

MALVERN WELLS PARISH COUNCIL

Minutes of a Meeting of the **Planning Committee** duly convened and held in The Village Hall, Wells Road, Malvern Wells on Tuesday 19th January, 2016 - commencing at 7.00pm

Present Councillors: -

N Chatten (Chairman),
Mrs J Smethurst, B Knibb, N Johnson, J Wagstaff, P Bennett*
(until 7.50pm), M Victory, S Freeman

Apologies recorded: - Cllrs J Black, Mrs H Burrage, K
Wagstaff, S Atwell, Mrs C O'Donnell

In attendance: - David Taverner – Clerk and Responsible Finance Officer

1 Declarations of Interest

- a) **Register of Interests:** Councillors were reminded of the need to update their register of interests if necessary. No such changes were declared.
- b) **Declaration of Disclosable Pecuniary Interests in items on the agenda and their nature.** There were none.
- c) **Declaration of other Disclosable Interests in items on the agenda and their nature.** Cllr Bennett advised that he was a personal friend of the architect involved in planning application 16/00056/FUL – land adj 2 Assarts Lane.

Cllr J Wagstaff advised that he was a near neighbour to the applicant who had submitted planning application 15/01630/LBC - White Lodge, 214 Wells Road

Neither Member took part in the vote on either proposal.

- d) **To Consider Written Requests from Councillors for the Council to Grant a Dispensation (S33 of the Localism Act 2011).**
There were none.

2 Approval of the minutes of the Planning Committee meeting held on 18th November, 2015

The minutes were unanimously approved and signed by the Chairman as a correct record of that meeting.

3 Matters arising from the minutes.

6 Planning notices received from Malvern Hills District Council

[15 01439 REM](#) Woodend Farm 193 Upper Welland Road –

- approval of reserved matters under planning approval [14 01047 OUT](#) for 3 dwellings to include demolition of existing dwelling and agricultural buildings

Application approved 15th January, 2016

[15 01500 HOU](#) 60 Peachfield Road- Two storey extension to side and single storey extension to rear

Application approved 11th January,2016

[15 01372 HOU](#) **28 Fruitlands** –single storey rear extension (retrospective)
Members raised no objections to this application

Application approved 11th January,2016

- 7** Planning **applications** referred by **Malvern Hills District Council** for comment, as follows: (*please visit the highlighted web links to view the application details*)

[15/01727/FUL](#) Land off Upper Welland Road and Assarts Road

Erection of 23 residential dwellings together with associated access, community orchard, landscaping and related works.

A large group of local residents were in attendance at the meeting. The Chairman opened the meeting to the public so that their comments on this application could be received. Several residents expressed their opposition to the plans

Mr Andy Pitt – Chairman of the Upper Welland Action Group (UWAG) presented the group's statement of objection to the plans:

"Clearly there is a demand for housing but that demand is being addressed by the South Worcestershire Development Plan (SWDP) which, in all probability, will be adopted by Malvern Hills District Council HDC shortly. This site was rejected as unsuitable for development in the SWDP during early deliberations on the SWDP preferred option sites. The reasons for rejecting this site as unsuitable for development then are still valid today.

The National Planning Policy Framework (NPPF) contains three conditions which must be satisfied if development is to be approved. These conditions include the Sustainability of the site, the economic viability of the site and its soundness environmentally.

The development is not Sustainable, it's not Economically viable nor is it Environmentally sound. Most, if not all community facilities are difficult to access and are a considerable distance from the proposed development site

Public transport is limited in the extreme and the local road infrastructure is clearly insufficient to support the additional pressure it would suffer from the undoubted increase in car journeys that would arise. The road infrastructure both locally and in the wider area of Malvern already causes immense problems as anyone who has driven a car locally will know.

This application for 23 houses will add approximately 50 more cars on to the local road network.

In terms of the locality this a major development. The Malvern Hills provide residents and visitors with a unique visual landscape. That is why they are a tourist destination site and it is tourism which helps to support the Malvern economy which we all benefit from. But who will travel to the Hills if the view ends up as a sea of roof tops? The green field land all along Upper Welland Road, including this field, are part of that landscape, part of the AONB and should not be built on if the creation of one large conurbation is to be avoided.

The NPPF clearly states that 'the presumption in favour of development is not applicable in an AONB and **"that major development in the AONB should be refused except in exceptional circumstances"**. There are no exceptional reasons why these 23 houses have to be built on this field which is prominent in the views both towards and away from the

Malvern Hills. We must recognise that, like all the land along Upper Welland Road, this field forms part of a historic buffer zone which protects the views into the Conservation Area and unless we are happy with the idea of houses all along Upper Welland Road we should be consistent about granting planning applications or risk opening the flood gates to yet more development in the immediate area.

My final point is that the developer's ecology report recognises that European Protected Species such as bats are in the vicinity of the site and correctly states that field surveys must be undertaken. My understanding is that a planning application cannot be considered in the absence of such surveys. In the case of bats, the earliest a survey can sensibly be conducted is the summer of 2016 by which time the SWDP will effectively be in force.

On the basis of the points outlined, UWAG strongly objects to this planning application and recommends that the district Council's Planning Committee refuses the application and remains vigilant about the loss of any green field land along the Upper Welland Road green buffer zone"

The Chairman thanked Mr Pitt for the statement which had been made and then closed the meeting for further public comment.

Members of the Council were then asked for their comments on the proposals.

Following further discussion, the Parish Council **unanimously resolved** to register the following strong objections to the application: -

"Malvern Wells Parish Council (MWPC) wishes to re-state its support for the fact that this site was deleted from the original SWDP preferred site allocations principally because of the negative impact any such development of that site would have on the Malvern Hills AONB and the Malvern Hills Conservation Area in which it is located.

One of the Parish Council's key objectives is to help to promote and maintain the unique characteristics of the AONB and the Conservation Area, not only on behalf of the local community, but also to preserve the natural beauty of the area for all those who visit it.

In particular, MWPC believes that it is vitally important to protect the AONB from any further large estate type development which has already had a devastating impact on the views looking down from and across the Malvern Hills.

It is in that context MWPC strongly urges Malvern Hills District Council to refuse permission for this particular planning application

The type of large-scale development which is envisaged by the applicant would seriously undermine the attempts to protect both the AONB and the Conservation Area and could only serve to encourage future urban sprawl in the area.

As the application site falls within the designated Malvern Hills Area of Outstanding Natural Beauty (AONB), it should be afforded highest status of protection in relation to landscape and scenic beauty. (Paragraphs 14 and Footnotes 9, 64,115,116, and 125, of the National Planning Policy framework refer.)

Particular points of objection

1. MWPC strongly objects to any built development on this site, which is to the East of the Malvern Wells built area and in an Area of outstanding Natural Beauty (AONB) and the Conservation Area.

2. The application claims that within Malvern Hills District there is a shortfall of required housing land requirements. However, the emerging SWDP clearly identifies a land supply which meets government requirements and it does not include this site. The proposed design of the buildings set out in the application would be out of character and over dominant when compared to other property in the area and building on this site would set a precedent which could contribute to the erosion of the green gap between development in Upper Welland and the southern end of Malvern Wells. The arrangement and orientation of some of the dwellings within the proposed site would lead to overlooking and the loss of privacy to adjacent properties / gardens
3. The claim that this application is consistent with all levels of planning policy is clearly false. The Government has stated that preservation of conservation areas and AONBs should always take precedence over sustainable development.
4. The application supposedly appeals to Government policy to 'boost significantly the supply of housing', whilst ignoring the sites which have been identified to achieve that end within Malvern and the policies which are designed to protect the AONB.
5. The application claims that the site does not display any sensitive characteristics of the AONB. Part of the character of this AONB is the views from the Malvern Hills across the rural Severn Plain. Any building here would affect those views which are important to local residents and draw in tourists, boosting the local economy.
6. The application claims that the impact on the wider AONB is predominantly negligible. This in itself is ground for refusing planning permission as any change is required to have a positive effect on the AONB.
7. The application acknowledges that planning permission should only be granted in exceptional circumstances and then lists circumstances which it claims make it exceptional. After even a cursory glance at the list it becomes clear that the claims are false, irrelevant or can be delivered equally easily outside the AONB.
8. In claiming the application is consistent with the policy to locate development at Malvern, it fails to recognise that other areas of Malvern have been identified and that this site is not needed.
9. The claim that the visual impact will not be altered is clearly false as the views from the hills will be of more roofs and less rural fields. This may be a small area compared to the total landscape, but it is certainly part of the scenery to which the eye is drawn.
10. The proposed access arrangements from Upper Welland Road are totally unsatisfactory and would place even more of a burden on the already poor road infrastructure. The junction of Upper Welland Road with the Wells Road is extremely steep and dangerous and has been the scene of several serious accidents in recent years. The transport analysis provided in support of this application states that "there have been no personal injury accidents near the site during the last five years". Again this is wholly untrue and the junction of the Upper Welland Road with the main A449 Wells Road has unfortunately been the scene of several serious and minor accidents in recent years.

11. The Design and Access statement claims that the development is sustainably located, citing among other reasons the local primary schools. It fails to address the fact that both those schools are already full, on sites which do not allow for expansion. The County Council Education officer has indicated that the nearest local high school that will be affected is located at Hanley Castle. That school is also already heavily oversubscribed. The nearest other first school that may be available is situated in Kempsey, however there is no proper transport provision for pupils to reach Kempsey, which is some 15 miles from the application site, and would involve a journey time of almost an hour at peak times, due to the already insufficient local road infrastructure.
12. It is claimed that this development will meet local demand and yet that demand has not been demonstrated and there are unsold properties of a range of sizes in the parish which indicates that there is no such demand.
13. Much is made of affordable housing without recognising that public transport is infrequent and the nearest doctors, dentists and major supermarket are all over 3 miles away.
14. The proposed car parking arrangements at the site are totally insufficient and would undoubtedly lead to on road parking on the already narrow Upper Welland Road thus exacerbating the very poor road infrastructure problems. The claim that the access to the site is not long enough for vehicles travelling the site to gain any excess speed is again palpably untrue.
15. Far from encouraging walking, cycling and use of the extremely limited bus services, development here will only increase the use of private cars.
16. The application states that "the area surrounding Upper Welland Road comprises a village within Malvern Wells and contains a good range of facilities and services, including, a school, and "community facilities". As previously mentioned the local primary and nearest High schools are already heavily over-subscribed and there are no "community facilities" within normal walking distance.
17. It is already clear that flooding occurs close to, and on, this site during periods of heavy rainfall. The development of this site would have a very detrimental impact on the drainage of properties at the bottom of the slope in Upper Welland Road where the drainage system often has insufficient capacity to deal with any heavy volume of rainfall.

In conclusion, this development, if allowed, would irrevocably Harm the natural beauty of the AONB and the setting of the adjoining Conservation Area. The development would have an extremely adverse impact on the character and appearance of the built environment in the local area.

Policy set out in the National Policy Framework states that great weight should be given to conserving landscape and scenic beauty in AONB's, which "should be afforded the highest status of protection". The District Council is thus strongly urged to reject this application.

*Cllr Bennett left the meeting at this point

16/00056/ FUL Land adj 2 Assarts Lane, WR14 4JR

Dormer bungalow, accessed from existing access off Upper Welland Road

Members noted that this particular application makes reference to previous applications relating to the land adjacent to 2 Assarts Lane.

Those applications were both refused by the District Council and a subsequent planning appeal was rejected by the Planning Inspector.

The Inspector placed great weight on the maintenance of the green corridor within the Conservation Area and the protection of the AONB.

Members were concerned that the intended positioning of the development of this site could help to set a precedent for other development which could contribute to the destruction of the green buffer line that runs between Malvern Wells and Upper Welland.

Members noted that the proposed building lies on the most northerly boundary where the applicant previously objected to its position; this would mean that the proposed building could overlook neighbouring properties.

The orientation and size of the footprint of the currently proposed building are not dissimilar to that of the previous application which was rejected for this site. Both this and the previous plans submitted include designs for buildings which are of virtually the same ridge height and thus would have had a similar impact on the surrounding area.

The application site falls within the designated Malvern Wells Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty (AONB), which has the "highest status of protection in relation to landscape and scenic beauty". The prominent siting of the building within the plot relative to others along this side of Upper Welland Road, would result in a significant incursion into the green swathe of land linking to the Malvern Hills. The development would appear intrusive in views to and from the Conservation Area, and for the reasons set out above, fail to preserve its character and appearance. The proposed building would be overly assertive and out of place within the special designated AONB landscape, thereby harming the scenic beauty of the area.

In light of the foregoing points Parish Council Members **unanimously resolved** to object to this application.

16/00003/ FUL Land adjacent The Garden House, Green Lane, WR14 4HU

Proposed construction of new detached dwelling within the curtilage of the Garden House

The applicants were in attendance at the meeting and spoke to present their proposals for the development of this property.

Members also noted the objections that were made to the plans by residents whose properties neighboured the application site.

After giving careful consideration to the plans which had been submitted Parish Council members **resolved, by a majority vote, to object to this application** on the basis of:

- the likely negative impact of the building on the AONB
- the fact that the site falls outside the settlement boundary,
- the belief that the development would appear out of character when compared to other nearby property
- the potential negative impact on the amenity currently enjoyed by the owners of neighbouring properties.

15/01674/FUL The Old Pumping Station, Between 78 & 80 Lower Wyche Road, WR14 4ET

Conversion of redundant pumping station to residential use (Amendment to 15/01099/FUL).
Members raised no objections to this application

15/01409/HOU 57 Lower Wyche Road, WR14 4ET

To demolish existing concrete sectional garage and replace with larger garage and store.

Members raised no objections to this application

15/01630/LBC White Lodge, 214 Wells Road, WR14 4HD

Internal alterations to Lower Ground Floor and replacement bathroom window on second floor

Members noted that the approval for this application had already been granted. A Tree preservation order had been placed on the site. Extensive tree works were due to be undertaken at the property which would be monitored by the Tree Preservation Officer at the District Council.

There being no other business the Chairman closed the meeting at 8.45 pm

Minutes approved - N Chatten..... Chairman

Dated 19th January, 2015