

PLANNING COMMITTEE

21st March 2019

Present: Councillor Chris Mitchell in the Chair

Councillors Agar (Vice-Chairman), A. Amos, B. Amos, Berry, Cawthorne, Hodges, Johnson, J. Squires (in place of Councillor Denham) and Stephen

Also in Attendance:
Councillor Udall

Apologies: Councillors Denham and Denlegh-Maxwell

160 Declarations of Interest

The following declarations of interest were made:

Application P18B0548 – Middle Battenhall Farm, Upper Battenhall
(Minute No. 167)

Councillor Stephen – had visited the site and spoken with members of the public but had not expressed an opinion. Councillor Stephen elected to speak and vote on the item.

Councillor Johnson – had attended a meeting in respect of the adjacent barn and during that meeting the hedgerow application was referred to but he had not expressed an opinion. Councillor Johnson elected to speak and vote on the item.

Councillor Mitchell – had received an email from an objector to the proposal but had given procedural advice only. Councillor Mitchell elected to speak and vote on the item.

Other Councillors had received an email from an objector to the proposal but had not responded.

161 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 21st February 2019 be approved as a correct record and signed by the Chairman.

162 Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory Panel meeting held on 9th January 2019 be received.

163 Site Visits

The Committee visited the following site which was the subject of an application to be determined:-

Applications P18D0503 and L18D0063 – 27 Friar Street

164 Public Participation

Mr Andy Taylor, Warndon Parish Councillor, in addressing the Planning Committee made reference to his question (circulated to Members prior to the meeting as a reminder) at the 24th January 2019 meeting whereby he was informed that he would receive a formal written response. He stated that despite a number of reminders he has received no response.

He stated that he had been made aware verbally that the evidence wouldn't be considered within the Development Management (DM) Challenge and that the Planning Advisory Service advisor had indicated that he did not feel that it would be appropriate for this exercise. He was also made aware that a key part of the DM Challenge exercise had already taken place earlier that week.

The first part of his question to the Chair of Planning Committee today was:

"When can I expect a formal written response to my question of January 24th"?

The second part of his question was

"In retrospect, are Members content that the Planning Advisory DM Challenge is a suitable vehicle for an audit of planning processes?"

If so, why has Warndon Parish Council's evidence been rejected?

If not, when will these matters be properly addressed"?

The Chairman asked the Deputy Director – Economic Development and Planning for her comments on the first part of Mr Taylor's question. She stated that she was waiting for a response from the Planning Advisory Service.

The Chairman thanked Mr Taylor for his questions and made a commitment that a formal written response would be provided to him before the next Planning Committee meeting.

Mr Andrew Cross, Warndon Parish Councillor, addressed the Planning Committee asked the Chairman the following questions:

"Does the Committee plan to repeat the planning review exercise on a regular schedule to review progress and to make sure the recommendations are implemented"?

"Will the Committee ensure that quality (meaning integrity and probity) of the planning process is a stated aim in these reviews i.e. not just an efficiency review of quantity and throughput"?

The Chairman thanked Mr Cross for his questions and made a commitment that a formal written response would be provided to him before the next Planning Committee meeting.

165 Public Representation

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

166 Application P19D0005 - Lowesmoor Trading Estate, St Martin's Gate

Introduction

The Committee considered an application for the variation of conditions 1, 6, 7, 9, 18, 22, 23, 28 and 29 and removal of condition 3 of planning application P15D0510, site at Lowesmoor Trading Estate, St Martin's Gate.

Reason Why Being Considered by Planning Committee

The application was referred to 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 21st July 2016, at which it was minded to approve subject to conditions and a Section 106 Agreement. Upon completion of the Section 106 Agreement the planning permission was issued on 11th January 2018.

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:

- amendment of conditions 8 and 15 due to minor errors in formatting; and
- consultee response from Worcestershire County Council Highway Authority having no objection to the proposal.

Officer Presentation

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

Members were informed that the proposal related to archaeological conditions and sought to give flexibility to allow the demolition to take place before archaeological investigations began.

In referring to the removal of condition 3 Members were informed that it was recommended that this was retained in an amended form in order to ensure that re-development of the site would commence within a reasonable time period following demolition. The applicant had confirmed their agreement to this.

Members were reminded of the previously approved scheme in the form of a powerpoint presentation.

Public Representations

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

Key Points of Debate

- Reassurances were given to Members that the amendments/variation of the conditions would not result in any disruption to vehicles/pedestrians on the highway.
- Confirmation was given that the Archaeological Officer was content with the proposed changes which would not cause any additional risk to archaeological remains, as set out in paragraph 7.1 of the report.
- Members were pleased to see that the development must be begun not later than 10th January 2021 but asked how this was to be enforced. The Development Services Management Team Leader referred Members to condition 3 on page 158 of the report.
- A comment was made that a more detailed summary of the proposal would have been useful at the beginning of the report as there was a lot of information to get through before it was evident what was being requested. This was noted for future reference.

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 retention and variation of condition 3 and the conditions set out in the schedule attached to the report.

167 Application P18B0548 - Middle Battenhall Farm, Upper Battenhall

Introduction

The Committee considered an application for the removal of a hedge, Middle Battenhall Farm, Upper Battenhall.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Griffiths following concerns raised by a number of residents relating to the proposal.

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, the Hedgerows Regulations 1997, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late paper which related to a supporting statement from the applicant.

Officer Presentation

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

The hedgerow removal notice application is made under The Hedgerows Regulations 1997. The Regulations were made under Section 97 of the Environment Act 1995. The overall aim of the Hedgerows Regulations was to secure the retention of important hedgerows, and the government's guidance to the Regulations encourages local planning authorities to 'adopt a common sense approach, based on co-operation rather than confrontation'.

Paragraph 8.2 of the report highlighted what needed to be considered when determining a hedgerow removal notice application.

The Hedgerows Regulations 1997 allow a number of exemptions and any one exemption would be sufficient to permit the removal of the hedge. The proposal for Hedge 1 was considered to be exempt, as the applicant can be required to infill the existing hedge access. There is no such exemption for Hedge 2.

A hedge must be 'important' to be considered under the Regulations. Under the Regulations it must be at least 30 years old, of a sufficient length, and also satisfy at least one from a series of defined archaeological, historical, landscape and wildlife criteria. It was agreed that both hedges were over 30 years old and that the length was sufficient.

The other important criteria were highlighted at paragraphs 8.15-8.26 of the Officer's report. It was agreed that both hedges were considered to be important based on criterion at paragraph 8.21 of the Officer's report.

Public Representations

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

Jason Whittall (objector) on behalf of Middle Battenhall Farm Land Action Group.

Key Points of Debate

- The objector, on behalf of the Middle Battenhall Farm Land Action Group, referred to the planning permission given to the applicant for the conversion of a cowshed to a residential dwelling. He had indicated that un-approved development had taken place outside of the current permission boundary, had dumped soil alongside the existing hedgerow and had now blocked the existing field access. He stated that Officer's had not addressed this matter and had not considered it as part of this application.
- The objector stated that it is agreed that the hedgerow is classified as important within the Hedgerow Regulations and there must be strong reasons to remove it.

He referred to other viable access points that could be considered and stated that there was no justification to contravene the Hedgerow Regulations.

- If minded to refuse the objector informed the Committee that they could do so with valid justification: the hedgerow is defined as important by the Regulations; they form part of the setting to the Scheduled Monument and Grade II listed farm buildings; they form the boundaries of an age considered historically valuable; and they are an intrinsic part of the landscape character and less damaging alternatives existed.
- The objector responded to a question from Members on the statement he made on the un-approved development outside of the applicants boundary, but the Chairman stated that was not relevant to this application and not a material consideration, but did allow the objector to respond who clarified his allegations on a map shown to Members.
- The objector also responded to questions around the similarities between this proposal and that of the Miller Homes planning application considered and refused in 2015. It was also asked who had submitted the site in the SWDP 'Call for Sites' review. The objector confirmed that Rosconn, a strategic land developer had put forward the site.
- The local Ward Member, Councillor Griffiths, informed the Committee that she had been contacted by local residents in Battenhall and St Peter's objecting to the proposal. She stated that the proposal had no merit, no benefit and affected the landscape character. She asked that Members take into account the issues raised and be minded to refuse the application.
- Before the main debate the Chairman asked the Committee to concentrate on the material considerations of this application. He stated that there would be no merit in debating former applications or the legal aspects of landowners. The consideration was the importance of the hedge or not. The application should be refused unless the Committee was convinced that the reasons for the proposed removal were sufficient.
- Members asked about the historical relevance of the hedge/boundary to the Manor. The Archaeological Officer stated that he did not have an accurate age of the hedgerow but it was on an estate map of 1830. Hedge 2 was not in existence until towards the end of the 19th Century. The parish boundary ran up to it but did not form part of it.
- Paragraph 8.28 of the Officer's report was seen as important as a lot of people used Red Hill Lane particularly school children and this seemed a sensible suggestion. The safety consideration was very important.
- Members made comments regarding the points raised in paragraphs 8.9 and 8.29 of the Officer's report and also the alleged breaches referred to by the objector. The Development Management Services Team Leader referred to the application for housing development at Middle Battenhall Farm and advised that the proposed creation of openings in the hedgerows to facilitate access between the two fields had not been raised as an issue by Members in their consideration of that application at the 3 meetings.

Members asked about the alleged breach of planning controls regarding the recent conversion of the agricultural unit referred to by the objectors. The Development Management Services Team Leader advised that whilst these were not relevant to the determination of the current application, nevertheless it was advised that the allegations were the subject of an on-going enforcement investigation. The Legal Services Manager was asked to clarify and advised that whatever enforcement action is taken would not affect the hedgerow and the access, regardless of this fact, it is irrelevant to this application.

- Members considered the context of the site to be important and indicated that the land transfer and right of access between the family had not been dealt with. The hedgerow was considered to be important, and there was a presumption to retain hedgerows that are considered to be important as referred to in the Regulations. It was considered there was no need for this new opening, and that consideration should be given to the existing opening at field 2, hedgerow 2 (which was defunct).
- Members agreed that there was no question about the legal status of the hedges but there were concerns over the historic context. The hedges formed part of a parish boundary, which could go back further than 1830, and that they also formed part of a medieval park which contained a scheduled monument. Destruction of these boundaries was a concern.
- In response to a question about Historic England's comments on the hedgerows for the Miller Homes planning application, the Archaeological Officer stated that they did not object to the application, although some degree of harm was recognised, but they did not comment specifically on the hedgerows.
- The Chairman in summing up said that planning reasons had been heard why this was an important hedge but a balance was needed to make the decision whether right or not. The Chairman stated that a decision cannot be made on conjecture.

A proposal was made to refuse the application on grounds of the importance of the hedge, to include the wording set out in the 5th bullet point of the important criteria in paragraph 8.15 of the Officer's report and also the historic relevance of the hedge. This was seconded. On being put to the vote the motion to refuse the application was agreed.

Contrary to Officer recommendation it was:-

RESOLVED: That the Committee refuses permission based upon grounds of the importance of the hedge. The committee believe that the hedge is important because it is in part of a field system that existed before the Land Enclosure Act (that is before 1845), further there is strong belief that the hedge also formed part of a parish boundary that existed before 1850 and is next to an Historic Environment Record site. For these reasons the Committee believe that the importance of the hedge is such that the application must be refused.

Introduction

The Committee considered an application for the erection of 25 dwellings following demolition of an existing dwelling and creation of new site access, land to the rear of 31 Hopton Street.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee as the land is currently in the ownership of the City Council furthermore it does not fall under the scheme of delegation due to the scale of the development.

The application was originally referred to Planning Committee on 18th October 2018. The item was deferred to enable detailed consideration by Officers and the applicant of the flooding and drainage issues raised in the late paper by an objector.

Site Visit

The application was not the subject of a site visit on this occasion but had been in October 2018.

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:

- Draft Heads of Terms and Officer comments on Developer Contributions;
- A letter from Councillor Udall, local Ward Member dated 7th March 2019;
- Letters from Mr Greenway dated 12th and 20th March 2019;
- Consultee response dated 13th March 2019 from the City Council's Archaeological Officer, having no additional comments or recommendations;
- Further neighbour objections;
- Consultee response from Hayley Perry, Site Representative, Windsor Avenue Allotments;
- A letter from Zebra Architects dated 18th March 2019 (on behalf of the applicant) in response to Councillor Udall's letter;
- A letter from the applicant in response to the comments of the Allotment Holders Association dated 18th March 2019;
- A letter from BSP Consulting (main body of letter circulated only, the full document available online) dated 18th March 2019 (on behalf of the applicant) in response to the letter of objection from Mr Greenway;
- A letter of objection from Councillor Lamb, local Ward Member dated 18th March 2019;
- Letter of objection dated 20th March 2019 and supporting documents from neighbour Mrs Jami-Sophia Rodgers;
- Consultee response from the Lead Local Flood Authority dated 20th March 2019, having no objection, subject to conditions.

Officer Presentation

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

The Principal Planning Officer referred Members to the site visit in October 2018 and refreshed their memories in the form of a powerpoint presentation.

As a result of the re-examination of the flooding and drainage information the submitted proposal has been amended. The overall number of dwellings has now been reduced from 37 to 25 and the application is supported by an updated Flood Risk Assessment and Drainage Strategy which sought to address the issues raised in October 2018. The Lead Local Flood Authority had no objection subject to conditions.

Members were also informed that play facilities were not necessary on a development of this scale. Allotment holders still objected to the loss of a second vehicular access but will have two pedestrian access points this was noted and set out in the late papers.

Public Representations

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

Mr Tim Schoonenberg (Objector) on behalf of a local residents group and Mr Tom Locke and Mr Tim Wilson (Agents).

Key Points of Debate

- The objector, speaking on behalf of local residents group, informed Members that residents were not opposed to the affordable/social housing but simply wanted to keep the park; if built upon it would no longer exist. He stated that the area was used on a daily basis and residents did not comprehend why something used, needed and valued was to be taken away. There were also concerns for the allotment holders who he felt had not been consulted effectively.
- In addressing the Committee the objector stated that the proposal presented a number of queries and objections he then listed a number of points to Members as a way of compromise. He then requested a deferral of the decision based on the allotment issues being resolved; the community is consulted about the development of the remaining space; clarification is provided on safeguarding and risk mitigation measures to ensure the construction process and resulting changing land use does not impact on local residents, cemetery users, pedestrians and the ecology of the remaining area.
- The objector responded to questions from Members regarding the loss of open green space and the users of it and referred to alternative open space facilities in the vicinity.

The objector confirmed the nearest would be the Laugherne Brook Wildlife Reserve green space but this was not easily accessible. Cripplegate Park and Oldbury Road were the nearest play areas.

- The agents acting on behalf of the applicant, Fortis Living, in addressing the Committee referred to the scheme submitted in October 2018 and the revisions made to the scheme since this time. The main issues of concern at the meeting related to flooding/drainage issues which had now been resolved. The reduction in the number of dwellings had increased the amount of open space to be retained. Reference was made to objections from Councillor Udall and Mr Greenway which they had responded to and which Members had copies of in the late papers.
- Members were also informed that the applicant had been in dialogue with the allotment holders throughout the process and Fortis were under the impression that the change to the access, enhancements and improved security were acceptable to them. It was confirmed that Fortis were happy to continue the dialogue with them to minimise any issues. Fortis were also aware of objections raised by the tenant at number 29 but this was a matter for Fortis and the tenant to resolve.
- In referring to paragraph 4.4 related to the maintenance of the open space the agents confirmed that this fell outside the allocated area of the site and would have no intention of developing it.
- The local Ward Member, Councillor Udall in addressing the Committee asked that they consider deferring the application again for a number of reasons. He was aware that Members had not had the opportunity to have read a large document referred to in the late papers. It was important that this was read before any permission was granted.
- Other reasons for deferral were related to the nesting birds, no construction during this time; improved vehicle access to the allotments together with suitable access for the disabled; the issue of the loss of a play area was of most concern for residents, it was asked that the developer consider improving the space left for picnics/ball games; a suggestion had been for a community orchard, it was considered that space was available for this to happen, with conditions; it was asked that the hours of construction would be limited to weekdays and not weekends.
- Members felt that Fortis Living had responded to the concerns raised and to the drainage issues which had now been resolved. The scheme met the criteria and it was considered unfair to place further restrictions on the developer as play areas were the responsibility of the City Council who need to promote the need for play. It was agreed that there was a case for further discussions with the allotments holders, developers and the offices to ensure that this continued. A proposal was made to move the recommendation.
- It was agreed that Fortis Living was a good developer who had looked at all the proposals put forward. Some issues more easily resolved than others. There were concerns over the space to be left which was considered unusable but this could become a good piece of open space.

Members noted the amount of work carried out in promoting allotments in the City and would not like to see that change. Members agreed the need for affordable housing.

- Some Members felt residents objections had not been taken into account and had not been morally listened to. However, it was agreed that affordable housing was required but residents also needed to have open/green space.

A proposal was made to the defer the application as proposed by Councillor Udall but the Legal Services Manager stated that a proposal to move the recommendation had already been made so a proposal to defer could not be made unless a withdrawal was made on the recommendation to approve.

The proposal to move the recommendation was not withdrawn and having been made this was seconded and on being put to the vote the proposal was agreed.

RESOLVED: That the Planning Committee be minded to grant planning permission, subject to the applicant and all persons having an interest in the land entering into an agreement under Section 106 of the Town and Country Planning Act in accordance with the agreed Heads of Terms, and subject to the Deputy Director - Governance being satisfied with the nature of such an Agreement delegate to the Deputy Director - Economic Development and Planning approval to grant the necessary planning permission, subject to the conditions set out in the schedule attached to the report.

169 Application P18K0195 - Footpath Diversion, Buck Street

The Committee considered an application for the proposed diversion of public footpath no. 681 at Buck Street.

The public footpath was affected by the proposals made under Application P18K0195, full planning application for the erection of 25 dwellings.

The application had been advertised as affecting a public right of way in accordance with statutory procedures. The consultation period expired on 13th August 2018. No comments from statutory or non-statutory consultees regarding the proposed diversion had been received.

The diversion of the footpath was required in order to facilitate the proposed development of the site for residential purposes. The diversion of the footpath allows for the diverted route to run along side the proposed new site road.

The City Council had been requested by the applicants to commence diversion procedures for the footpath on behalf of the developers under Section 257 of the Town and Country Planning Act 1990. The developers would meet the reasonable costs incurred by the City Council.

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

RESOLVED: That the Committee authorise the making of an Order to divert footpath no. 681 pursuant to S257 of the Town and Country Planning Act 1990 and that the Deputy Director – Governance be authorised to take all necessary action in connection with the proposed diversion.

170 Applications P18D0503 and L18D0063 - 27 Friar Street

Introduction

The Committee considered applications for the re-determination of planning application P18D0230 for change of use of 27 Friar Street from Class A1 Retail to Class A3 Restaurant and re-determination of application for listed building consent L18D0024 for works of conversion at 27 Friar Street, including the creation of an opening between 27 and 28 Friar Street.

Reason Why Being Considered by Planning Committee

The applications were referred to Planning Committee for re-determination following a judicial review in respect of planning application P18D0230 and application for listed building consent L18D0024. The decisions to grant planning permission under reference P18D0230 and listed building consent under reference L18D0024 dated 1st August 2018 were quashed on the grounds that the Local Planning Authority failed to take account of a material consideration in the determination of the planning application, being the objections raised by the neighbouring resident, Mr Lock, and had made a material error as regards the interaction between Schedule 2, Part 3, Class C, Town and Country Planning (General Permitted Development) (England) Order 2015 and South Worcestershire Development Plan policy SWDP 10. The applications were therefore remitted to the Local Planning Authority for re-determination accordingly.

Site Visit

The applications had 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 following were attached to the Officer's report:

- Appendix 1 - copy of Application No.4444;
- Appendix 2 – letters of objection on behalf of the resident at 27a Friar Street;
- Appendices 3 and 4 – agent's response to the representations made on behalf of the applicant and concerns raised regarding fire safety.

The Committee's attention was drawn to the late paper which related to a letter of objection from Harrison Clark Rickerbys on behalf of their client Mr Graham Lock.

Officer Presentation

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

The Committee were reminded of the site visit in the form of a powerpoint presentation, that included a plan of the development of the properties over the years. It was also reported that a fire safety audit of 29 Friar Street had been carried out by Hereford and Worcester Fire and Rescue Service and that the standard of fire safety had been deemed satisfactory.

The main issues raised by the proposal were outlined in the Officer's report at paragraph 8.1 onwards.

Public Representations

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

Ms Chloe Smart of Ridge Planning on behalf of the objector Mr Graham Lock.

Key Points of Debate

- Ms Smart, acting on behalf of the owner/resident of 27a Friar Street, the objector, made reference to the judicial review as outlined in paragraph 2.1 of the Officer's report.
- The Committee's attention was drawn to the objector's representations, as outlined in the late paper, which referred to his concerns relating to noise, odour, fire safety, overlooking, increased trading hours and the impact of the works on the listed building.
- Ms Smart stated that the objector would be willing to discuss the concerns with the applicant but if planning permission was granted then he would not be able to.
- The Chairman asked that Members concentrate on the applications before them and that there was no value in going over the history of the site.
- It was noted that historically some buildings of age receive style make overs/changes but practicalities needed to be observed. It was felt that the objectors concerns had been addressed and the proposals respected historical context as far is known.
- Members were reassured to see that conditions included the provision of a business management plan as highlighted at paragraph 8.39 of the Officer's report and asked how this would be enforced. The Development Management Service Team Leader stated that there was a role for both planning and environmental health regimes. Environmental Health ensured the management of premises and minimising pollution seeking to avoid statutory nuisance. The objector can raise any noise issues with them directly.

- For clarification the Development Management Services Team Leader confirmed that building regulations determined the amount of sound insulation required
- In referring to the ground floor windows to the rear of the property it was confirmed that these would be obscurely glazed as stated in condition 7 of the schedule. It was also confirmed condition 12 related to waste storage and collection and would be reviewed should the existing arrangements prove untenable.
- Members welcomed the use of the empty building and felt that the proposal was a good idea with minimal damage to the buildings. In referring to the issues raised by the resident there were conditions in place should he wish to continue to raise any concerns.

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

RESOLVED: That the Committee grant planning permission and listed building consent, subject to the conditions set out in the schedule attached to the report.

171 Application P17E0327 - Worcester Garden Centre, Droitwich Road

Introduction

The Committee considered an application for a display area for the erection of conservatories and garden buildings for the purpose of sales only at Worcester Garden Centre, Droitwich Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee as it related to the interpretation of national and local Green Belt policy.

This was a retrospective planning application as outlined in paragraph 3.2 of the report.

The application had not been referred to the Planning Committee until now due to detailed discussions being undertaken with the applicant to establish the nature and extent of any very exceptional circumstances that may exist in support of the application and to await the outcome of the SWDP Green Belt review as a material consideration in this regard.

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.

Public Representations

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

Key Points of Debate

- Some Members did not see the harm of the proposed development which was visually well screened and would not be overlooked by residents. To refuse would mean a loss of jobs and a business.
- Other Members felt that the proposal was inappropriate and that Green Belt land needed protecting. There was also no evidence that the proposed development was covered by any of the exceptional circumstances to allow the development to take place.

A proposal of minded to approve the application contrary to the officer's recommendation was made and this was seconded. On being put to the vote the recommendation of minded to approve the application was lost.

A recommendation was then proposed to refuse the application as per the Officer's recommendation, this was seconded and on being put to the vote it was

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

The proposal would constitute inappropriate development in the Green Belt as defined by the National Planning Policy Framework and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The National Planning Policy Framework confirms that substantial weight attaches to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In the opinion of the Local Planning Authority the proposal would, by reason of its siting and the scale of the proposed development, result in a material reduction in the openness of the Green Belt in this location, and would cause significant encroachment into the countryside, in conflict with the purposes of including land within the Green Belt. No very special circumstances are considered to exist that are sufficient to outweigh the harm that would be caused by the development to the Green Belt.

The proposal would thereby also be contrary to the aims and interests that policy SWDP 2 and the National Planning Policy Framework seek to protect and promote with regard to protecting Green Belt land.

172 Footpath Diversion - Land east of Parsonage Way/Trotshill Way

The Committee considered an application for the proposed diversion of public footpath no. 564(C) on land east of Parsonage Way/Trotshill Way.

The public footpath was affected by the proposals made under Application P18P0485, 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 Classes B1/B2/B8), access and car parking, landscaping and associated works). Planning permission was granted by the Committee at its meeting on 14th January 2019.

Planning application P18P0485 had been advertised as affecting a public right of way in accordance with statutory procedures. No comments were received in response to this aspect of the proposals.

The diversion of the footpath was to enable the full development shown on the Landscape Masterplan and for which planning permission had been granted, to be carried out. One of the proposed buildings obstructs the current alignment of the footpath. The building cannot be built without the diversion.

The diversion would ensure that the public retain the right to enter the site at the same point as present, and walk in a broadly north easterly direction to link into other footpaths across the northern part of the site. The proposed route would be through an attractive landscaped setting.

The City Council had been requested by the applicants to commence diversion procedures for the footpath on behalf of the developers under Section 257 of the Town and Country Planning Act 1990. The developers would meet the reasonable costs incurred by the City Council.

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

RESOLVED: That the Committee authorise the making of an Order to divert footpath no. 564(C) pursuant to S257 of the Town and Country Planning Act 1990 and that the Deputy Director – Governance be authorised to take all necessary action in connection with the proposed diversion.

Duration of the meeting: 1.30pm to 5.20pm

Chairman at the meeting on
18th April 2019