

## **PLANNING COMMITTEE**

**23rd February 2023**

**Present:** Councillor James Stanley in the Chair

Councillors Agar (Vice-Chair), Allcott, Amos, Barnes, Desayrah, Mrs L Hodgson (in place of Councillor Cleary), Lewing, Roberts and Stephen and Stephen (in place of Councillor Bisset)

**Also in Attendance:**

Councillor Udall

**Apologies:** Councillors Bisset and Cleary

### **86 Declarations of Interest**

None.

### **87 Minutes of Previous Planning Committee**

**RESOLVED:** That the minutes of the meeting held on 15<sup>th</sup> December 2022 be approved as a correct record and signed by the Chair.

### **88 Minutes of Previous Conservation Advisory Panel**

**RESOLVED:** That the minutes of the Conservation Advisory Panel be received.

### **89 Site Visits**

There were no site visits.

### **90 Public Participation**

None.

### **91 Public Representation**

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

### **92 Application 22/00430/FUL - 8-10 St Johns**

#### **Introduction**

The Committee considered an application for the redevelopment of the former co-operative store and the erection of a 2 to 3 storey building to provide apartments with specialist care for the elderly (Use Class C2) with communal facilities, alongside associated parking, landscaping, refuse/scooter store and services at 8-10 St Johns.

## **Reason Why Being Considered at Planning Committee**

The application had been referred to Planning Committee as it is outside the scope of the adopted Scheme of Delegation.

## **Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the site itself, relevant policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late paper, which related to photographic evidence with regard to the proposal, from the objector who had registered to speak on the item. It was also noted that the applicant had circulated a booklet on the proposal to all Members of the Committee.

## **Officer Presentation**

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

The Deputy Service Manager – Development Management informed Committee Members that in terms of the Development Plan policies taken as a whole, it is considered that the identified adverse impacts outweigh the benefits, as set out in the report, and was recommended for refusal by officers.

## **Public Representations**

The following people had registered to speak on the application:

Rebecca Underwood (Objector) and Rob Gaskell (Applicant) and James Carter (Acquisitions & Development Manager, Co-Op)

A local Ward Member, Councillor Udall also addressed the Committee.

## **Key Points of Debate**

- The local Ward Member, speaking on behalf of Councillors Lamb and Norfolk, and the large number of residents of St Johns, informed Committee that they would be making one of the biggest decisions on the future of St John's. He referred to his objections on pages 35 and 36 of the officer's report. The proposal was considered to be an over development of the site which would have a detrimental impact on the area. He agreed with the recommendation of refusal by officers but also had concerns over the impact of parking in the St John's area and the need for the shop frontages to remain as retail which would be vital for the St John's area.
- The proposal would impact on the immediate neighbours at 14-16 St John's, which is a listed building and referenced in the officer's report. He acknowledged that there would be development on this site, but not all residential, he considered there was room for compromise and asked that discussions and negotiations take place with the developer.

- The objector, who owned 14-16 St John's, identified a number of issues that the proposal would cause to the listed building. A loss of light and privacy, overshadowing of communal gardens of the properties, access restrictions, size and construction style of the proposal not in keeping with the area, issue with car parking. She drew the Committee's attention to the photographs outlined in the late paper which accompanied her address to Committee. There were no questions from Committee Members.
- The Acquisitions and Development Manager for the Co-Op commented on the viability of the retail use on the site and the objections raised with regard to the loss of the supermarket use. He informed the Committee that investment in the Co-Op could no longer be made following the granting of the Sainsbury's supermarket in 2009 and Aldi's supermarket in 2016 which had an impact on the Co-Op store and possible investment. The decision to close the store meant that future investment was no longer viable and there was no other viable retail interest in the site. If consented the receipts from the sale of the site will allow the Co-Op to invest in its sustainable core convenience estate.
- The Acquisitions and Development Manager responded to questions from Committee Members particularly around the concentration of convenience stores and not larger ones and looking at alternative options rather than just retirement living. He was also asked where the investment would go and would it be in Worcester, it was commented that no guarantee could be given at the moment but could possibly go towards the convenience store in Henwick Road.
- The applicant responded to a comment made on the loss of car parking spaces compared to the site now and the proposal. He stated that any development coming forward would not have the same level of car parking spaces as the Co-Op had.
- The applicant went on to address the Committee in support of the application and identified the benefits of the proposal and asked that the Committee grant planning permission. The applicant responded to questions from Committee Members particularly around cycle storage and mobility scooter plans and the transport travel plan. The slides from the powerpoint presentation clarified the answers to the questions.
- Some Committee Members had sympathy for the applicants as the retail situation is competitive. There was support for the need for residential accommodation for the elderly, but it was felt that this was the wrong location and endorsed the comments of officers relating to scale, massing and design.
- It was asked how much of the amenity space was usable, in response the Deputy Service Manager – Development Management referred to the relevant slide on the powerpoint presentation and clarified the amount of space available.

- Reference was made to paragraphs 7.89 and 7.94 of the report related to Heritage and the comments of Historic England who had not raised any formal objection but maintained that this was a missed opportunity to enhance and better reveal significance, as called for in national policy.
- Concerns were raised that the proposed communal facilities such as a hairdressers, coffee bar and restaurant would affect local businesses in the St John's area and it was felt that there was already a large amount of sheltered housing in the area. The Head of Planning informed Members of the Committee that they should not take commercial competition into consideration as this is not a material consideration, but the concerns were understood.
- The Service Manager – Development Management sought Members' clarification that the motion to refuse planning permission was in accordance with the three reasons for refusal as set out in the report. This was agreed by the Committee.

A proposal to refuse the application, as per the Officers recommendation, had been made and this was seconded. There being no further points made the Chair requested the voting of each Member of the Committee who was eligible to vote. Following the recording of the votes the proposal to refuse was agreed as follows.

For - 10  
Against - 0  
Abstentions - 0

**RESOLVED: That the Committee refuse planning permission for the reasons set out in section 9 of the report.**

### **93 Application 22/01027/HP - Woodlands, 268 Malvern Road**

#### **Introduction**

The Committee considered an application for a proposed ground and first floor rear extension, addition of an attached double garage with accommodation over and the removal of the bay window to the front elevation at Woodlands, 268 Malvern Road.

#### **Reason Why Being Considered at Planning Committee**

The application had been referred to Planning Committee at the request of Councillor Amos.

#### **Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the site itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

## **Officer Presentation**

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

The Service Manager – Development Management informed Committee Members that this was the first of three applications for this site on the agenda.

He explained that planning permission already exists for extensions and alterations by way of extant permission, application reference P08C0487. The current application is to make relatively minor changes to the extensions and alterations approved under P08C0487 and these were highlighted in paragraph 3.2 of the report.

Comparison slides were shown for the approved plans and the proposed plans.

## **Public Representations**

The following people had registered to speak on the application:

Barbara Lavelle (Objector on behalf of owners of 268a and 268b Malvern Road) and Bex Dorey-Verhaeg (Agent for the Applicant)

## **Key Points of Debate**

- The objector, owner of 268a Malvern Road, was also speaking on behalf of the owner of 268b Malvern Road. She confirmed that they were not opposed in principle to the development on site, including plot 3, but they did have several issues that were currently unresolved due to the outstanding planning permission for plot 3 and how it relates to the new plans. Changes to the driveway proposed are less safe than currently as drivers will need to reverse onto Malvern Road. All but one tree to be removed and no replanting scheme in place, reference was made to the arboricultural report. Although pleased to see that drainage and soakaway have been provided there were concerns raised with the sewer capacity.
- The Service Manager – Development Management reminded Committee Members that there were three applications related to this site and the concerns raised by the objector related more to the other two items on the agenda, which can be considered at that time.
- The agent for the applicant informed Committee Members that this application was just for the extension and alterations to the existing house were very minor in scale in comparison to the extant permission and which were to improve the thermal efficiency of the property. She confirmed that there had been no objections from highways nor objections relating to the trees and drainage. There were no questions from Committee Members.
- Some Members considered this a complex site and asked officers to show the slide on the powerpoint presentation relating to the drive in particular.
- Officers provided clarification on extant planning permissions as this permission was granted 15 years ago.

- As the extant planning permission included the third house it was asked if the proposed extension relating to this application would affect the third property and where would it go. The Service Manager – Development Management referred Committee Members to the powerpoint presentation slide related to the 2008 plans for clarification. No extensions were proposed to the boundary of the new property.
- Reference was made to the sewer capacity raised by the objector, the Service Manager – Development Management stated that there was a condition whereby drainage/sewerage plans were submitted and approved by the Council in 2008, these changes will not affect this proposal.
- It was proposed that a condition for a construction management plan be added for the benefit of neighbours, this was seconded and agreed by Committee Members.

A proposal to approve the application was made and this was seconded. There being no further points made the Chair requested the voting of each Member of the Committee who was eligible to vote. Following the recording of the votes the proposal to approve was agreed as follows, subject to the conditions set out in section 9 of the report and to the additional condition as referred to above.

For - 9  
Against - 1  
Abstentions - 0

**RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report and to the additional condition relating to the submission of a Construction Environmental Management Plan (CEMP).**

For voting purposes it was noted Councillor Allcott left the Committee meeting after this item.

## **94 Application 22/01033/NMA - Woodlands, 268 Malvern Road**

### **Introduction**

The Committee considered an application for non-material amendments to planning permission P08C0487 comprising changes (i) the approved site layout plan and (ii) the approved drainage arrangements for Woodlands and the new house at Plot 3, 268 Malvern Road.

### **Reason Why Being Considered at Planning Committee**

The application had been referred to Planning Committee at the request of Councillor Amos.

### **Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the site itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

### **Officer Presentation**

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

The Service Manager – Development Management informed Committee Members that the current application is for non-material amendments to planning permission P08C0487 comprising changes to (i) the approved layout plan and (ii) the approved drainage arrangements for Woodlands and the new house at Plot 3. The detailed proposed changes were highlighted in paragraph 3.2 of the report.

### **Public Representations**

The following people had registered to speak on the application:

Barbara Lavelle (Objector on behalf of owners of 268a and 268b Malvern Road) and Bex Dorey-Verhaeg (Agent for the Applicant)

### **Key Points of Debate**

- The objector had many issues with the proposal which she considered was in breach of many conditions with regard to the original plan. She did not feel it acceptable that the plans should be approved. The objector responded to questions from Committee Members in relation to the driveway and asked her to explain her comments on the risk of flooding. The Service Manager – Development Management showed the slide on the powerpoint presentation that clarified this issue.
- For clarification for Committee Members, the Service Manager – Development Management confirmed that this was to regularise what has already been built and the relevant slide on the powerpoint presentation was shown.
- The agent for the applicant informed Committee Members that the principle of Plot 3 has already been established, the proposal was for minor amendments. There has been no objection from highways on safety grounds and drainage had been improved by additional soakaways. The agent responded to questions from Committee Members in relation to the drainage in particular.
- The Service Manager – Development Management stated that in terms of the exact calculation of the soakaway this will be carried out by building regulations and will need to carry out percolation tests. A condition is already covered in the 2008 permission. Members asked that an informative note be added to this application, this was agreed.
- Members asked the Service Manager – Development Management if he was aware of the breaches as referred to by the objector and had any enforcement been carried out. He was not aware of any but this would be the correct mechanism if there was.

- It was proposed that a condition be added to make the driveway a porous surface. This was seconded and agreed by Members.

A proposal to approve the application was made and this was seconded. There being no further points made the Chair requested the voting of each Member of the Committee who was eligible to vote. Following the recording of the votes the proposal to approve was agreed as follows, subject to the conditions set out in section 9 of the report and to the additional condition as referred to above.

For - 8  
Against - 1  
Abstentions - 0

**RESOLVED: That the Committee approves the non-material amendments to planning permission P08C0487, subject to an additional condition relating to permeable surface, details to be submitted.**

## **95 Application 22/01034/NMA - Woodlands, 268 Malvern Road**

### **Introduction**

The Committee considered an application for non-material amendments to planning permission P08C0487 comprising internal and external changes to the approved house at Plot 3, 268 Malvern Road.

### **Reason Why Being Considered at Planning Committee**

The application had been referred to Planning Committee at the request of Councillor Amos.

### **Report/Background/Late Papers**

The report set out the background to the proposal, the site and surrounding area, the site itself, relevant policies, planning history and representations and consultations where applicable.

There were no late papers circulated.

### **Officer Presentation**

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

The current application is for non-material amendments to planning permission P08C0487 comprising internal and external changes to the approved house at Plot 3. The proposed changes were highlighted at paragraph 3.2 of the report.

Comparison slides were shown for the approved plans and the proposed plans.

### **Public Representations**

The following people had registered to speak on the application:



Barbara Lavelle (Objector on behalf of owners of 268a and 268b Malvern Road) and Bex Dorey-Verhaeg (Agent for the Applicant)

### **Key Points of Debate**

- The objector stated that her neighbours strongly objected to the house being built, the moving of the window and the removal of the trees from the boundary. There were no questions from Committee Members.
- The agent for the applicant stated that the amendments were very minor and related to the already approved Plot 3. The agent responded to questions from Committee Members particularly in relation to cycle storage provision. The agent stated that there was plenty of opportunity on site to provide this.
- The Service Manager – Development Management commented that if Committee feel this appropriate then a condition can be added. It was proposed and seconded and agreed by the Committee to add a condition relating to cycle storage.
- Committee Members noted that several trees had been removed and asked if they could be replaced. The Service Manager – Development Management in referring to the location plans considered there is adequate distance from the boundary to prevent overlooking, but if Members wished a landscaping scheme could be added as a condition. It was proposed and seconded by the Committee to add this additional condition.

A proposal to approve the application was made and this was seconded. There being no further points made the Chair requested the voting of each Member of the Committee who was eligible to vote. Following the recording of the votes the proposal to approve was agreed as follows, subject to the conditions set out in section 9 of the report and to the two additional conditions as referred to above.

For - 8  
Against - 0  
Abstentions - 1

**RESOLVED: That the Committee approves the non-material amendments to planning permission P08C0487, subject to additional conditions relating to cycle storage and landscaping.**

## **96 Amendments to the Constitution: Part 5, 12 and 18**

The Committee considered a report on amendments to the City Council's Constitution affecting the discharge of Planning functions in relation to Parts 5 (Committee Procedure Rules), 12 (Planning Good Practice Protocol) and 18 Appendix A (Scheme of Delegation to Officer - Planning Applications) as set out in the tracked change appendices attached to the report.

The Service Manager – Development Management presented the report and highlighted the reasons for the proposed changes, as set out in paragraphs 3.1-3.5 of the report.

It was clarified that the reasons for the review was to ensure that best practice was being applied, and with the benefit of the experience of the new management team now in place.

Officers responded to questions/comments and points of clarification from Committee Members particularly in relation to 'call-in' of applications and variation to Section 106 Agreements with regard to affordable housing.

The Service Manager – Development Management proposed an amendment to the recommendation to include delegation to the Corporate Director – Planning and Governance in consultation with the Chair and Vice Chair of the Committee to make any typographical and formatting changes. This was agreed by the Committee.

On being put to the vote the amendments to the Constitution were agreed as follows.

For – 8  
Against – 0  
Abstentions - 1

**RESOLVED: That the Committee agree to**

- 1. recommend to Council the adoption of the amendments to the Constitution affecting the discharge of Planning functions, in Parts 5, 12 and 18, as set out in the appendices attached to the report; and**
- 2. delegate authority to the Corporate Director – Planning and Governance, in consultation with the Chair and Vice Chair to make any typographical or formatting changes.**

**97 Any Other Business**

None.

**Duration of the meeting: 1.30p.m. to 4.10p.m.**

Chair at the meeting on  
23rd March 2023