

## **PLANNING COMMITTEE**

**20th April 2023**

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

Councillors Agar (Vice-Chair), Allcott,  
Amos, Barnes, Bisset, Desayrah, Ditta,  
Lewing and Roberts

**Also in Attendance:**

Councillor Udall

### **106 Declarations of Interest**

**The following declarations of interest were made:**

Application 22/00900/FUL – 42-44 Barbourne Road  
(Minute No. 113)

Councillors Barnes and Lewing – As local Ward Members. Both Councillors elected to speak and vote on the item.

**The following declaration of other disclosable interest was made:**

Application 22/00900/FUL – 42-44 Barbourne Road  
(Minute No. 113)

Councillor Desayrah – As a local resident objecting to the proposal. Councillor Desayrah had registered to speak under Agenda Item 7, Public Representations. Councillor Desayrah left the room during the consideration of this item.

### **107 Minutes of Previous Planning Committee**

**RESOLVED: That the minutes of the meeting held on 23<sup>rd</sup> March 2023 be approved as a correct record and signed by the Chair.**

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

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

### **109 Site Visits**

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

Application 22/00900/HP – 42-44 Barbourne Road

### **110 Public Participation**

None.

## **111 Public Representation**

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

## **112 Application 22/00334/FUL - St Clement's Church Hall, Henwick Road**

### **Introduction**

The Committee considered an application for the demolition of an existing Church Hall and the erection of a four storey building to provide 54 bed student accommodation with associated communal amenity space, landscaping, car/cycle parking and refuse storage at St Clement's Church Hall, Henwick Road.

### **Reason Why Being Considered by 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 draft Heads of Terms for a Section 106 Agreement were attached as Appendix 1 to the report.

Subsequent to the previous Planning Committee meeting on 23<sup>rd</sup> March 2023 the applicants had provided further supporting information ahead of the reconsideration by Officers and Members. A letter dated 30<sup>th</sup> March 2023 sent by the applicants referred to management of the proposed building and associated operations in connection with the proposed use of the site as student accommodation, with the letter setting out management measures, which were summarised in paragraph 1.4 of the report.

The report was presented to Committee Members with updated sections in respect of additional information received.

The Committee's attention was drawn to the late paper which related to an additional condition requesting a bat survey including mitigation and enhancement plan to be submitted.

The Service Manager – Development Management informed Committee Members that a contribution by the NHS Acute Trust would not be sought as outlined in paragraphs 7.105-7.116.

### **Officer Presentation**

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation. Committee Members were shown 2 further photo montages of the site that had not been shown at the previous meeting.

## Public Representations

The following people had registered to speak on the application:

John Williams and Peter James (Agent for the applicant)

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

## Key Points of Debate

- The Local Ward member continued to oppose the proposal stating that the four storey block would overshadow and over dominate neighbouring buildings. Issues raised previously were still of concern to him and residents and asked that extra conditions be considered to avoid noise and disruption, limiting hours of working and no evenings or weekends. The Ward Member asked that the Committee refuse the application.
- The agent for the applicant and the Managing Director of the company for the construction and management of the project addressed the Committee. They responded to questions from Committee Members relating to the parking management process and how this would be enforced; provision of on-site security rather than a 24 hour helpline and the possibility of using the 3 car parking spaces for a car club and disability spaces.
- In response to comments by Committee Members on paragraph 3.7 'car free', the County Council Highways representative clarified this and the cycle parking provision.
- The Head of Planning provided further clarity on the NHS Acute Trust contributions and explained the funding gap.
- In referring to the Management Plan some members felt that this was not adequate and needed to include a requirement for overnight cover by a security/management company, ideally 11.00pm-7.00am, and would like to see this included.
- Clarity was given on condition 7 which identified the list of requirements to be included in the Management Plan, Committee Members were asked to include additional items if required, as this was a draft document at the moment. The Vice Chair suggested that the Management Plan could be agreed with the Chair and Vice Chair if Committee Members were happy for them to do so.
- Clarification was provided by the County Council Highways representative in response to a question on the contribution towards the provision of a zebra crossing.
- The Head of Planning in trying to assist Committee Members with their decision referred them to condition 7 and the Car and Parking Management Strategy, which listed a series of bullet points, which had been put forward by the applicant, together with the Shorthold Tenancy Agreement.

He stated that the Committee must decide what weight to give this, together with the advice of highways and the conditions that are as robust as can be.

- The Vice Chair suggested that the Management Plan could be agreed with the Chair and Vice Chair if Committee Members were happy for them to do so.
- It was asked if the Management Plan could include that the contractors are part of the 'Considerate Contractors Scheme'.
- In response to concerns over parking enforcement the Legal Services Manager clarified that the applicant was proposing a Tenancy Agreement in relation to car parking and it would be for them to manage and that Committee Members need to consider the comments of highways as a statutory consultee who find the proposal acceptable.
- The Service Manager – Development Management informed Committee Members that he would clarify the conditions once a motion was on the table.

A proposal was put forward to refuse the application on the grounds of excessive disruption and lack of parking provision and the consequences arising from this. The Head of Planning in response put forward a form of words, which would need firming up.

*Notwithstanding what the applicant had put forward regarding a Car and Parking Management Strategy that this is insufficient and the development would lead to a significant increase in the parking of motor vehicles on surrounding local roads, which would have a harmful impact on the character and amenity of the area.*

This was seconded. The Chair asked the Legal Team Manager to read out the reasons for refusal, contrary to Officer recommendation, to Committee Members prior to voting. 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 motion to refuse was lost as follows.

For – 2  
Against – 6  
Abstentions – 2

A proposal to approve the application was made and this was seconded.

The Service Manager – Development Management for the benefit of Committee Members summarised the conditions as follows:

- Management Plan to include requirement for on-site overnight cover by with security guard (amended condition);
- Cycle parking storage to have electric sockets for E-bikes (amended condition);
- Car Parking spaces to be laid out for Car Club/Accessible Spaces (additional condition);

- Construction Environment Management Plan – include requirement for contractors to be part of Considerate Contractors Scheme (amended condition); and
- Ecology assessments as outlined in the late paper (additional condition).

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, subject to additional and amended conditions as referred to above as follows.

For - 6  
Against - 1  
Abstentions - 3

**RESOLVED: That the Committee grant planning permission, subject to**

- 1. the applicant and all parties with an interest in the land entering into a S106 Agreement in accordance with the Heads of Terms annexed as Appendix 1 to the report, no later than six months from the date of this resolution;**
- 2. the recommended conditions set out in section 9 of the report, the additional condition relating to Ecology assessments, as set out in the late paper, an additional condition relating to car park spaces to be laid out for Car Club/Accessible spaces for use outside drop off/pick up and amendment to conditions 7, 8 and 9 as referred to above; and**
- 3. 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 conditions and issue the Decision Notice.**

### **113 Application 22/00900/FUL - 42-44 Barbourne Road**

#### **Introduction**

The Committee considered an application for the conversion and extension of two existing guest houses into 12 self-contained apartments at 42-44 Barbourne Road.

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

The application had been referred to Planning Committee as a major development.

#### **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 draft Heads of Terms for a Section 106 Agreement were attached as Appendix 1 to the report.

The application was subject to revisions during the application review process, based on the advice of officers, with the revisions outlined in the report.

The Committee's attention was drawn to the late papers which related to an additional condition relating to the submission of a Construction Environmental Management Plan and to the amendment of paragraphs 2, 3 and 4 of Appendix 1, draft Heads of Terms.

### **Officer Presentation**

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

### **Public Representations**

The following people had registered to speak on the application:

Tom Neale and Jill Desayrah (Objectors on behalf of Saint George's Square Residents' Association)

### **Key Points of Debate**

- The objectors who registered to speak, spoke on behalf of the Saint George's Residents' Association, who had also submitted a formal written objection. The summary of their objections related to overdevelopment, design and amenity, parking and bins. On behalf of the Saint George's Residents' Association they asked that the Committee refuse the application. There were no questions for the objectors from Committee Members.
- Concerns were raised by Committee Members over the accommodation, particularly the basement, which had no natural light or ventilation. The development was seen as a house in multiple occupation (HMO). In response the Service Manager – Development Management confirmed that the basement did not have natural light but light wells. In terms of the development being an HMO, the Article 4 Direction was referred to which prevented properties from across the city becoming one without planning permission, this is not one.
- In terms of the accommodation it was commented that the 1 bed apartments could be occupied by 2 people in which case this would affect space standards and asked if this could be conditioned. The Service Manager – Development Management stated that this could not be conditioned. The space standards were designed for 1 person 1 apartment, if 2 people chose to occupy them it would be their choice.
- Reference was made to paragraph 8.10 of the report which identified that the housing layout and associated mix has been revised on the advice of officers and is attributed limited to positive weight in the planning balance.
- The Committee's attention was drawn to an anomaly in the ground floor plans by the Head of Planning.

It was highlighted that the cross section does show that as part of the proposal there will be excavation to the front master bedrooms for which bay windows will be provided to provide a light to the basement area.

- In response to a question on the lack of amenity space, the Service Manager - Development Management confirmed that there was a small courtyard and referred Committee Members to the plan at paragraph 7.20 of the report.
- If approved, it was asked if the Management Plan could include that the refuse bins be taken back promptly to the garage, once emptied, by residents. The Service Manager – Development Management suggested a Refuse Management Plan be submitted by the applicants to cover this, which as a condition would be enforceable. This was agreed.
- In referring to the draft Heads of Terms and the financial contribution towards the provision of public open space, it was asked where this would be. The Service Manager – Development Management stated that this should read financial contribution to existing public open space and not new space and would amend accordingly.
- In response to comments about work had already commenced at the development without planning permission, the Service Manager – Development Management confirmed works for the planning permission being sought have not commenced, the owners of the property had commenced a 'soft strip' only.
- In terms of sustainability it was expected that the building would reach 'C' for which solar panels would be needed to reach this. It was asked if they were to be provided. The Service Manager – Development Management stated that he was not aware of any, but if Members wish a condition could be added for solar panels, which would ensure 10% energy requirements. This was agreed by Members.
- In response to a comment made by Members about providing six car parking permits via the residential parking scheme for a development that is designated 'car free', the County Council Highways representative agreed to raise this matter with colleagues.

The Service Manager – Development Management summarised the conditions as follows.

- Construction Environmental Management Plan (additional condition as per late paper);
- Refuse Management Plan (additional condition); and
- 10% energy requirements (additional condition).

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 additional conditions as above.

For - 3  
 Against - 3  
 Abstentions - 3

In accordance with the Council's Constitution, as there were equal number of votes for and against, the Chair used his casting vote. The Chair voting in favour of the proposal.

For - 4  
 Against - 3  
 Abstentions - 3

**RESOLVED: That the Committee grant planning permission, subject to**

- 1. the applicant and all parties with an interest in the land entering into a S106 Agreement in accordance with the Heads of Terms annexed as Appendix 1 to the report, amended as set out in the late paper, no later than six months from the date of this resolution;**
- 2. the recommended conditions set out in section 9 of the report, the additional condition relating to a Construction Environmental Management Plan, as set out in the late paper, and to additional conditions relating to a refuse management plan and 10% energy requirements; and**
- 3. 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 conditions and issue the Decision Notice.**

For voting purposes it was noted that Councillor Desayrah returned to the Committee meeting for the next item.

#### **114 Application 22/01005/HP - 93 Penhill Crescent**

##### **Introduction**

The Committee considered and application for retrospective permission for the retention of a timber-framed residential annexe for ancillary use and demolition of a detached garage at 93 Penhill Crescent.

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

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

##### **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.

### **Public Representations**

There had been no one registered to speak on the application, However, the local Ward Member, Councillor Udall addressed the Committee.

### **Key Points of Debate**

- The local Ward Member in addressing the Committee stated that there were no issues related to parking and had spoken to the applicant and objectors. He hoped a compromise could be reached and sought the support of the Committee for additional conditions.
- To soften the impact on the visual element of the building a condition requesting timber cladding was made. Concerns had been raised regarding drainage and rainwater collection/dispersal and a condition for guttering on the building attached to a water butt was requested. With regard to the use of the building concerns had been raised with regard to private rental opportunities and asked that this be conditioned not to allow this.
- The Service Manager – Development Management stated that condition 6 covered the use of the building but would review the wording to ensure it is robust enough as some Members had concerns over the intended use.
- Paragraph 3.3 of report was referred to and it was asked why there were no utilities in the proposed annexe. The Deputy Service Manager – Development Management confirmed that it was connected to the host property.

The Service Manager – Development Management summarised the amendments to conditions as follows.

- Cladding to be timber (amended condition);
- Drainage scheme to include guttering and water butt (amended condition); and
- Review of wording regarding occupancy condition.

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 amended conditions as referred to above.

For – 9  
 Against – 1  
 Abstentions - 0

**RESOLVED: That the Committee**

- 1. grant planning permission, subject to the conditions set out in section 9 of the report, and to the amendment of conditions 3, 5 and 6; 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 conditions and issue the Decision Notice.**

**115 Any Other Business**

None.

**Duration of the meeting:** 1.30p.m. to 4.42p.m.

Chair at the meeting on  
22nd June 2023