

## Malvern Wells Parish Council

**Minutes of the meeting of the Planning Committee held on Wednesday 17<sup>th</sup> April, 2019 commencing at 7.30pm in Malvern Wells Village Hall**

- 1 Apologies for Absence Cllrs J Wagstaff, H Burrage, C O'Donnell, T O'Donnell, N Chatten, J Baker**
- 2 Attendance Cllrs J Smethurst (Chairman), B Knibb, K Wagstaff, M Dyde, J Black  
D M Taverner- Clerk and Responsible Finance Officer**

**As the meeting was not quorate it was noted that any decisions made would need the approval of the full Parish Council at its next meeting on 24<sup>th</sup> April, 2019**

### **3 Declarations of Interests**

- a) **Register of Interests:** Councillors were reminded of the need to update their register of interests- No changes were required
- b) **To declare any Disclosable Pecuniary Interests** in items on the agenda and their nature - There were none
- c) **To declare any Other Disclosable Interests** in items on the agenda and their nature - There were none.

*Councillors who have declared a Disclosable Pecuniary Interest, or any other Disclosable Interest which falls within the terms of paragraph 12(4) (b) of the Code of Conduct, must leave the room for the relevant items unless a Dispensation has been requested/granted.*

*Failure to register or declare a Disclosable Pecuniary Interest may result in the commission of a criminal offence.*

- 4** Written Requests from Councillors for the Council to Grant a Dispensation (S33 of the Localism Act 2011) - There were none
- 5 Approval of the Minutes of the Planning Committee Meeting held on 13<sup>th</sup> March 2019.** The minutes were unanimously approved and signed by the Chairman as a correct record of that meeting
- 6** Matters Arising from **those Minutes (if any)**- There were none
- 7 Planning decision notices received from Malvern Hills District Council**
- 8 Planning decision notices received from Malvern Hills District Council**  
[19/00221/HP](#)  
**22 Walnut Crescent Malvern WR14 4AX**  
Single storey side extension with pitched roof including velux rooflight, to match existing front elevation. Glazed front elevation- **Application approved 9<sup>th</sup> April, 2019**

**19/00024/HP**

**16 Chase Road Malvern WR14 4JY**

Erection of two storey extension

**Application approved 28<sup>th</sup> March,2019**

**18/01827/HP**

**89 Wells Road Malvern WR14 4PB**

Side annex extension and insert windows to front elevation

**Application refused 4<sup>th</sup> April,2019**

**9 Planning applications received from MHDC for comment as follows: -**

**19/00486 FUL**

**The Three Counties Agricultural Society-The Showground Malvern WR13 6NW**

Demolition and replacement of existing South Pay gate  
Members raised no objections to this application noting that the proposed building is to be built with a softwood timber frame, with timber weatherboard cladding and a cedar shingle roof. The design being intended to reflect the rural nature of the establishment and to mirror the design of other buildings around the site. Members felt that it would be preferable to see some sympathetic landscaping at the site to soften any blandness of the new gate when viewed from the approaching roads.

**19/00443 FUL**

**The Lake House Peachfield Road Malvern WR14 3LE**

Change of use of first floor detached garage from ancillary accommodation to provide 2 residential flats with parking area and outside space (retrospective)

Members resolved to object this application based on very strong suspicion that ,as shown at the following link <https://www.onthemarket.com/details/4707878/> the property is in fact already a residential three-bed maisonette, and therefore members welcome clarification of the application before them. Should they be considering change of use from ancillary accommodation to 1 x three-bed residential maisonette and not the 2 x residential one-bed flats per the submitted application form and plans.

**19/00442/S106**

**The Lake House Peachfield Road Malvern WR14**

Application under section 106A of the Town and Country Planning Act 1990 to discharge the Schedule 6 and 8 requirements relating to the legal agreement dated 14th July 2008 associated with planning permission reference number 07/00872 /FUL

Members resolved to object to the principle of the change of use in respect of this application for two reasons.

Firstly, on the basis that schedule 6 of the original agreement referred to two flats for ancillary workers when, in contravention with this, it is strongly believed a luxury maisonette had been constructed and let as residential accommodation on the open rental market, having been rented out privately as a single unit ever since. The proof supporting the suspicion that a 3-bed maisonette had been constructed at the property instead of two ancillary domestic flats, and advertised online as such, is shown at the attached link to an online to-let advertisement for the property <https://www.onthemarket.com/details/4707878/>

Secondly, members believe there is insufficient and misleading information submitted with the application on the reason for discharging schedule 8 restrictions on business use, namely that the statement of brewing hours already happening (and the forecast of future brewing hours needed) to be only one day a week 9.00am – 4.30pm appears to be considerably under-represented. The applicant's company has social media pages to view online with posts showing that longer, more anti-social working hours relating to the brewery operations than claimed are already happening. The recent success of grant-funding to the applicant to boost growth of their company is only likely to render the apparent 'one-day a week brewing during reasonable daytime hours' an even less reliable claim and under-estimate. Evidence of the recent week-round activity that has informed member's decision to object is attached in the form of this link to the applicant's recent company Twitter feed. <https://twitter.com/lhbrewery?lang=en>

Both these factors are in direct contravention with the original section 106 agreement, and members welcome the thoughts of the Enforcement Officer especially with regards to schedule 6.

It was disappointing to note the immediate neighbours had not been consulted or invited to comment on this application by the Planning Office, despite the distinct possibility that (official) discharge of schedule 8 in particular would have material impact on the enjoyment of their own property.

Members felt they would have welcomed the opportunity to consider discharge of Sections 6 and 8 separately rather than combined as one item because, despite their suspicions regarding the accuracy of the supporting information, their objection to discharge might well have been different for each of the two schedules but necessarily led to rejection of them both due to consideration as a whole.

**19/00285/HP 5 Yew Tree Lane Malvern WR14 4LJ** Single storey garden studio building

Members raised no objections to this application

## **10 Neighbourhood Plan progress update**

The Council's consultants had produced a draft copy of the Council's draft plan. A questionnaire had now been circulated to all residents asking for their views about the Parish that may be able to be included.

Chairman..... Cllr N Chatten

Dated 15<sup>th</sup>, May 2019