

Application Number	21/00506/REM
Site Address	Formerly Site of Defra, Whittington Road, Worcester
Description of Development	Variation to drawings listed as approved under Condition 2 of Full Planning Approval reference P18G0322 for the retention of the sales centre storage/wc facilities pod at the rear of the garages on plots 1 and 2 for use as a domestic out-building.
Expiry Date	20 August 2021
Applicant	St Modwen Homes
Agent	St Modwen Homes
Case Officer	Andrew Thompson
	andrew.thompson@worcester.gov.uk
Ward	Nunnery Ward
Reason for Referral to Committee	Major application
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/21/00506/REM
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee Grants planning permission subject to conditions set out in Section 9 of this report.

1. Background

- 1.1 The application was registered on 21 May 2021 and was due for a decision on 20 August 2021. An extension of time for the determination of the application has not been agreed.

- 1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. The site and surrounding area

- 2.1 The application site relates to the development under P18G0322 which approved the erection of 64 dwellings, 71 extra-care living apartments with associated ancillary facilities (Use Class C3), access, car parking, landscaping and associated works. Development has commenced.
- 2.2 The site was categorised as brownfield in nature and is located approximately two miles to the south east of Worcester City Centre on the A44 Whittington Road. The Site comprises a total area of approximately 3.17 hectares (7.845 acres) and is generally level following the demolition of a number of low rise (predominantly single storey) buildings.
- 2.3 The topography of the site is generally flat with a slight fall from its high point at the northwest corner down to the eastern side of the southern boundary.
- 2.4 The area of land to the east constitutes the emerging residential development previously approved under application reference P16G0178. This residential development is accessed via an established spine road from Whittington Road, which itself connects to the east via Bronsil Close, (only used for pedestrian, cycle and emergency vehicle access).
- 2.5 The area immediately surrounding the site to the north and south is residential with the housing stock made up of largely two to three storey terraced and semi-detached dwellings. The existing telephone exchange premises are located to the north-west corner of the site comprising a large building fronting onto Whittington Road.
- 2.6 The site is allocated in the adopted South Worcestershire Development Plan under allocations policy SWDP 43/16 for 4 hectares of B1 office development and benefits for outline planning consent for B1 office use as part of application P16G0178. This permission was superseded by P18G0322 which granted residential development on the site.



Figure 1 – Location Plan to P18G0322

3. The proposals

- 3.1 This application, made under the provisions of Section 73 of the Town and County Planning Act 1990, seeks one variation to the drawings currently listed as approved under Condition 2 of Full Planning approval, reference P18G0322. The application relates to the retention of the pod to the rear of Plot 1 and 2's garages, the garages are currently being used as the Sales Centre and the pod provides WC facilities and storage space. The retention of the pod has been requested by a prospective purchaser as they wish to retain this space. The retention of the pod would have no impact on neighbouring properties and the overall area of the gardens would still comply with the South Worcestershire Design Guide.
- 3.2 To enable the proposed amendment to be made, this application seeks to substitute the approved Proposed Site Plan (Ref. 8573-PL03, Rev E) with a revised drawing (Ref.8573-SCH03, Rev ZH), which includes the pod to the rear of the garages. The application also seeks approval of a new drawing (Ref. 8573-SCH41B) which sets out the proposed elevations and floorplans for the garages for Plots 1 and 2 only.
- 3.3 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.
- 4.2 The application is submitted under Section 73 of the Town and Country Planning Act 1990 that allows an application to be made to vary conditions associated with a planning permission. Section 73 of the Town and Country Planning Act confirms that on such applications the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and:
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application
- 4.3 In terms of decision making a Section 73 application should be treated just like any other application, and in making their decisions Local Planning Authorities should focus their attention on national and development plan policies, conditions attached to the existing permission and other material considerations which may have changed significantly since the original grant of permission. A successful application to amend conditions results in the issue of what is in effect a new planning permission, but does not cancel the old permission.
- 4.4 Guidance for determining s73 applications is set out in the NPPG which states that a minor material amendment is one "whose scale and nature results in a development which is not substantially different from the one which has been approved". It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage in light of current policy. In terms of decision making a Local Planning Authority therefore has to make a decision on the amendments being applied for with regard to relevant national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.
- 4.5 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted on December 2012.

South Worcestershire Development Plan

- 4.6 The following policies of the SWDP are considered to be relevant to the proposed amendment:

SWDP 4 Moving Around South Worcestershire
SWDP 21 Design
SWDP 27 Renewable and Low Carbon Energy

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

- 4.7 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

WCS1 (Presumption in favour of sustainable development)
WCS3 (Re-use and recycle)
WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

- 4.8 The following Supplementary Planning Documents (SPD) are relevant to the application proposals:-

South Worcestershire Design SPD

3. Other Material Considerations

- 4.9 The following documents are considered relevant to the consideration of the application:

Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
Worcestershire County Council Streetscape Design Guide (2020)

5. Planning History

- 5.1 The site has been the subject of the following planning applications:

P16G0178 - Hybrid Application: Demolition of existing structures and:

Outline Planning Permission for offices with all matters reserved for future consideration (Access, appearance, landscaping, layout and scale); Full Planning Permission for 120 dwellings, details of access and spine road, landscaping, drainage and other associated infrastructure. Approved 30 August 2016.

P16G0512 - Application for a non-material amendment following grant of planning permission P16G0178. Amendment relates to the removal of sheds. Approved 16 November 2016

P17G0318 - Application for a non-material minor amendment following grant of planning approval P16G0178 amendments relate to the removal of part of the foot path in front of plots 91 & 90 and replace with landscaping. Approved 2 August 2017

P18G0322 - Erection of 64 dwellings, 71 extra-care living apartments with associated ancillary facilities (Use Class C3), access, car parking, landscaping, and associated works. Approved 31 May 2019

22/00130/NMA - Non material amendment application to full planning permission P18G0322. Approved 24 March 2022 (alterations to the materials of a turning head)

22/00216/NMA - Application for a non-material amendment following grant of planning approval P18G0322. Amendment sought relates to the replacement planting of two trees. Approved 9 May 2022

It is also noted that a number of planning conditions have been discharged under various submissions since planning permission was granted.

6. Consultations

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third-party comments: No comments have been received.

Worcester City Council Landscape and Biodiversity Adviser: No objection

Worcestershire County Council (Highway Authority): No objection

6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

7. Planning Assessment

7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development. Taking the above matters into account I consider the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework.

The Principle of Development

7.2 The application site is part of a wider development for housing and forms part of the Council's Housing Land Supply. The principle of the development is therefore established and construction on the site has commenced. Since the original planning permission was granted there has been revisions to national planning policy in terms of the NPPF however these do not materially change the consideration of the application and the redevelopment of the former DEFRA site as a largely brownfield redevelopment for housing.

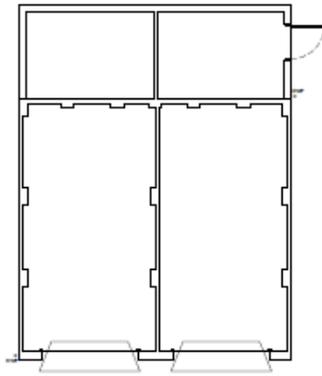
7.3 The proposals and the principle of the amendment therefore continue to be considered as acceptable and in accordance with Policies of the Development Plan and the National Planning Policy Framework.

Design and Layout

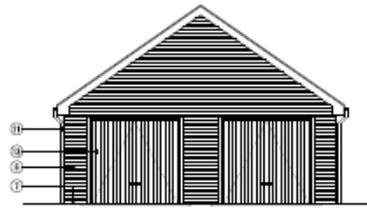
7.4 The proposed changes under this application would amend the outbuildings and garages to Plots 1 and 2 which would retain the current sales pod area. There are no other changes to the design or layout.



Figure 2 – Proposed Site Layout



TWIN GARAGE PLOT 1 & 2



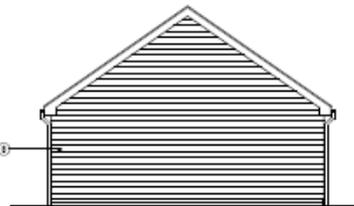
FRONT ELEVATION



SIDE ELEVATION

MATERIALS LEGEND

1. Roof: Concrete Tiles - Slate Grey
2. Ridge: Dry ridge tiles - Colours to match roof tiles
3. Fascia / Soffit / Bargeboard: UPVC - Colour: White
4. Main Render: Weber - Silver Pearl or similar
5. Render Window Surround: Weber - Silver Pearl or similar
6. Main Brickwork: Local Red Mill or Local Red
(Please see Proposed Material Plan for details.)
7. Brick below GPC: Local Red Mill or Local Red Engineering Brick
(Please see Proposed Material Plan for details.)
8. Cladding: Composite timber effect cladding
Hardie Plank - Montrose Taupe or similar
9. Window and Door Frames: UPVC - White
10. Entrance Door: GRP - Dark Grey
11. Rainwater Gutter: UPVC - Black
12. Garage: GRP Flat Roof - White with Dark Grey Capping.
13. Garage Door: GRP - Dark Grey
14. Inset Roll-up: Stainless steel and glass



REAR ELEVATION



SIDE ELEVATION

Figure 3 – Proposed Garaging and Sales Office Conversion

- 7.5 The proposed changes would create a larger outbuilding in between plots 1 and 2 of the proposed houses. There are no other changes to the approved layout. The proposed larger outbuilding would not impact on the character or appearance of the area or street scene.
- 7.6 The proposed design and layout of the development is a traditional housing estate design and are considered acceptable and this continues to be considered acceptable.
- 7.7 The proposed changes are therefore considered to be acceptable in terms of Policy SWDP 21 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Residential amenity for future occupiers

- 7.8 The introduction of the proposed development and the larger outbuildings to plots 1 and 2 would retain a large garden area which would be appropriate to the scale and character of the area and the dwelling. The proposed additional space would create additional space for storage and ancillary purposes to the dwelling.
- 7.9 There would be no impact on the other properties in the estate and there would be no impact in terms of overlooking, loss of light or being an overbearing form. The proposed change is therefore considered acceptable and in accordance with Policy SWDP 21 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Access and Highway Safety

- 7.10 Garages are not considered to be part of the parking provision due to the capability for these buildings to be used for other uses (e.g. storage). The proposed alteration would not impact on the access or parking arrangements to Plots 1 and 2.
- 7.11 The proposals would therefore be in accordance with Policy SWDP 4 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Planning obligations and Planning Conditions

- 7.12 In accordance with Community Infrastructure Levy Regulations 2012, the applicants are willing to enter into a legally binding agreement to deliver contributions to provide improvements to the infrastructure that the development will impact upon. This legal agreement will be made under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 7.13 As the proposals are already being delivered, many of the terms of the s106 as agreed have already been met. The provisions of the S106 would also apply to the new permission if granted. There would be no change to the s106 required.
- 7.14 As stated in the planning history a number of planning conditions have already been discharged and development is being delivered accordingly. As such it is appropriate to update conditions to reflect the details already approved.

Human Rights Issues

- 7.15 Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.
- 7.16 The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.
- 7.17 As part of the consideration of this application, human rights issues have been considered in so far as they are relevant. It is considered that an appropriate balance between the interests and rights of the applicants (to enjoy their land subject only to reasonable and proportionate controls by a public authority in the public interest) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) has been achieved with conditions controlling the development where necessary

Public Sector Equality Duty

- 7.18 In making this decision, the council has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.19 These considerations are relevant to the duties that decision makers have under s149(1) of the Equality Act 2010.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.
- 8.2 The Council can currently demonstrate a 5-year housing land supply, and therefore, its relevant housing policies are not out of date. The development forms part of the housing land supply.
- 8.3 Therefore, the development assists in delivering the objectively assessed housing need for South Worcestershire over the plan period to 2030 ensuring that there is an adequate supply of land for housing. It would also make a meaningful contribution towards affordable housing need. These are factors in support of the development to which substantial weight should be attached.
- 8.4 The proposed development would result in some economic benefits; employment during construction and thereafter upon the occupation of the dwellings it is likely that the occupants would contribute towards maintaining the vitality of local services and facilities. For this role of sustainable development, the balance would clearly be in favour of granting planning permission.
- 8.5 With regard to the social role, the delivery of affordable homes in this location would contribute to the continued economic and social sustainability of the city. This is a factor to which also attaches significant weight. There will also be benefits in the open space enhancements including on site provision which form part of the proposal.
- 8.6 On balance, the submitted scheme is a well-designed site utilising the full potential of the site and the proposed changes would not affect the development proposals.
- 8.7 Comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, it is considered that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round.
- 8.8 Overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

9. RECOMMENDED PLANNING CONDITIONS

In the event that the committee is minded to approve the application the following conditions are recommended:

1. The development hereby approved shall be carried out in complete accordance with the submitted plans, except where otherwise stipulated by conditions attached to this permission. In respect of this amendment:

Proposed Site Plan (Ref. 8573-PL03, Rev E))

Proposed Plans and Elevations (Ref.8573-SCH03, Rev ZH) and (Ref. 8573-SCH41B)

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

2. Provision shall be made before any dwelling is occupied for the storage and collection of refuse in relation to that dwelling in accordance with the scheme hereby approved under P18G0322.

Reason: To ensure the satisfactory provision of this necessary residential facility in accordance with policy SWDP21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

3. The development shall be carried out in accordance with the agreed materials to P18G0322.

Reason: To maintain the character of the property and the quality of the street scene in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the developer in the first respective planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the landscape planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and such new planting shall be similarly maintained for a five year period from its planting.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP 5 and SWDP21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

5. All hard and soft landscape works shall be carried out in accordance with the approved details to P18G0322. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme to be agreed with the local planning authority before occupation.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP5 and SWDP21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

6. During the demolition and construction works hereby approved no operations including deliveries to or from the site shall be carried out on the site other than between the hours of 0800 to 1800 Mondays to Fridays inclusive and 0800 to 1200 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

Reason: To maintain the residential amenity of the surrounding residential development in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

7. The Development hereby permitted shall not be first occupied until sheltered, secure and accessible cycle parking has been provided in accordance with details approved

under P18G0322 and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with Policy SWDP 4 of the South Worcestershire Development Plan

8. The extra care development hereby approved shall not be brought into use until 2 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

REASON: To encourage sustainable travel and healthy communities.

9. The extra care development hereby approved shall not be brought into use until the applicant has submitted a travel plan in writing to the Local Planning Authority that promotes sustainable forms of access to the development site and this has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator and thereafter implemented as updated.

REASON: To reduce vehicle movements and promote sustainable access.

10. The development shall not be undertaken other than in full accordance with the approved details to P18G0322 to provide at least 10% renewable energy provision.

Reason: In accordance with policy SWDP 27 and the aims and objectives that the National Planning Policy Framework seeks to protect and promote in this regard.

11. The development shall be carried out in accordance with the approved details in respect of the Landscape and Biodiversity Management Plan of Public Open Space to P18G0322

Reason: In accordance policies SWDP 5 and SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

12. External lighting shall be carried out in accordance with the approved details to P18G0322.

Reason: To ensure the development complies with policy SWDP21 and the aims and objectives that the National Planning Policy Framework seeks to protect and promote in this regard.