

Southern Area Development Control Committee
Minutes of Special Meeting - North Site



Thursday 27th April 2006 – 7:00p.m.

Dyson Perrins CE High School, Yates Hay Road,
Malvern WR14 1WD

Attendance:

Mrs. S.M.E. Adeney	Mrs D. Rayner
M.A. Angell	J.N. Rayner
Mrs. S. Croad	P.C. Rumney
R.F. Hall-Jones	C.T. Smith
D.W. Houghton-Smith	J.A. Tretheway (Chairman)
P.T. Mewton	Mrs J.A. Wildin
G.G. Myatt	M.D. Wilkinson
D.J. Pearce	A. Williams
J.W. Raine	

Apologies:

Mrs V.R. Myatt
P.A. Raven
R.J. Sutton
S. Try

79. Chairman's Announcements

The Chairman welcomed members of the public to the Special Meeting. He reported that due to the strategic importance to the District as a whole, the Public Speaking arrangement had been amended and extended. He reminded those present of the protocol to be followed.

80. Declaration of Interests

None Declared.

81. Planning Applications

A report by the Head of Planning Services on various applications had been circulated prior to the meeting. An Update Sheet dealing with some of those applications was circulated at the meeting.

RESOLVED that the planning applications in the report of the Head of Planning Services be dealt with in the manner shown in the Schedule forming an appendix to these minutes.

The meeting concluded at 11:14p.m.

SPECIAL SOUTHERN AREA DEVELOPMENT CONTROL COMMITTEE – NORTH SITE

27th April 2006

Schedule of Decisions

Application No.	Proposals/Recommendation	Minute and Decision
<p>04/00182/OUT & 04/00183/OUT</p>	<p>Redevelopment for housing, employment (Class B1), community school, local centre, open space, landscaping, site roads, amendment of existing access and creation of new access. DRA North Site Leigh Sinton Road Malvern Persimmon Homes (South Midlands) Ltd</p> <p>Recommendation: that the Head of Planning Services be authorised to GRANT planning permission Ref: 04/00182/OUT in consultation with the Local Ward Members and the Chairman of this Committee subject to the applicant entering into a Section 106 Legal Agreement to include the following heads of terms:-</p> <ul style="list-style-type: none"> a) A requirement for 43% affordable housing in total to be provided in accordance with the affordable housing mix and the tenure split referred to as percentages in Tables 19, 20 and 21. b) A restriction on the open market dwellings such that, at least 50% of the open market dwellings will be less than 94 square metres floor area of which the 2 bed dwellings will all be below 67 square metres floor area. c) 1 hectare of land to be transferred to Worcestershire County Council at a cost not exceeding one pound (£1) to provide the one form entry community primary school. d) The developer to build a community facilities building to Sport England design specification, to include meeting rooms, ICT room, multi functional area, office for Community Link Officer, kitchen and toilets, community storage space, changing rooms for two teams and one official and associated car parking. The land and 	<p>An Update to the Local Plan Inspector’s Report had been received, typographical errors were noted, Amendments to Section 106 Heads of Terms were detailed an additional consultation response and additional representations were received.</p> <p>The following registered objectors addressed the Committee under the public speaking scheme:</p> <p>Mr David Jevens Miss Elaine Hugh Jones Mr Nicolas Vafiadis Mrs Jo McFarlane Mr Geoff Hurst</p> <p>Mr Stephen Bawtree, Agent on behalf of the applicant addressed the Committee under the public speaking scheme</p> <p>Councillor Mike Selby, Vice Chairman to Malvern Town Council addressed the Committee under the public speaking scheme</p> <p>Councillor Malcolm Scott, Chairman to Leigh & Bransford Parish Council addressed the Committee under the public speaking scheme</p> <p>Head of Planning Services be authorised to GRANT planning permission Ref: 04/00182/OUT in consultation with the Local Ward Members and the Chairman of this Committee subject to the applicant entering into a Section 106 Legal Agreement to include the following heads of terms as recommended, subject to agreed amendments to Heads of Terms as (for ease of reference detailed in <i>Bold Italics</i>):</p>

	<p>building to be transferred to the District Council at a cost not exceeding one pound (£1).</p> <p>e) The developer to provide Recreational Open Space and Sports Facilities to include 1 adult grass playing pitch and a junior grass playing pitch,</p> <p>f) The developer to pay a commuted sum for the provision of a Multi Activity Play Area (MAPA) or other hard surfaced play area, either on site or in the locality. (£80,000) To be confirmed</p> <p>g) The developer to submit details of the future maintenance arrangements for all informal and incidental recreational open space (including the REME Copse and the Whippets Brook wildlife corridor), and landscaped amenity areas, not intended to be transferred to the District Council, for consideration by the Local Planning Authority. An appropriate commuted sum for future maintenance of these area to be required if these areas are to be maintained by a public body.</p> <p>h) An appropriate commuted sum for future maintenance of formal public open space, sports facilities and the community facilities building (to be confirmed and agreed by the District Council as future landowner not LPA).</p> <p>i) A financial contribution for the North Site Community Link Officer post (£40,000 over five years) and temporary accommodation on site.</p> <p>j) A commuted sum for off site highway improvements where different options for improving the junction are possible:</p> <ul style="list-style-type: none"> - Cowleigh Road/Cowleigh Bank (£25,000). Towards land acquisition costs and off-highway works. - Link Top (£6,000). Towards land acquisition costs. <p>k) A commuted sum for off site highway improvement works to provide a pedestrian and cycle route between the site and the Malvern Retail Park, improvements to footways in the vicinity of the site, related traffic management</p>	<p>a) A requirement for 43% affordable housing in total to be provided in accordance with the affordable housing mix and the tenure split referred to as percentages in Tables 19, 20 and 21.</p> <p>b) A restriction on the open market dwellings such that, at least 50% of the open market dwellings will be less than 94 square metres floor area of which the 2 bed dwellings will all be below 67 square metres floor area.</p> <p>c) 1 hectare of land to be transferred to Worcestershire County Council at a cost not exceeding one pound (£1) to provide the one form entry community primary school.</p> <p>d) The developer to build a community facilities building to Sport England design specification, to include meeting rooms, ICT room, multi functional area, office for Community Link Officer, kitchen and toilets, community storage space, changing rooms for two teams and one official and associated car parking. The land and building to be transferred to the District Council at a cost not exceeding one pound (£1).</p> <p>e) The developer to provide Recreational Open Space and Sports Facilities to include 1 adult grass playing pitch and <i>“The junior grass playing pitch is to be provided within the 1 hectare of land to be allocated for the 1 form entry community primary school”.</i></p> <p>f) The developer to pay a commuted sum for the provision of a Multi Activity Play Area (MAPA) or other hard surfaced play area, either on site or in the locality. (£80,000) To be confirmed</p> <p>g) The developer to submit details of the future maintenance arrangements for all informal and incidental recreational open space (including the REME Copse and the Whippets Brook wildlife corridor), and landscaped amenity areas, not intended to be transferred to the District Council, for consideration by the Local Planning Authority. An appropriate commuted sum for future maintenance of these area to be required if these areas are to be maintained by a public body.</p> <p>h) An appropriate commuted sum for future maintenance of formal public open space, sports facilities and the community facilities</p>
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	<p>measures in Church Road and covered cycle parking in Malvern Link District Shopping Centre. (£860,000).</p> <p>i) A commuted sum for severing the Leigh Sinton Road Service Road (if this is necessary following further public consultation with local residents following the alterations to Leigh Sinton Road around the Southern and Northern site entrances). (£60,000)</p> <p>m) A commuted sum to enable the Council to provide time-limited free car parking facilities at both public car parks at Link Top. (£42,500)</p> <p>n) A financial contribution towards improved bus services to and from the site. (£374,000) To be confirmed.</p> <p>o) A commuted sum to cover the cost of upgrading street lighting in Newtown Road. (£48,000).</p> <p>p) A commuted sum to cover the County Council's advertising, consultation and legal costs regarding the off site highway improvements. (£8,000).</p> <p>q) A requirement for the developer to provide the improved coach parking arrangements at Dyson Perrins Secondary School provided the Head Teacher (or other appropriate authority) gives written permission for these works to be undertaken on the school premises.</p> <p>r) The applicant providing evidence of the legal agreement with the Occupiers of No.61 Leigh Sinton Road regarding the new private access arrangements.</p> <p>s) The developer to allow the Council to recover the costs involved in having the applicants viability appraisal independently assessed with regard to the affordable housing offer (up to £10,000).</p> <p>Subject also to:</p> <p>The application having been referred to the Government Office for the West Midlands (GOWM) in accordance with the Departure Regulations, and to no objection being received from GOWM to</p>	<p>building (to be confirmed and agreed by the District Council as future landowner not LPA).</p> <p>i) A financial contribution for the North Site Community Link Officer post (£40,000 over five years) and temporary accommodation on site.</p> <p>j) A commuted sum for off site highway improvements where different options for improving the junction are possible:</p> <ul style="list-style-type: none"> - Cowleigh Road/Cowleigh Bank (£25,000). Towards land acquisition costs and off-highway works. - Link Top (£6,000). Towards land acquisition costs. <p>k) A commuted sum for off site highway improvement works to provide a pedestrian and cycle route between the site and the Malvern Retail Park, improvements to footways in the vicinity of the site, related traffic management measures in Church Road and covered cycle parking in Malvern Link District Shopping Centre. (£860,000).</p> <p>l) A commuted sum for severing the Leigh Sinton Road Service Road (if this is necessary following further public consultation with local residents following the alterations to Leigh Sinton Road around the Southern and Northern site entrances). (£60,000) read</p> <p>m) A commuted sum to enable the Council to provide time-limited free car parking facilities at both public car parks at Link Top. (£42,500)</p> <p>n) A financial contribution towards improved bus services to and from the site. (£374,000) To be confirmed.</p> <p>o) A commuted sum to cover the cost of upgrading street lighting in Newtown Road. (£48,000).</p> <p>p) A commuted sum to cover the County Council's advertising, consultation and legal costs regarding the off site highway improvements. (£8,000).</p> <p>q) A requirement for the developer to provide the improved coach parking arrangements at Dyson Perrins Secondary School</p>
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	<p>the District Council determining this application. Although the proposals do not meet the criteria set out in Part 4 of the Planning and Compulsory Purchase Act 2004 that was enacted on 24th August 2005 regarding statutory consultation with the Regional Planning Body where a planning application may impact on the implementation of the Regional Spatial Strategy i.e. planning applications of regional significance, the Regional Planning Body should also be advised of the Council's intention to grant planning permission and should be requested to comment within 21 days; and,</p> <p>The Head of Planning Services and the Head of Legal Services to be authorised to add additional conditions to the recommended list and/or transfer details included in conditions to the Section 106 legal agreement and vice-versa if the drafting and proper performance of the agreement requires this.</p> <p>If the Committee agrees to conditionally authorise the Head of Planning Services to grant Outline planning permission Ref 04/00182/OUT, Planning Services will formally request that the applicant withdraws the duplicate application ref: 04/00183/OUT.</p>	<p>provided the Head Teacher (or other appropriate authority) gives written permission for these works to be undertaken on the school premises.</p> <p>r) <i>“In the event that the applicant enters into a legal agreement with the owners of No. 61 Leigh Sinton Road, regarding the new private access arrangements, the applicant shall provide details of such an agreement to the District Council within 7 working days of the date of the agreement.”</i></p> <p>s) The developer to allow the Council to recover the costs involved in having the applicants viability appraisal independently assessed with regard to the affordable housing offer (up to £10,000).</p> <p>A449/B4503 Link Top/Newtown Road Junction Improvements (detailed at Item 6.20 within the Report)</p> <ul style="list-style-type: none"> • <i>Members indicated their preference to Option C - in accordance with Officer recommendation - If prior to the construction of Option A, the Highway Authority is able to secure the necessary third part land (understood to belong to Malvern Hills Conservators) opposite Trinity Hall then alternative scheme C (drawing no.142) could be constructed Option C would provide a two lane exit from Newtown Road onto the Worcester Road. Under Option C it would also <u>not</u> be necessary to re-open the slip road or install the traffic signals at the junction with Moorlands Road.</i> <p>A4103/B4503 Leigh Sinton Junction Improvements (detailed at 6.22 within the Report)</p> <p>Members requested the following be included:</p> <ul style="list-style-type: none"> • <i>Light spillage to be minimised. (Highways Partnership Unit confirmed lighting would be the minimum necessary to meet highway standards)</i> • <i>Officers to investigate whether the timescale for implementing this improvement could be brought forward considering that this is the intended route for construction</i>
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		<p>traffic. Case officer to liaise with Leigh & Bransford Parish Council and Ward Members.</p> <p>Informative to be added regarding construction traffic routing.</p> <p>Cowleigh Bank / Cowleigh Road Junction Improvements (detailed at item 6.23 within the Report)</p> <ul style="list-style-type: none">Members indicated their preference for the 4.5m X 90m Visibility Splay with 2m wide footway in accordance with Officer recommendation. <p>Improved Coach Parking at Dyson Perrins Secondary School (detailed at 6.28 within the Report)</p> <ul style="list-style-type: none">Members requested Officers investigate whether coach parking capacity may be increased. <p>Improved Bus Service and Travel Plan (detailed at item 6.29 within the Report)</p> <ul style="list-style-type: none">Members requested Officers ensure that the S106 legal agreement includes sufficient flexibility to allow the commuted sum to be used for alternative innovative public transport solutions should such other opportunities be available. <p>Amended Condition 33 (Condition 33 detailed at page 89 within the Report):</p> <p>33. Prior to the commencement of any phase of the development hereby approved, details of facilities for the storage and collection of domestic recyclable materials (recycling micro-sites) including the recycling of green waste, within that phase shall be submitted to and approved in writing by the Local Planning Authority. The facilities so approved shall be provided before any building within that phase of the development is first brought into use and retained thereafter.</p> <p>Reason: To maximise the opportunity and encourage residents and employers to recycle waste materials in accordance with DS3 of the Second Deposit Draft Malvern</p>
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Hills District Local Plan.

Subject also to :-

The application having been referred to the Government Office for the West Midlands (GOWM) in accordance with the Departure Regulations, and to no objection being received from GOWM to the District Council determining this application. Although the proposals do not meet the criteria set out in Part 4 of the Planning and Compulsory Purchase Act 2004 that was enacted on 24th August 2005 regarding statutory consultation with the Regional Planning Body where a planning application may impact on the implementation of the Regional Spatial Strategy i.e. planning applications of regional significance, the Regional Planning Body should also be advised of the Council's intention to grant planning permission and should be requested to comment within 21 days; and,

The Head of Planning Services and the Head of Legal Services to be authorised to add additional conditions to the recommended list and/or transfer details included in conditions to the Section 106 legal agreement and vice-versa if the drafting and proper performance of the agreement requires this.

As the Committee had agreed to conditionally authorise the Head of Planning Services to grant Outline planning permission Ref 04/00182/OUT, Planning Services will formally request that the applicant withdraws the duplicate application ref: 04/00183/OUT.

Voting:

In accordance with Procedural Rule 29 & 20(2) a recorded vote was taken on this application and the voting was as follows:

Councillor	For	Against	Abstain
Adeney, Mrs. S.M.E	▲		
Angell, M.A.	▲		
Croad Mrs. S.	▲		
Hall-Jones, R.F.		▲	
Houghton-Smith, D.W.	▲		
Mewton, P.T	▲		
Myatt, G.G.	▲		

		<table border="1" data-bbox="1227 161 1960 486"> <tr><td>Pearce, D.J.</td><td>▲</td><td></td><td></td></tr> <tr><td>Raine, J.W.</td><td>▲</td><td></td><td></td></tr> <tr><td>Rayner, Mrs. I.D.</td><td>▲</td><td></td><td></td></tr> <tr><td>Rayner, J.N.</td><td>▲</td><td></td><td></td></tr> <tr><td>Rumney, P.C.</td><td>▲</td><td></td><td></td></tr> <tr><td>Smith, C.T.</td><td></td><td>▲</td><td></td></tr> <tr><td>Tretheway, J.A.</td><td>▲</td><td></td><td></td></tr> <tr><td>Wildin, Mrs. J.</td><td>▲</td><td></td><td></td></tr> <tr><td>Wilkinson, M.D</td><td>▲</td><td></td><td></td></tr> <tr><td>Williams, A.</td><td colspan="3">Not Present</td></tr> </table> <p data-bbox="1227 518 2089 646">The motion was carried by 14 votes for, against 2, abstentions 0 (Councillor A Williams left the meeting during the comfort break at 10:00p.m prior to the vote).</p>	Pearce, D.J.	▲			Raine, J.W.	▲			Rayner, Mrs. I.D.	▲			Rayner, J.N.	▲			Rumney, P.C.	▲			Smith, C.T.		▲		Tretheway, J.A.	▲			Wildin, Mrs. J.	▲			Wilkinson, M.D	▲			Williams, A.	Not Present		
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<p>06/00217/FUL</p>	<p>Construction of new access to proposed mixed use development to include new pedestrian crossing facility Former North Site Leigh Sinton Road Malvern Persimmon Homes (South Midlands) Ltd</p> <p>Recommendation: APPROVAL</p>	<p>GRANTED as recommended</p> <p>(voting: for 13 against 1)</p>																																								
<p>06/00220/FUL</p>	<p>Improvement of existing junction to provide traffic signal control and pedestrian crossing facility Land At (OS 7882 4798) Worcester Road Malvern Persimmon Homes (South Midlands) Ltd</p> <p>Recommendation: APPROVAL</p>	<p>GRANTED as recommended</p> <p>(voting: for 14 against 2)</p>																																								
<p>06/00232/FUL</p>	<p>Provision of new school bus drop off and collection facility Dyson Perrins C Of E High School Yates Hay Road Malvern Persimmon Homes Ltd</p> <p>Recommendation: APPROVAL</p>	<p>Members requested Officers investigate whether coach parking capacity may be increased.</p> <p>GRANTED as recommended</p> <p>(voting: unanimous)</p>																																								