development Plan as the site had now extended and referred to a revised plan. The Interim Head of Planning explained this for the benefit of Members and clarified the planning history.
- The objector, on behalf of local residents, stated that she was disappointed to see the proposal brought back as a new application, when it had been refused twice by the Planning Committee. She considered the application to be in breach of the South Worcestershire Development Plan and the Review of this was unlikely to take place until 2023. The proposal was considered a poorly designed scheme on all counts. The objector responded to questions from Committee Members.
- The agent for the applicant provided the background to Bromford Housing Association and stated that there was a need for more affordable homes in the city and the reason for the large number of houses proposed for the development. The proposal now provides significantly enhanced landscaping. He asked that the Committee agree the Officers recommendation. The agent also informed the Committee that the applicant would withdraw their current appeal against the refusal of their previous application and claim for costs from the Council if this current application was granted. The agent responded to questions from Committee Members.
- Members noted the last comment made by the agent and stated that this was not the way in which the Committee would arrive at their decision. The Interim Head of Planning stated that if the applicant/agent decided to go to appeal it would be entirely their own decision and the Council would defend.
- In referring to the refusal grounds of the last application at paragraph 5.3 of the report, it was asked whether there were exceptional circumstances as alluded to in Policy SWDP 38. Some Members felt that as 4,000 homes were needed, the applicant was offering 50 of those, and there are those that are waiting for proper accommodation, this was considered exceptional circumstances.
- Although some Members agreed that affordable housing is a high priority, exceptional circumstances do not mean affordable housing. It was considered that exceptional circumstances had not been demonstrated and that additional landscaping will not improve it. The Legal Team Manager for the benefit of Members clarified SWDP 38 and the definition of exceptional circumstances.
- Reference was made to paragraph 8.1 of the report and the sentence '*There have been no changes to the site circumstances and no material changes to the relevant policy considerations in the intervening period*'. On this basis a proposal was made to refuse the application on the grounds given previously, as outlined in paragraph 5.3 of the report.

- In referring to paragraph 5.3 Members also noted that the previous grounds for refusal did not include a request for enhanced landscaping (trees).

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 reason set out in paragraph 5.3 of the Officer's report as follows:

For – 6  
Against – 2  
Abstentions – 1

Contrary to Officer recommendation it was:

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

**The application site comprises 1.78 hectares of land off Darwin Avenue that includes land that is partially allocated for residential development by policy SWDP 43/1 of the adopted South Worcestershire Development Plan 2016 and land that is proposed for residential development by policy SWDP NEW 7 of the emerging South Worcestershire Development Plan Review (SWDPR) that also includes land that is currently designated as Green Space wherein Policy SWD 38 states that development of Green Space will not be permitted other than in exceptional circumstances. This is consistent with the requirement to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure set out in the National Planning Policy Framework.**

**In the opinion of the Local Planning Authority, exceptional circumstances which would justify the loss of this area of Green Space have not been demonstrated and the development of the area of the site currently designated as Green Space would be harmful to its visual and natural qualities.**

**The proposal would thereby also be contrary to policy SWDP 38 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.**

## **63 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 was referred to Planning Committee on 28<sup>th</sup> October 2021. At this meeting Members were minded to refuse planning permission, contrary to Officer's recommendation, on grounds of lack of amenity for proposed residents in terms of lack of external amenity space, the relationship with the public realm and concern this will lead to noise and disturbance and the perception of overlooking from passing pedestrian traffic.

The previous report to Planning Committee on 28<sup>th</sup> October 2021 was attached as Appendix 1.

## **Report/Background/Late Papers**

The report set out the comments of the Corporate Director – Planning and Governance which related to the grounds for refusal given at the last meeting. In the summary of the report, at paragraph 4.3, Members were asked to note that if the application is refused contrary to officer recommendation and an appeal is lodged against the decision then it will be necessary to appoint external consultants to act on behalf of the local Authority.

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 which had been provided for Members at the previous meeting.

The Senior Planning officer drew the Committee's attention to paragraph 5.1 of the report, which provided a suggested reason for refusal in the event that the Committee reached a different conclusion and resolved to refuse the application, contrary to Officer's recommendation.

## **Public Representations**

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

## **Key Points of Debate**

- In considering the proposal again, Members were still of the opinion that the proposal lacked amenity space for resident's and this was a reasonable ground for refusal.
- The site was still considered unsuitable and inappropriate for residential development, particularly on the ground floor, which fronts onto a busy main shopping area.
- Members commented that amenity space was important which has been made more key during lockdown.

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 reason set out in paragraph 5.1 of the Officer's report as follows:

For – 9  
 Against – 0  
 Abstentions – 0

Contrary to Officer recommendation it was:

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

**The site comprises a mix of vacant units Units 7a, 7B, and 7C and the currently occupied 7D. Within the city centre and with a mix of surrounding well use retail and other uses it helps link key areas of the city and is subsequently an active well used route in from the building.**

**The proposal seeks to re-use the existing building using the existing openings to provide narrow terraces in front of one way glass to provide a buffer to the public realm with railings enclosing the space.**

**This fails to provide a positive external area which would have a lack of privacy and be subject to overlooking. The terraces are limited in width and size and would fails to provide adequate space to meet the requirements of the Design SPD which require seating areas plus play areas when the units are for family use.**

**The site faces onto the actively used route through St Martins Gate area with links to the wider city centre. The ground floor would be in close proximity to this activity and pedestrian traffic and subject to noise and activity as a consequence. The one-way glazing is an insufficient measure and the amenity space would act as a insufficient buffer against overlooking and noise from the footpath to the ground units whose amenity would be unacceptably compromised.**

**Policy SWDP 21 (iv) of the South Worcestershire Development Plan requires development to provide an adequate level of privacy which is supported by the Design Supplementary Planning Document which requires residential development to provide a positive living experience irrespective of the high density nature of the local context and which addresses concerns regarding overlooking, loss of privacy and noise and disturbance caused by proximity to the footpath.**

**The proposal would thereby also be contrary to policy SWDP 21 (iv) of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.**

## **64 Application 21/0470/FUL - 42 Foregate Street**

### **Introduction**

The Committee considered an application for a mixed use refurbishment retaining the Commercial use (Class E) at ground level with 13 studio flats on the upper floors at 42 Foregate Street.

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

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation as it is a major application.

### **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 representation 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.

The Interim Senior Planning Officer informed Committee Members that this item would be considered in conjunction with Agenda Item 10 related to Listed Building consent.

### **Public Representations**

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

### **Key Points of Debate**

- Members noted this application was still out for consultation and was it premature to be determining the application at this time.
- In response the Legal Team Manager referred Committee Members to the recommendation, which providing Planning Committee approved, would delegate authority to the Corporate Director – Planning and Governance to grant planning permission subject to there being no new issues or objections raised following the expiry of the statutory consultation period which ends early December.
- Members were also informed that if an objection was received there would be a need to look at the application further. The main objections had been to the 4 storey building at the rear, but this has now been removed from the scheme.

- Following comments by Committee Members on pollution, noise and air flow, Officers confirmed that this was covered in the report. It was also acknowledged that the unit sizes were small, which were due to the constraints of the Listed Building.
- Members acknowledged that the building had been empty since 2019 and it was important that the building was being brought back into use. Officers confirmed that as the ground floor was to be retained for Commercial Use (Class E) it would be subject to a noise assessment condition.
- Reference was made to car parking and the comments of the County Council Highway Authority, paragraph 6.1 of the report, in relation to restricted parking on Farrier Street to the rear of the site and where would cars park. The County Council Highways representative confirmed that the proposal was fully in line with the adopted Streetscape Design Guide. There would be a need to purchase tickets to park in other car parks. For clarification Committee Members were informed that the residential units were accepted as 'parking free' whilst the commercial use will retain 2 parking spaces.
- Generally, Members agreed that the City Centre did need studio flats and its location was close to the City Centre and its amenities.

A proposal to approve the application was 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 - 6  
Against - 3  
Abstentions - 0

**RESOLVED: That the Committee grant delegated authority to the Corporate Director - Planning and Governance to grant planning permission, subject to the recommended conditions set out in section 9 of the report, upon the expiry of the statutory consultation period further subject to:-**

- 1. there being no new issues or objections raised;**
- 2. the applicant and all persons having an interest in the land entering into an agreement under S106 of the Town and Country Planning Act 1990 to the satisfaction of the Corporate Director - Planning and Governance in accordance with the agreed heads of terms; and**
- 3. the grant of a satisfactory listed building consent.**

## **65 Application 21/0471/LB - 42 Foregate Street**

### **Introduction**

The Committee considered an application for a Mixed use refurbishment retaining the Commercial use (Class E) at ground level with 13 studio flats on the upper floors at 42 Foregate Street.



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

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation as it is a major application.

### **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 representation 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**

See previous item – Application 21/00470/FUL.

A proposal to approve the application was 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 - 7  
Against - 2  
Abstentions - 0

**RESOLVED: That the Committee grant listed building consent, subject to the conditions set out in section 9 of the report and the grant of a satisfactory planning permission.**

## **66 Application 21/00654/HP - 31 Georgina Avenue**

### **Introduction**

The Committee considered an application for the proposed erection of a ground and first floor side and rear wrap-around extension with pitched roofs to match existing at 31 Georgina Avenue.

### **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 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 comments from the applicant on 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.

The Planning Officer provided context with regard to the withdrawn application, pre-application enquiry and the current application as outlined at paragraph 5.1 of the report. The current application had been designed to mitigate the concerns with regard to the previous proposal.

## **Public Representations**

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

## **Key Points of Debate**

- Members considered the proposal an overdevelopment of the site which was unsuitable for this property and the area.
- Officers were of the opinion that whilst the proposed extensions were substantial, it was felt that the site was significant enough for it not to be deemed overdevelopment.
- Members considered the proposal as a complete rebuild rather than an extension. It was considered that if approved it would set a precedent for the area as it would change the character of the street.
- Officers in their assessment of the application recognized that the decision is finely balanced but considered that on balance the impacts of the proposal would not be to such a detrimental level as to warrant refusal of the application.

A proposal to be minded to refuse the application had been made and this was seconded on the grounds that it would impact on the character of the area, would be visually intrusive to the streetscene and was overdevelopment due to the size, mass and bulk of the proposed extensions.

If 'Minded to Refuse' the Legal Team Manager stated that 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 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 deferred minded to refuse for the reasons set out above as follows:

For - 9  
Against - 0  
Abstentions - 0

Contrary to Officer recommendation it was:

**RESOLVED: That the Committee is minded to refuse planning permission on the following grounds:**

- 1. Impact on character of the area;**
- 2. Concerns that the proposed extension is incongruous and is a visually intrusive addition to the streetscene; and**
- 3. Is overdevelopment due to the size, massing and bulk of the proposed extensions.**

**67 Any Other Business**

None.

**Duration of the meeting:** 1.30p.m. to 3.40p.m.

Chairman at the meeting on  
16th December 2021