

## **PLANNING COMMITTEE**

**24th January 2019**

**Present:** Councillor Agar in the Chair

Councillors A. Amos, B. Amos, Berry, Cawthorne, Denlegh-Maxwell, Hodges, Johnson, Roberts (in place of Councillor Mitchell), Stephen and Udall (in place of Councillor Denham)

**Also in Attendance:**  
Councillor Jones

**Apologies:** Councillors Denham and Mitchell

### **126 Declarations of Interest**

**The following declarations of interest were made:**

South Worcestershire Development Plan Authorities' Monitoring Report 2017/18  
(Minute No. 132)

Councillor Roberts – had worked with Warndon Parish Council on the Development Plan. Councillor Roberts elected to speak on the item.

Application P18L0453 – 30 Norton Road  
(Minute No. 137)

Councillor Johnson – had made no expressions of interest, although a local Ward Member. Councillor Johnson elected to speak and vote on the item.

Application P18Q0510 – 25 Mabbs Close  
(Minute No. 134)

Councillor Johnson – had been asked a question about the application but referred the query to a local Ward Member. Councillor Johnson elected to speak and vote on the item.

### **127 Minutes of Previous Planning Committee**

**RESOLVED: That the minutes of the meeting held on 13<sup>th</sup> December 2019 be approved as a correct record and signed by the Chairman.**

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

**RESOLVED: That the minutes of the Conservation Advisory Panel meeting held on 5<sup>th</sup> December 2019 be received.**

**129 Site Visits**

There were no site visits.

**130 Public Participation**

Mr Andy Taylor, Warndon Parish Councillor, addressed the Planning Committee on matters relating to the proposals on the Development Management Transformation Projects discussed by Members of the Planning Committee at its meeting on 13<sup>th</sup> December 2018.

He made reference to some of the comments made by Members during the course of the debate on the item.

He informed the Committee that during the course of the work on Warndon Parish Neighbourhood Plan, various planning cases had been studied in detail. As a result, a number of anomalies had been identified. Including occasions where the 'presumption in favour of sustainable development' appeared to have been misapplied. He indicated that he would be happy to submit this evidence to scrutiny by the independent review body, so that its veracity (or otherwise) could be assessed.

His question to the Chair of Planning Committee was as follows:

"Can you please confirm that such evidence from Warndon Parish Council will be accepted as part of this audit/review, for scrutiny and consideration by the independent body conducting the review?"

The Chairman thanked Mr Taylor for his question and stated that a formal written response would be provided.

**131 Public Representation**

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

**132 South Worcestershire Development Plan Authorities' Monitoring Report 2017-18**

The Deputy Director – Economic Development and Planning presented a report on the South Worcestershire Development Plan Authorities' Monitoring report 2017/18 as set out in Appendix 1 to the report.

The Authorities' Monitoring Report (AMR) was used to assess the effectiveness of Worcester City's planning policies and to inform any future revisions to policies or their implementation.

This AMR covered the monitoring period 1st April 2017 to 31st March 2018. This was the second AMR prepared since the South Worcestershire Development Plan was adopted in February 2016. The AMR sets out current performance against the policies in SWDP.

Worcester City Council officers had prepared and presented to Committee monitoring reports covering Housing Land, Employment Land, Retail and Planning Obligations. These reports were specific to Worcester City; however the AMR covered the whole of South Worcestershire and monitored the delivery and implementation of all aspects of the South Worcestershire Development Plan.

The Committee's attention was drawn to paragraph 3.6 of the report which identified the Supplementary Planning Documents which had been adopted within the last monitoring year. Paragraph 3.6 of the report set out the key trends and delivery figures for Worcester City.

The Deputy Director – Economic Development and Planning responded to questions from Members mainly related to the inclusion of infrastructure.

**RESOLVED: That the Committee note the contents of the South Worcestershire Development Plan – Authorities' Monitoring report 2017/18 (as set out in Appendix 1) and its publication.**

### **133 Brownfield Land Register 2018**

The Deputy Director – Economic Development and Planning presented the annual update of the Brownfield Land Register as set out in Appendix 1 to the report.

The preparation, maintenance and publication of the Register is a legal requirement that was introduced by the Housing and Planning Act 2016. There was a duty placed upon authorities to review their registers at least once annually.

The Worcester City Brownfield Land Register was first published in 2017 and this report updated Members on the version published in December 2018.

The Register listed the sites which met the criteria for Part 1 of the Brownfield Land Register (explained in paragraph 3.1 of the report). At the current time it was considered that there were no sites suitable for a grant of Permission in Principle and therefore there were no entries on Part 2 of the Register this year.

Members had suggested that those buildings currently unoccupied could be developed for housing. There was also a request for a map on the City Council's website highlighting the areas listed with a hyperlink to click onto. The Deputy Director – Economic Development and Planning agreed to look into the suggestion of a map.

**RESOLVED: That the Committee note the annual update to the Brownfield Land Register (as set out in Appendix 1) which was published in December 2018.**

### **134 Application P18Q0510 - 25 Mabbs Close**

#### **Introduction**

The Committee considered an application for the proposed erection of a two storey rear extension, conversion of an existing garage and other minor alterations together with associated landscaping at 25 Mabbs Close.

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

The application had been referred to Planning Committee at the request of Councillor Mrs L. Hodgson on the grounds of the impact on neighbouring amenity.

## **Site Visit**

The application had not been the subject of a site visit.

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

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late paper which included:

- updated Officer's report relating to amended plans received;
- further comments received from the neighbouring resident at 27 Mabbs Close in relation to the amended plans; and
- comments received from the applicant in relation to the consultation response of Warndon Parish Council and previous neighbour comments.

## **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The Committee were informed of the difference in levels between 25 and 27 which were explained in the late paper.

## **Public Representations**

The following people had registered to address the Committee and spoke in respect of the application:

Mr Paul Naughton (Objector) and Mr David Guy (Applicant).

## **Key Points of Debate**

- The objector in addressing Committee made reference to the floor levels and the difference in height between no's 25 and 27. No 25 was 60cms higher than no 27. The addition of the proposed side door on the east elevation would result in loss of privacy to his garden and decked area.
- The objector also referred to the proposed zinc roof and considered this was out of keeping for the area and the proposed height and depth of the extension would be overbearing on his rear garden.
- The applicant informed the Committee that he had commissioned sun tests and there was no impact on the neighbours and he did not feel that the extension overlooked his neighbours' property.

The applicant informed the Committee that amended plans had been produced in an attempt to address the concerns raised.

- Both the objector and the applicant responded to questions from Members around the citing of the utility door and the potential increase in the height of the fencing between the properties. However if over a certain height this would require planning permission.
- The Chairman referred to the loss of privacy mentioned by the objector and asked if Members would consider adding a condition for the utility door to be obscure glazed, this would also include glazing to the wc window. This was agreed.

On being proposed and seconded and put to the vote the proposal was agreed with the additional conditions as stated above.

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in the plans list and to an additional condition for obscure glazing to wc window and utility door in eastern side of elevation.**

### **135 Application P18M0486 - Playing Fields, Corner of Droitwich Road and Bilford Road**

#### **Introduction**

The Committee considered an application for the proposed siting of a storage container in the south west corner of the playing fields on the corner of Droitwich Road and Bilford Road,

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

The application had been referred to the Planning Committee at the request of Councillor Jones on the grounds related to the impact on neighbouring residents' amenities, design and impact on the natural environment. In addition Councillor Jones had stated it was 'incongruous in the street scene and its colour required it to be located further away from Bilford Road.

#### **Site Visit**

The application had not been the subject of a site visit.

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

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late paper which related to additional comments in support of the application from the Chairman of Perdiswell Colts FC.

## **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader stated that although not in the best condition, the location of the container meant it was sited in a visible position which had the benefit of affording it the maximum natural surveillance as outlined in the consultee response by the Crime Officer at paragraph 7.1. Also the applicant had proposed painting the container a dark green in order to blend in with its natural surroundings as highlighted in the late paper.

## **Public Representations**

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

## **Key Points of Debate**

- A local Ward Member, Councillor Jones, in addressing the Committee stated that the container was incongruous, dilapidated and needed relocating as it was not acceptable in its current location. The container had also a negative impact on the properties opposite in Bilford Road.
- Some Members of the Committee also agreed with the Ward Members comments and it was proposed and seconded that the application be refused using gross intrusion as a reason for refusal.
- The local Ward Member commented that the container did not have to be in this location, which was unacceptable, and stated that if the Committee were minded to approve then the container would need to be painted and re-located.
- Members had referred to the comments of the City Council's Landscape and Biodiversity Officer at paragraph 7.1 of the report which had suggested screening and also the late paper whereby the applicant had stated that the container would be a temporary measure as they were applying for funding from football governing bodies and foundations.
- It was agreed that the site was well used and that storage was important but could not accept this in its current location and condition and that the applicant should have consulted Officers in the first instance.
- It was asked whether temporary permission could be granted until the funding was received for new facilities. The Development Management Services Team Leader stated that this was possible but would be reliant on an end date and the club would need to apply for funding. The Committee were informed that enforcement action could be taken to remove the container if Members refused the application. It was also noted that Members may be minded to approve if the container was relocated further into the site.

- A proposal to defer the application to allow re-negotiations to take place with the applicant was proposed, this was seconded.
- The Legal Team Manager stated that a vote on the previous motion needed to be taken as it had already been proposed and seconded that the application be refused. The Development Services Management Team Leader read out to the Committee the reasons for the refusal.

On being proposed and second and put to the vote the proposal was refused. The grounds for refusal as outlined by the Development Management Services Team Leader.

Contrary to Officers recommendation it was:-

**RESOLVED: That the Committee refuse planning permission on the grounds that the container is sited in a prominent position on the site and is clearly visible above the boundary hedge when viewed from neighbouring properties on the opposite side of the classified Bilford Road and in close and long range views on approach from either direction along Bilford Road and the public footpath. In the opinion of the Local Planning Authority the container, particularly by reason of its siting and size, is visually intrusive to the detriment of the visual amenities of the site, surrounding area and the outlook from neighbouring properties on the opposite side of the classified road, particularly 28 and 30 Bilford Road.**

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**136 Application P18P0485 - Land East of Parsonage Way/Trotshill Way**

**Introduction**

The Committee considered an application under Section 73 of the Town and Country Planning Act 1990 for the variation of conditions 1,2,19 and 20 of planning application P17P0247 to enable amendments to the permitted scheme (Proposed Development of Land for Employment Uses (Use Class B1/B2/B8), Access and Car Parking, Landscaping and Associated Works), land east of Parsonage Way/Trotshill Way.

**Reason Why Being Considered by Planning Committee**

The application had been referred to the Planning Committee for determination on the grounds that it related to a planning application that was originally determined by the Planning Committee at its meeting on 23<sup>rd</sup> November 2017.

**Site Visit**

The application had not been the subject of a site visit.

**Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late papers which related to the following:

- Clarification of paragraph 2.3 of the Officer's report related to the Screening Opinion;
- Amendment of condition 1;
- Consultee response from Highways England on the original application;
- Consultee response from Lead Local Flood Authority on the amended application;
- Consultee response from Severn Trent Water Limited on the amended application; and
- Further comments from Warndon Parish Council providing an update on some of their key concerns.

### **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning. It was confirmed that there had been no changes in site circumstances since original granting of permission on 23<sup>rd</sup> November 2017. The Chairman asked that Members focus their discussions on the amendments only.

The Committee's attention was drawn to paragraphs 4.1-4.10 of the Officer's report which identified the proposed variations to the conditions 1, 2, 19 and 20.

The Committee's attention was also drawn to paragraphs 4.11-4.13 of the Officer's report which clarified the determination of applications under Section 73 of the Town and Country Planning Act 1990.

### **Public Representations**

The following people had registered to address the Committee and spoke in respect of the application:

Mr Andrew Cross (Objector – Member of Warndon Parish Council) and Mr Robert Barnes (Agent for the Applicant).

### **Key Points of Debate**

- The Warndon Parish Councillor stated that there were still a number of issues that needed to be addressed. It was asked if a condition could be added to the outside lighting units which currently stated that LEDs colour temperature was cold white and it was requested that a warm white should be adopted.
- It was felt that in terms of procedure an Environmental Impact Assessment (EIA) should be completed, so as to reduce the impact on bat species, before the Planning Committee make any decision and asked that the Committee consider a deferment until the EIA was confirmed.
- The agent for the applicant in response stated that this was an application under Section 73 and not a proposal to allow assessments again. The proposal related to a slightly smaller scheme with less impact.

Parking variations were proposed which would create more spaces and was considered appropriate.

- The agent stated that his clients' intention was that the development would commence as soon as possible with the discharge of conditions already started. If permission was not granted on this application then the original permission would stand.
- The agent responded to various questions from Members in relation to the impact on bat species, the impact from external lighting and the completion of various assessments. He explained that the lighting was conditioned and that the surveys and assessments were carried out when applying for permission. He explained that this development did not require an Environmental Impact Assessment to be carried out and a Screening Opinion had been issued by the Local Planning Authority as highlighted in paragraph 2.3 of the Officer's report.
- In identifying that a new traffic assessment had not been carried out it had been recommended the proposal be refused as there would be no indication of the impact. The County Council Highways representative in response stated that the principle of development had already been established and referred Members to the reduction in the tables at paragraphs 4.7 and 4.8 of the Officer's report. The revisions did not undermine the previously agreed transport evidence.
- It was generally agreed that a lot of the discussions held were outside the remit of the application and that development could take place tomorrow. This proposal was considered to be an improvement on the original scheme.

On being proposed and seconded and put to the vote the proposal was agreed.

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in the plans list.**

### **137 Application P18L0453 - 30 Norton Road**

#### **Introduction**

The Committee considered an application for the proposed erection of a 2 bed detached dormer bungalow at 30 Norton Road.

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

The application had been referred to the Planning Committee at the request of Councillor Knight on grounds referred to at paragraph 2.1 of the Officers report.

#### **Site Visit**

The application had not been the subject of a site visits.

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

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

## **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The scheme was similar to that approved by Planning Committee on 21<sup>st</sup> September 2017 under application P17L0363. The scheme differed from the previously approved scheme in that the rear eaves level is raised to allow for the bedroom spaces on the upper floor to be more useable.

## **Public Representations**

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

## **Key Points of Debate**

- The local Ward Member, Councillor Knight, informed the Committee that there had been ongoing issues of concern for sometime with this site, which created problems for the immediate neighbours of loss of privacy. The proposal was also considered to be an over development of the site and an overbearing effect on the rear garden and the rear of the property at 32 Norton Road.
- The Development Management Services Team Leader outlined the proposals at paragraph 4 of the report for clarification which identified the difference between this scheme and the previous one.
- It was asked whether there had been pre-application discussions and whether there had been provision for cycle storage as this could not be seen on the plans. The Development Management Services Team Leader responded by stating that the submitted proposal could provide cycle parking and this could be secured by a condition and had been included in the conditions. He was not aware of pre-application discussions but there probably would have been.
- Some Members recalled the site visit when considering the application in 2017 and on balance considered it was the right development for the site, met all the requirements and increased density. It was considered the alterations were relatively minor.

A proposal to move the recommendation was made and this was seconded. On being put to the vote the recommendation to approve was lost.

The Legal Team Manager asked for reasons for refusal if Members were minded to refuse the application.

It was proposed that the application be refused on the grounds of overbearing and over development of the site. This was seconded and on being put to the vote the proposal of minded to refuse was approved on the grounds cited.

Contrary to the Officers recommendation it was:-

**RESOLVED: That the Committee is minded to refuse planning permission on the grounds that the siting and scale of the proposed dwelling in relation to neighbouring properties would have an overbearing impact on neighbouring residents' amenities and would be over-development of the site in comparison with the previously approved scheme (P17L0363).**

### **138 Application P18K0466 - 23 Bozward Street**

#### **Introduction**

The Committee considered an application for the proposed erection of a single storey rear extension to an existing 5 bed House of Multiple Occupation (HMO) to form a 6 bed HMO (Use Class C4) at 23 Bozward Street.

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

The application had been referred to the Planning Committee at the request of Councillor Udall on grounds of impact on neighbouring property.

#### **Site Visit**

The application was not the subject of site visit.

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

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

#### **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader informed the Committee that the proposed extension was to be built alongside an extension at number 21 Bozward Street a condition had therefore been added to ensure that the extensions were built concurrently.

#### **Public Representations**

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

### Key Points of Debate

- The Chairman asked the County Council Highways representative to clarify paragraph 8.9 of the Officer's report which made reference to two parking standard documents.
- Some Members had raised the issue of the car parking in this area and made a point that students do drive cars and do not cycle. This area was considered very problematic.
- There was a suggestion for a condition for a residents parking scheme for the area or to request developers to contribute towards a scheme. The County Council Highway representative stated that they would not recommend such a condition if no displacement on the highway and made reference to Section 106 monies and the Community Infrastructure Levy.
- With regard to the cycle storage the Committee were informed that the property did not have independent rear access and that the cycle space would need to be located at the front. The Development Management Services Team Leader explained that the applicant is the owner of the property next door (No. 21) and had suggested a covenant to allow access to No. 23 for cycle storage.
- Members commented that the planning process should cover car parking requirements/cycle storage together and to be part of the plans when submitting applications.

A proposal to move the recommendation was made and this was seconded. On being put to the vote the recommendation to approve was lost.

The Legal Team Manager asked for reasons for refusal if Members were minded to refuse the application.

It was proposed that the application be refused on the grounds that the proposal would increase the demand for parking on Bozward Street and adjacent streets. This was seconded and on being put to the vote the proposal of minded to refuse was approved on the grounds cited.

Contrary to Officers recommendation it was:-

**RESOLVED: That the Committee is minded to refuse planning permission on the grounds that the proposal would result in an increase in demand for roadside parking on Bozward Street and adjacent streets that currently experience problems of congestion and would lead to inconvenience for local residents and exacerbate the difficulties they face in parking their vehicles.**

### 139 Application P18J0467 - 21 Bozward Street

#### Introduction

The Committee considered an application for the proposed erection of a single storey rear and side extension to an existing 6 bed House in Multiple occupation (Use Class C4) at 21 Bozward Street.

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

The application had been referred to the Planning Committee at the request of Councillor Udall on grounds of impact on neighbouring property.

### **Site Visit**

The application was not the subject of a site visit.

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

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

### **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The Development Management Services Team Leader informed the Committee that the proposed extension was to be built alongside an extension at number 23 Bozward Street and a condition had therefore been added to ensure that the extensions were built concurrently.

### **Public Representations**

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

### **Key Points of Debate**

- Members asked if there was any mechanism to avoid a six bedroom becoming a seventh. The Committee were informed that planning permission would be required as it would be classed as Sui Generis.
- The Development Management Services Team Leader explained that the staircase access to the roof space was not longer there. The internal alterations were clarified on the powerpoint presentation.

It was proposed and seconded that the application be deferred pending the decision of Application P18K0466, 23 Bozward Street and to clarify implications of the implementation of the extension in accordance with condition 4. On being put to the vote the proposal was deferred.

**RESOLVED: That the Committee defer the application pending the decision on Application P18K0466 and to clarify implications on the ability to implement the proposed extension in accordance with recommended condition 4.**

**140 Application P18D0426 - Royal Porcelain Works, Severn Street****Introduction**

The Committee considered an application for the proposed installation of a bridge link between Site C and Building Q (former Painting House) for use as art/craft workshop spaces, gallery and a self contained apartment at Royal Porcelain Works, Severn Street.

**Reason Why Being Considered by Planning Committee**

The application was referred to the Planning Committee as previous applications, including the one to be modified by the current proposal, had been determined by the Committee.

**Site Visit**

The application was not the subject of a site visit.

**Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late paper which related to a consultee response from the Economic Development and Regeneration Team Leader who commented that the application would have minimal impact from an Economic Development and Regeneration perspective.

**Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

**Public Representations**

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

On being proposed and seconded and put to the vote the proposal was unanimously agreed.

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in the plans list.**

**141 Application P18J0541 - Former YMCA Building, Henwick Road****Introduction**

The Committee considered an application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 on planning consent P17J0577 to allow enlargement of the plant room and the repositioning of the cycle store at the former YMCA Building, Henwick Road.

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

The application was referred to the Planning Committee as the original application had been referred to the Planning Committee for decision.

## **Site Visit**

The application was not the subject of a site visit.

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

The report set out the background to the proposal, the site and surrounding area, the proposal itself, relevant planning policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late paper which related to the amendment of condition 1.

## **Officer Presentation**

The information in the report was presented as set out by the Deputy Director – Economic Development and Planning.

The Committee were informed that in deciding an application under Section 73 of the Town and Country Planning Act 1990, the local planning authority must only consider the conditions that were the subject of the application it was not a complete re-consideration of the application. A local authority decision to refuse an application under Section 73 can be appealed to the Secretary of State, who would only consider the condition/s in question.

## **Public Representations**

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

## **Key Points of Debate**

- A matter of concern was raised by the local Ward Member, Councillor Udall, who stated that there appeared to be residents who had not been consulted on this proposal and had not been given a fair opportunity to comment. The issue for residents had been the proposed location of the cycle store.
- Councillor Udall requested that the application be deferred to allow consultation to take place.
- As evidence of consultation was not immediately available the Chairman in conjunction with the Deputy Director – Economic Development and Planning, the Legal Team Manager and the Development Services Management Team Leader following discussion, agreed that the committee should consider deferring the application .
- The Development Services Management Team Leader agreed to re-send neighbour consultation letters, to allow for a period of time for comments to be made and to bring back to Committee for determination.

- The Chairman asked that Councillor Udall be kept informed.

The Committee agreed to this decision.

**RESOLVED: That the Committee defer the application on the grounds of concerns raised by Councillor Udall on behalf of neighbouring residents regarding notification of the application.**

**142 Any Other Business**

None.

**Duration of the meeting: 1.30p.m. to 5.15p.m.**

Chairman at the meeting on  
21st February 2019