

PLANNING COMMITTEE

21st March 2024

Present: Councillor Karen Lewing in the Chair

Councillors Agar (Vice-Chair), Allcott,
Amos, Cleary, Cross, Desayrah, Round,
Smith, Stanley and Udall

Also in Attendance:

Councillor Bisset

88 Declarations of Interest

The following declarations of interest were made:

Application 23/000018/FUL – The Myriad Centre, St Georges Walk
(Minute No. 94)

Councillor Round – Councillor Round stated that on reflection she should have declared an interest at the last meeting with regard to this item, in that she has a 20 year old son with significant learning disabilities and complex needs and is also a Chief Officer of a Disability Charity. Councillor Round was not pre-determined and came to the meeting with an open mind.

Applications 24/00006/FUL and 24/00007/LB – Scala Theatre and Corn Exchange, Angel Street, Public Conveniences, Angel Place
(Minute No. 95)

The Chair, following advice from the Legal Officer, provided guidance to Members who may have been involved in other Council Committees where aspects of the wider Scala Project have been discussed and voted upon. The advice in terms of Declarations of Interest is that, other discussions and votes on Scala items would not be considered to be approval of the 'scheme' itself and that as such, all Members may participate and vote on this item, providing they don't have a different interest to declare and that they are not pre-determined on the matter and they came to the meeting with an open mind ready to hear all sides of the debate.

89 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 22nd February 2024 be approved as a correct record and signed by the Chair.

90 Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory Panel meeting held on 7th February 2024 be received.

91 Site Visits

The Committee visited the following site, which was the subject of an application to be determined, prior to the commencement of the meeting:

Applications 24/00006/FUL and 24/00007/LB – Former Scala Theatre and Corn Exchange, Angel Street, Public Conveniences, Angel Place

92 Public Participation

None.

93 Public Representation

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

94 Application 23/00018/FUL - The Myriad Centre, St Georges Walk

Introduction

The Committee considered an application for the redevelopment of the Myriad Centre site, St George's Walk involving the demolition of the existing building and replacement with a part one storey, part two story new development.

Reason Why Being Considered by Planning Committee

The application has been referred to Planning Committee at the request of Councillor Bisset, highlighting issues of parking and overdevelopment.

Report/Background/Late Papers

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

The Committee's attention was drawn to the late paper which related to the correction of paragraph 7.54 of the officer's report and an update to condition 10.

The application was originally reported to Planning Committee on 22nd February 2024, but was deferred to allow additional discussions to take place regarding the cycle parking design and layout. The discussions had been concluded and for the purpose of transparency, additional text had been added within the report at paragraphs 6.15-6.20 – Highways final comments; 7.44-7.50 - The rationale and justification behind the revised cycle parking added and 7.78 – The Sequential Test extended to the current 'Temporary' site where the Myriad Centre currently operates from and is assessed accordingly. Additional minor amendments had been made to the wording of conditions 9 and 10.

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.

Public Representations

In accordance with the City Council's Constitution, Part 5, Committee Procedure Rules 11.3.7, as public representations were made at the 22nd February 2024 meeting and no significant changes had been made to the scheme no-one had been permitted to register to speak on this application. However, a local Ward Member, Councillor Bisset addressed the Committee as she had not had the opportunity to do so at the meeting in February.

Key Points of Debate

- Local Ward Member, Councillor Bisset valued what the centre did and would like them to continue what they do in the city, but did not agree with its demolition and rebuilding. She raised concerns over parking and highways issues, larger premises would mean more staff/clients and problems would increase. Reference was made to highways comments in paragraph 6.14 of the report who had refused twice. Her other concern related to the overdevelopment of the building which would take up most of the location and leave limited space. She was however grateful to the centre that they had attempted to find other premises.
- Councillor Bisset responded to questions from Committee Members relating to the parking issues and overdevelopment concerns that had been raised.
- In view of comments and concerns raised about parking issues the Service Manager – Development Management stated that Committee Members may wish to propose a Parking Management Plan and restrict the use of the site as currently and for no other use.
- In response to a question on the site being within Flood Risk Zone 3, the Service Manager referred Committee Members to paragraphs 7.65-7.68 of the report which identified the assessments carried out and paragraphs 7.79 onwards referring to the 'Exception Test'. It is considered that both elements of the exception test have been satisfied.
- Committee Members acknowledged the benefits of the centre and the facilities it provides for service users, which should not be lost. But concerns were still being expressed over parking and highways issues and the conflict with residents. The lack of outdoor space concerned some Members, although it was noted that the service users got the opportunity to visit such places as Gheluveld Park on a regular basis.
- The Service Manager stated that there was no change to the use of the disabled parking space, for which the minibus will continue to use. In terms of open space there is no net loss in terms of open space being made available. It was acknowledged that although small its location to the front would be a betterment.
- Committee Members were concerned that the determination of the application should not be overridden by the emotional aspects and not planning considerations. The Service Manager stated that Members should be aware from planning training that they should follow planning policy unless material circumstances indicate otherwise. From the officer's point of view there are no technical objections to this application and from the statutory consultees there are no objections.

From the application point of view there are elements that could be better, but it is for Members to weigh up the three dimensions, environmental, social and economic. Committee Members may wish to impose additional conditions to make the development more acceptable if they wished as long as they met the tests.

- It was asked if the disabled bays could be incorporated into the Parking Management Plan so that they are not specifically used by the centre, as they are for public use. The Service Manager stated in terms of conditions that would require a submission from the applicant, if Members were minded to approve then an informative could be added, but it could not be enforced. Other Members felt that there would be a conflict of interest as far as the disabled bays are concerned in that the centre may wish to park there when picking up/dropping off service users but someone else has already parked there.
- During the debate of the parking issues the Chair stated that looking at the objections from residents and the comments from the Ward Member, the parking on Henry Street is a key element of this application, although only 8 cars this would have a negative impact on it.
- It had been commented that a Residents Parking Scheme for Henry Street had been halted by the County Council and a suggestion was put forward as to whether the applicants could contribute towards this, through the mechanism of a S106 Agreement, which would enable the Traffic Regulation Order to be implemented which may alleviate some concerns around the impact on the ability of residents to park in the road.
- The Service Manager stated that no Head of Terms currently existed for financial contributions as it had not been broached with the applicant to see if they are in agreement. If Members wished to go down that route then there would need to be an amendment to the recommendation which would require delegated authority to approve the application, the Corporate Director – Planning and Governance in conjunction with the Chair and Vice Chair to approve the application subject to the signing of a Section 106 Agreement for a residents parking scheme, the conditions set out in the report, the amended condition as per the late paper and the additional conditions already referred to.
- The Service Manager also stated that in the event that the applicant does not agree to enter into a Section 106 Agreement to secure the necessary contribution towards the Traffic Regulations Order for a Residents Parking Scheme then planning permission would be refused. He explained the reasons for the refusal.

A proposal to approve the application 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 were eligible to vote. Following the recording of the votes the proposal was agreed as follows, subject to the amended recommendation as outlined above.

For - 6
 Against - 1
 Abstentions - 2

RESOLVED: That the Committee delegate authority to the Corporate Director – Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee to:

- 1.1 grant planning permission, subject to the signing of a Section 106 Agreement for contribution towards TRO; the conditions set out in the report, the updated condition in the late paper and additional conditions relating to a Parking Management Plan and Restriction of Use; and**
- 1.2 delegate authority to the Corporate Director – Planning and Governance, subject to consultation with the Chair and Vice Chair of Planning Committee to agree the final wording of the above additional conditions and Heads of Terms for the S106 Agreement referred to at 1.1 and issue the Decision Notice.**

OR

- 2. refuse planning permission should the Section 106 Agreement not be agreed to be entered into based on the displacement of parking into an already congested area where there are inadequate controls for on street parking.**

For voting purposes, it was noted Councillors Allcott and Cleary joined part way through the item and therefore were unable to take part in the voting.

95 Applications 24/00006/FUL and 24/00007/LB - Former Scala Theatre and Corn Exchange, Angel Street, Public Conveniences, Angel Place

Introduction

The Committee considered an application for the proposed external refurbishment of the former Scala Theatre (including new balustrades and plant screens), change of use from Sui Generis (amusement arcade) to Sui Generis (arts centre, including bar, café, event and gallery space); change of use of the Corn Exchange from Use class E to Sui Generis (arts centre bar, café, event and gallery space with public conveniences at Angel Place.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee in accordance with the adopted Scheme of Delegation, as the applicant is Worcester City Council, and it is a major application.

Report/Background/Late Papers

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

The Committee's attention was drawn to the late paper which related to the update of condition 3 and the amendment of condition 7.

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 Senior Planning Officer identified that the submitted Energy Statement concludes that the Scala Theatre having been assessed against the requirements of SWDP Policy 27, exceeds the requirements, its renewable contribution being 33.5% against a policy requirement of 10%, which has weighed heavily in the balance.

The Committee's attention was drawn to paragraphs 8.7 to 8.9 of the report which set out the benefits of the proposed development in detail and 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.

Public Representations

The following person had registered to speak on the application:

Helen Grassly – Burrell Foley Fischer Architects (Agent for the applicant)

Key Points of Debate

- The agent emphasised the opportunity this project has given them to repair and stabilise a building that is deteriorating. She went on to outline the proposals for the building. The proposals within the original Scala Theatre would create three studios of varying scales; the Box; the Stage; and the Screen. The Agent explained the purpose of each of these studios.
- Committee Members welcomed the site visit earlier today which they felt was informative and helpful. Members welcomed the opportunity for the building being brought back into use which is starting to erode.
- The Agent responded to a question on what items were going to be renovated and those items being removed what they would be replaced with in both the Scala and Corn Exchange buildings.
- It was asked if plans could be easily adapted if things were to change in the future. The Agent stated that an asbestos survey was being carried out at the moment, once removed an assessment will be done, but looking at the old plans, the project should not change where the different locations will be. Investigations have been carried out.
- The Service Manager – Development Management stated that we are dealing with a listed building and a locally listed building. In terms of the Scala there is no control over the internal works as it is locally listed.

The Corn Exchange is a listed building and have control over what is happening, one of the critical items is for a new lift which will provide access to the upper floors.

- In referring to the comments of the Conservation Advisory Panel at paragraph 6.12 of the report it was asked why the upper-level link between the Scala and the Corn Exchange had been removed and why the Corn Exchange mezzanine level was not being made use of. The Agent in response stated that there was a significant cost element to these.
- The Agent responded to a question by Committee Members to explain the difference between the renovation and stabilisation of the building.
- From an accessibility point of view the Agent was asked about lift access and would this accommodate wheelchair users, the Agent confirmed that they would be larger than the standard size so would be adequate for mobility scooters.
- Although appreciating that a sensory room was not part of the project remit, it was asked if a sensory room was considered. The Agent in response said it was not part of the project but did however consult with an organisation on how to support neuro divergent groups and gave examples.
- The Chair made reference to the elevation proposals and the Scala front canopy for which the Agent expanded on. The Senior Planning Officer drew the Committee's attention to page 72 and condition 5 which safeguards the precise details of the works and would need to be submitted prior to work being undertaken.
- Committee Members asked what protective measures were being put in place on the roof with regard to gulls, such as nets. The Service Manager stated that this had been raised at the site visit and it was confirmed that measures would be looked incorporated into the scheme.
- In referring to condition 11, Members were asked if these could be made more robust to ensure that the construction of the site did not interfere with other businesses/residents in the area. The Service Manager in response stated that this would be a considerate build and as the City Council are flag shipping this then particular attention would be paid to the conditions.
- Committee Members agreed that it would be useful to collect/receive individual peoples stories/memories of the Scala Theatre and display these in some way.

A proposal to approve the application 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 were eligible to vote. Following the recording of the votes the proposal was agreed, subject to the updated condition 3 and amendment of condition 7, as set out in the late paper.

For - 11
Against - 0
Abstentions - 0

The Service Manager – Development Management outlined the Listed Building Consent application conditions as set out in the report. A proposal to approve the Listed Building Consent application 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 were eligible to vote. Following the recording of the votes the proposal was agreed.

For - 11
Against - 0
Abstentions - 0

RESOLVED: That the Committee

- 1. grant planning permission pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992 (as amended) and listed building consent, subject to conditions set out in section 9 of the report, and to the updated condition 3 and amended condition 7 as set out in the late paper; and**
- 2. delegate authority to the Corporate Director – Planning and Governance, subject to consultation with the Chair and Vice Chair of the Planning Committee, to confirm the final wording of the above and issue the Decision Notice.**

96 Any Other Business

None.

Duration of the meeting: 3.00p.m. to 5.49p.m.

Chair at the meeting on
20th June 2024