

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 4 APRIL 2018****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Littman, Miller, Moonan, Morris and Platts

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor) Stewart Glassar (Principal Planning Officer), David Farnham (Transport Officer) and Tom McColgan (Clerk)

PART ONE**116 PROCEDURAL BUSINESS****116a Declarations of substitutes**

116.1 There were none.

116b Declarations of interests

116.2 The Chair declared that she had previously represented the applicant for the two items on the agenda associated with 33 Oriental Place. She confirmed that during consideration of items 121 E and 121 F she would leave the room and the Deputy Chair would chair the meeting.

116c Exclusion of the press and public

116.3 There were no Part Two items.

116d Use of mobile phones and tablets

116.4 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

117 MINUTES OF THE PREVIOUS MEETING

117.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 March 2018 and the redacted minutes of the meeting on 7 February 2018 as a correct record.

118 CHAIR'S COMMUNICATIONS

118.1 The Chair welcomed Councillor Platts to her first Planning Committee meeting following her election in February 2018.

119 PUBLIC QUESTIONS

120.1 The Chair Invited Mr Hawtree to ask his question:

“Would Councillor Cattell please tell us why Planning Application BH2017/03940, about the ground floor of Hove’s Carnegie Library, was decided under Delegated Powers?”

120.2 The Chair Responded:

“The planning application for listed building consent for Hove Library was decided under delegated powers in accordance with the Scheme of Delegation which is set out in the Constitution of the Council. To ensure there is consistency of approach between applications there is not scope for flexibility in how the Scheme of Delegation is applied.

In the case of this application, only 4 objections were received within the consultation period. The Scheme of Delegation requires receipt of 5 or more written objections within the consultation period, which is 21 days, to trigger a referral to committee. The consultation period for this application actually ran for 28 Days. There were an additional nine objections received but outside the consultation period.

One of the 9 later letters was from a ward councillor requesting the application be determined by Planning Committee. The Scheme of Delegation also requires requests from ward councillors to be received within the 21 day consultation period.

Members and residents can be assured that the application was given careful consideration and was supported by the Heritage Experts at the city council.”

120.3 Mr Hawtree asked if the Chair would ask for the application to be brought to the Planning Committee for decision as it had been a complex application and in his opinion the full impact of the application had not been made clear to interested parties until after the consultation period had closed.

- 120.4 The Chair responded that the decision had been taken by Officers in line with the Constitution and if the report came to Committee it would just be for information.
- 120.5 Councillor Miller raised a point of order as he had received an email from a Planning Officer that suggested the public notice was only displayed from 29 December 2017.
- 120.6 The Planning Manager confirmed that the consultation period began on 8 December 2017 when the public notice was displayed and ended on 5 January 2018.
- 120.7 Councillor Mac Cafferty stated that the Planning Team usually seemed more flexible in taking late objections into account; especially as only one additional objection would have been needed to require the application to come to the Planning Committee.
- 120.8 The Legal Adviser responded that there were two separate processes for objections. When the application was out to consultation only in time objections counted towards the number required to refer an application to Planning Committee.. If an application was referred to the Planning Committee, the committee could take into account any late representations made up until the date of the committee.
- 120.9 The Chair stated that the additional late objections were made some time after the consultation period ended; they were not simply a matter of hours or days late.
- 120.10 Councillor Mac Cafferty asked why the planning register listed the application for Hove Library as still under consideration.
- 120.11 The Chair responded that the application in the planning register was a separate application for listed building consent.
- 120.12 Councillor Theobald stated that she felt that as the building was such a valuable public asset it should have automatically been considered by committee.
- 120.13 The Legal adviser stated that the Constitution did not distinguish between council owned and private properties in the planning delegations. The Planning Committee Working Group may wish to raise this at their next meeting.

120 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 121.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2017/04139 9 The Upper Drive, Hove	Councillor Hyde

121 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- A BH2017/03299, 82 Southover Street, Brighton - Full Planning**
Change of use from three bedroom dwelling (C3) to five bedroom small house in multiple occupation (HMO) (C4) (Retrospective)

Officers Introduction

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. Reference was also made to the request received from Councillor Gibson that the application be determined by the Committee and to the letters of objection received from Councillors Gibson and Page.
- (2) The main considerations in determining the application related to the principle of the change of use, the standard of accommodation which the use would provide, the impact upon the neighbouring amenity and transport issues. The application was for a retrospective change of use from a C3 dwelling to a C4 HMO which would provide accommodation for up to 5 unrelated individuals. The five bedrooms in the property were of adequate size but the kitchen could only accommodate one or two occupants at a time and while the living room could accommodate up to 5 people there would be limited circulation space.
- (3) It was explained that during the mapping exercise that there were 96 residential properties within a 50m radius. 5.3% of these properties were currently HMOs. Five further properties were identified as being potentially in use as HMOs and these were being investigated by the Planning Enforcement Team. At least one of the five additional HMOs had since returned to a single dwelling house. If all 9 properties were in use as HMOs the total within a 50m radius would be 9.37%.
- (4) The Planning Officer also noted a late representation made by Councillor Page in relation to the application.

Questions to the Planning Officer

- (5) Councillor Platts asked how confident the Planning Officer was in the calculation of current HMO numbers within 50m of the address given the concern in the area about HMOs and the apparent existence of 4 unlicensed HMOs.
- (6) The Planning Officer responded that there was robust methodology for investigating HMOs which meant that he could be confident that the number of HMOs identified in the report was representative of the actual number in the area. The Planning Officer stated that although the concern about HMOs in the area expressed in objections was noted Planning Policy allowed 10% of residences within a 50m radius and that the fact that granting the application would increase the total percentage to slightly over 10% would not be grounds for refusal.
- (7) Councillor Littman stated that he felt the Planning Policy on HMOs allowing for areas to increase above 10% was a sign that the policy was not functioning as intended.
- (8) In response to Councillor Platts the Transport Planning Officer stated that while a car free condition could be placed on the permission there was currently no waiting list for the permits in the parking control zone so he did not consider it necessary.
- (9) Councillor Gilbey was concerned by the lack of communal space in the property; the kitchen could only accommodate one or two people and the common areas included an outside courtyard which could not be used year round.

- (10) The Planning Officer stated that the adopted policies did not include any requirements for communal areas. He stated that the bedrooms and communal areas could average out so a larger bedroom could compensate for less communal areas and vice versa.
- (11) In response to Councillor Morris, the Planning Officer stated that there was no photo of the bathroom available but there was two bathrooms; one with a WC, sink and bath and another with just a WC and sink.

Debate and decision making process

- (12) A vote was taken and on a vote of 8 For, 1 Against and 2 Abstentions planning permission was granted.

121.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives and for the reasons set out in the report.

B BH2017/04139, 9 The Upper Drive, Hove - Full Planning

121.2 The consideration of this application was deferred pending a site visit.

C BH29018/00210, Flat 51, 4 Grand Avenue, Hove - Listed Building Consent Installation of glass balustrading to existing balcony railings

- (1) The Planning Officer presented BH2018/00210 jointly with application BH2018/00209 which was an application for Full Planning Permission for the same address.
- (2) A vote was taken and on a vote of 6 For, 4 Against and 1 Abstentions listed building consent was granted.

121.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** listed building consent for the reasons set out in the report.

D BH2018/00209, Flat 51, 4 Grand Avenue, Hove - Full Planning Installation of glass balustrading to existing balcony railings

Officer Introduction

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and the accompanying listed building application BH2018/00210 and gave a presentation by reference to plans, visualisations and photographs.

- (2) The main considerations of this application relate to the impact of the proposed development on the appearance and character of the Grade II Listed Building. The applications were revised applications of BH2015/00406 and BH2015/00407, with an amended placement for fixing for the balustrade. It was considered that the new balustrade was likely to cause some harm to a heritage asset but its 8th floor position would limit its visibility. The harm would be further offset by the removal of the existing non-original balustrade and the increased safety of the new balustrade.

Public Speakers

- (3) Mr de Silva and Mr Friel spoke on behalf of the Building Management Board enfranchised by the leaseholders of the building and laid out their objection to the application. The proposed balustrade would form a visual focal point around the building. It was a steel frame block and there were already issues with corrosion below the balcony. Granting planning permission would create a precedent for the numerous other front facing balconies in the building.
- (4) Dr Murray, the applicant, spoke in support of the application. A similar project was approved three years ago and had only not commenced as he had not been able to agree a design with the Building Management Board. Dr Murray had explored alternative options for making the balcony safe for his four grandchildren including installing temporary screens which could be removed when the balcony was not in use. Temporary screens would not provide the same protection as the proposed glass screen and would be more visible from the street. Other aspects of the building had been changed to meet modern health and safety concerns such as the windows in the lobby and the front doors of all the flats to be consistent with fire regulations.
- (5) In response to Councillor Miller, Dr Murray stated that the glass would go all the way around the balcony and would reach from the floor of the balcony to several centimetres over the top of the existing balustrade.
- (6) In response to Councillor Mac Cafferty, Dr Murray stated that there was a gap between the glass and the railings to allow for the front of the glass to be cleaned from inside the balcony.

Questions to the Planning Officer

- (7) Councillor Morris asked where the railings and glazing would be attached and if a condition could be added to ensure that the material used would be rust resistant.
- (8) The Planning Officer stated that the new balustrade would be attached to the sides of the balcony rather than being fixed vertically to avoid damaging the waterproofing on the floor of the balcony which was the ceiling of the flat below. There was currently no condition on the types of materials used but the Committee could include an additional condition.

- (9) Councillor Gilbey asked how convinced officers were that the health and safety benefits of the scheme would overcome the harm to the Grade II Listed Building.
- (10) The Planning Officer stated that alterations to listed buildings fell into two categories substantial harm or less than substantial harm. When considering a scheme which did less than substantial harm to a building public safety was one of the balancing factors which should be taken into account.
- (11) Councillor Moonan asked if the existing railings had planning permission.
- (12) The Planning Officer responded that the existing railing did not have planning permission and the benefit of its removal had been taken into account when Planning Officers had granted permission for a similar scheme three years ago. Removal of the railing as part of this scheme would save the public from the expense of pursuing enforcement action to have the railing removed.
- (13) Councillor Mac Cafferty stated that he was concerned that the precedent set by granting approval would lead to the building being negatively impacted in the same way Sussex Heights had been by mismatched work on balconies. He asked if the Council could set out guidance for the rest of the building.
- (14) The Planning Officer responded that the Local Authority would have to be consistent in its decision making and that any decision made would be used by applicants in the future to challenge the Council. However the location of the balcony, the health and safety concerns and the removal of the existing non-original railings were all unique to this flat in the building and so would limit the impact of this decision on future applications.
- (15) The Planning Manager stated that as 4 Grand Avenue was a listed building in a conservation area any alterations to the balconies would always need permission.
- (16) Councillor Littman stated that he was surprised that the Heritage Officer had placed so much emphasis on the removal of the existing railing when in other parts of the report this was seen as a minor consideration.
- (17) The Planning Officer responded that in heritage terms the removal of the existing non-original railing which did not have planning permission was important but in a wider planning context the railings could be removed through enforcement action.
- (18) The Planning Manager stated that various departments were consulted by the Planning Officer who then weighed up their feedback to produce the final report.
- (19) In response to Councillor Theobald, the Planning Officer stated that while there was a significant history of applications for Flat 51 there was not for the building as whole.

- (20) Councillor Theobald asked the Planning Officer how much reflection there would be from the glass on the balcony.
- (21) The Planning Officer responded that while there would be some reflection from the additional glass there was already a large amount of glazing on the front of the building.
- (22) Councillor Morris asked how much weight the decision on the previous application had on officer's recommendation to grant permission.
- (23) The Planning Officer stated that the previous decision had impacted the recommendations as there had to be a consistency with decision making. There would have had to have been significant variation in the application for officers to be able to go against their previous decision in the recommendations but it was always open to the Committee to go against officer recommendations.
- (24) Councillor Miller asked where the letters of support had come from as if they had come from other residents in the block it may suggest similar schemes were being considered. He also asked the Planning Officer to confirm that the glass used would be clear and not tinted.
- (25) The Planning Officer stated that the Committee could add a condition to ensure that only clear glazing could be used.
- (26) The Planning Manager confirmed that the letters of support had not come from other residents in the building and were likely from the Applicant's friends and family as they were from outside of Brighton & Hove.
- (27) Councillor Gilbey asked the officer to confirm that the previous planning permission had only expired a matter of days before the meeting.
- (28) The Planning Manager confirmed that the permission had expired in the week before the meeting. She also stated that although the Local Authority had granted planning permission it was not the building manager and any scheme would have to be agreed with the management board.

Debate and Decision Making Process

- (29) Councillor Mac Cafferty stated that he would not be supporting the application; the building was designed to have harmonious balconies as part of its façade. He stated that his overriding concern was with the precedent that this decision would set and the potential harm alterations to other balconies could cause.

- (30) Councillor Morris stated that he was sympathetic to Councillor Mac Cafferty’s concerns and felt that there was a need for stronger regulations around the alterations of balconies as had been introduced in other parts of Europe.
- (31) Councillor Littman stated that while he understood the motivation behind the application he would not be supporting the officer recommendations. He felt that the heritage comments were not as strong as they could have been and that the Committee needed to be mindful of its role in preventing harm to listed buildings.
- (32) Councillor Miller agreed with Councillor Littman that the harm to a listed building was understated by the report and he was concerned by the potential precedent set by granting permission and would not be supporting the officer recommendations.
- (33) Councillor Gilbey stated that she supported the officer recommendations. The report noted the unique attributes of the balcony which would limit the precedent set by the decision and the benefits of the scheme to public safety and heritage.
- (34) The Chair stated that she would be supporting the recommendations as the heritage officers did not recognise significant harm.
- (35) A vote was taken and on a vote of 7 For, 3 Against and 1 Abstentions planning permission was granted with the additional conditions for the material used in fixings to be as resistant to rust as possible and for the glazing to be clear.

121.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report with the additional conditions for the materials to be submitted and the fixings to be as resistant to rust as possible.

E BH2018/00294, 33 Oriental Place, Brighton - Full Planning

Internal and external alterations incorporating new mansard roof to create additional floor with associated alterations to layout and other works

- (1) Councillor Cattell left the room during consideration of items 121E and 121F and Councillor Gilbey chaired the meeting.

Officer Introduction

- (2) The Principal Planning Officer, Stewart Glassar, gave a presentation introduced the application and the accompanying listed building application BH2018/00295 by reference to plans, elevational drawings, photographs and floor plans.
- (3) The main considerations of the applications relate to the impact of the proposed development on the appearance and character of the grade II listed building and the wider conservation area, and the impacts on the residential amenity of neighbouring

properties. Previous applications to extend to the roof of the property to create additional accommodation had been refused on the grounds that they would harm the significance of the heritage site. One of the schemes went to appeal and was dismissed. The current applications had been altered from previous applications by including an 'M' shaped roof which matched the original roof shape. The applications were similar to the roof extensions on neighbouring properties but this was not considered to set a precedent to allow for further inappropriate extensions.

- (4) The financial considerations and offer to reinstate balconies on the neighbouring building were dismissed by the Planning Officer as they were not relevant to the Committee's considerations. The potential harm to the listed building from converting it to other uses which had been raised by the applicant was also questioned as a similar property on the same road had been successfully converted into residential use following a previously unsuccessful planning application.

Public Speakers

- (5) Councillor Phillips spoke in favour of the application. The building was used as a backpackers' hostel which provided an important service for the city allowing people travelling to stay in the centre. Councillor Phillips stated that the streetscene was a bit higgledy-piggledy with a variety of roof types. The application would have improved this as the new roof was to be built to match the style and height of the two neighbouring buildings.
- (6) Councillor Morris asked if the extension would replace the existing roof. Councillor Morris also stated that his understanding was that the type of mansard roof in the scheme was deemed unacceptable and that the two existing ones on either side of number 33 predated the listed building status which is why they were allowed to remain.
- (7) Councillor Phillips responded that it would plug the ugly gap which would be seen in the pictures of the building. She also stated that while the other mansard roofs had been in place for some time they were still modern to the original buildings.
- (8) Ms Lucraft, the applicant, spoke in favour of the application. The hostel had traded for over 30 years and had been a lodging house since the 1850s and provided a very important service to this city. The previous owner had underinvested in the facilities and the applicant had made improvements but estimated she would need to invest a further £150,000. Costs had increased and business rates had risen from £4000 to £44,000 per annum. In order to remain a viable business the hostel would need to increase its capacity. The proposed roof would match the ones on either side and would fill in a gap in the streetscene which currently existed. The mansard on the roof of the neighbouring buildings had been in place since the 1850s and so was part of the historic features of the street. Surveys of the roof commissioned following the previous refused application have shown that the current roof was non-original having been entirely replaced through the buildings' life.

- (9) In response to Councillor Miller; Ms Lucraft stated that if the scheme was granted permission the façade would be restored at the same time as the roof.
- (10) In response to Councillor Morris, the Legal Adviser stated that the financial implications of the scheme could only be considered by the Committee when potential revenue would be enabling development. This was not the case with this application.
- (11) In response to Councillor Moonan, Ms Lucraft confirmed that in the course of development both the balconies of both number 33 and 35 would be restored to their original appearance.
- (12) Councillor Mac Cafferty ask what discussions had taken place between Ms Lucraft and the Local Authority before putting in this application as the advice seemed to be that developing historical roofs was a very difficult thing to do.
- (13) Ms Lucraft responded that there had been multiple applications since 2013 which had been altered to meet the requirements of the Local Authority. The hostel needed to expand to remain viable and creating more space in the roof was the only option.

Questions to the Planning Officer

- (14) Councillor Theobald asked the Planning Officer to clarify the position around restoring the balconies of 33 and 35 Oriental Place in relation to the application.
- (15) The Planning Officer responded that the Committee should not take the offer of restoring the balconies into account as the work would be required with or without permission being granted as the buildings were listed.
- (16) In response to Councillor Moonan, the Planning Officer stated that it was difficult to pre-judge the effect of the Committee's decision on other applications on the road but it would certainly be cited if applications for mansard roofs on other buildings were refused. If the Committee were minded to limit the precedent by focusing on filling the gaps between the existing mansard roofs they would have to be mindful of the Planning Inspector's comments dismissing this justification following the applicant's appeal for a previous scheme.
- (17) In response to Councillor Platts, the Planning Officer stated that while he acknowledged the applicant had worked to alter the design of the mansard roof these changes did not address the fundamental issue which was with the structure as a whole.
- (18) The representative from the Conservation Advisory Group stated that the two sides of the street were virtually symmetrical and there were no mansards on the east side of the street. There had been no additions since 1952.

- (19) Councillor Platts asked if the Planning Officer could confirm when the two neighbouring mansard roofs had been constructed and if they predated the listing were they included as part of the listed feature.
- (20) The Planning Officer stated that it was hard to determine exactly when the extensions had been constructed but it appeared that the one on number 35 had been there since at least the 1860s. He stated that they were not entirely successful additions and the two existing mansard roofs did not match so any addition in the middle would not be able to unify all three roofs.

Debate and Decision Making Process

- (21) Councillor Hyde stated that the most pertinent issue was that the building was Grade II* Listed and the scheme would create three ugly buildings rather than a unified block.
- (22) Councillor Theobald stated that she agreed with Councillor Hyde and would be supporting the officer recommendation. There were strong objections from heritage officers and the Conservation Advisory Group, it would go against planning policy to grant permission and it would set a harmful precedent.
- (23) Councillor Mac Cafferty stated that he understood that the rate review had placed the applicant in a difficult position but that was immaterial to the Committee's decision. National legislation placed a lot of importance on the roofs of listed buildings. He stated that buildings were not listed without thought and they needed to be cared for and passed on to future generations.
- (24) Councillor Moonan stated that she had a certain amount of sympathy for the applicant's argument that the scheme would fill the gap between the two existing roof but the risk of setting a precedent was too great to be able to go against officer recommendations.
- (25) Councillor Morris stated that he agreed with other members of the Committee that the precedent set would be damaging for the city if permission was granted.
- (26) Councillor Miller stated that he did not support the officer recommendation as he felt filling in the gap between the two existing mansard roofs would create an element of uniformity which did not exist. He felt that the nature of the scheme being an infill meant that the scheme would only create a limited precedent. The terrace was already not uniform and mansard roofs had been a feature of the road since at least the 1850s.
- (27) Councillor Bennett stated that she would not be supporting the officer recommendation and agreed with Councillor Miller about the limited precedent and the benefit from having a uniform appearance.

- (28) Councillor Littman stated that he had initially planned to vote against the officer recommendations on the grounds that the scheme was an infill but had decided that the risk of creating a precedent for similar developments was too great.
- (29) Councillor Platts stated that she felt that the benefit from filling in the gap had been understated in the report but accepted the comments about the dangers of setting a precedent and would be supporting the recommendations.
- (30) The Chair stated that she too was concerned about the potential precedent and would be supporting the recommendations.
- (31) A vote was taken and on a vote of 8 For, 2 Against and 0 Abstentions planning permission was refused.

121.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

F BH2018/00295, 33 Oriental Place, Brighton - Listed Building Consent

Internal and external alterations incorporating new mansard roof to create additional floor with associated alterations to layout and other works

- (1) The Planning Officer presented BH2018/00295 jointly with application BH2018/00294 which was an application for Full Planning Permission for the same address.
- (2) A vote was taken and on a vote of 8 For, 2 Against and 0 Abstentions listed building consent was refused.

121.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** listed building consent for the reasons set out in the report.

G BH2017/03076, 2-4 Sackville Road, Hove - Full Planning Permission

Conversion of care home (C2) into residential apartment building comprising 4no flats at 2 Sackville Road and a nine bedroom house in multiple occupation (Sui Generis) at 4 Sackville Road with associated alterations including infilling of window to northern elevation and installation of sliding doors to western elevation.

Introduction from Planning Officer

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, photographs and floor plans.
- (2) The main considerations in the determination of this application related to the loss of the existing use, principle of the proposed uses, the impact upon neighbouring amenity, the

standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area. A previous application (BH2009/00677) had been refused on the grounds that the site was providing a valuable service to the city as a care home which was still receiving residents from the city council. The care home had closed due to high vacancy rates in 2017.

- (3) A mapping exercise showed that 0.93% of the residential buildings in a 50m radius were currently in use as HMOs. There was to be only minor alterations to the building's appearance. The proposed accommodation would meet the Government's space guidelines.
- (4) The Planning Officer noted that four additional representations from residents objecting to the application had been received following re-consultation and that Condition 6 in the report should refer to drawing numbers 599/05B and 559/04B.

Questions to the Planning Officer

- (5) In response to Councillor Hyde, the Planning Officer stated that the HMO was conditioned to have a maximum of 7 tenants.
- (6) Councillor Miller asked why Permitted Development (PD) rights were not being removed from the HMO as was usually done when a HMO was approved.
- (7) The Planning Manager responded that the PD rights for large HMOs was currently being addressed with the Planning Inspector as a recent decision suggested that large HMOs would not have PD rights but the Planning Team were asking for clarification. If the Planning Inspector clarified that large HMOs would have PD rights Officers could add an additional condition to the application to remove them from the HMO.
- (8) Councillor Miller stated that planning policy asked for large home conversions to provide affordable accommodation and for conversions of care facilities to provide units for people with special needs.
- (9) The Planning Officer stated that the application was not classified as a large home conversion and the number of units provided was below the minimum required for the Local Authority to require a proportion of affordable units. While the HMO would contribute to the city's housing stock they were not C3 dwellings and were not counted as individual units.
- (10) In response to Councillor Morris, the Planning Officer stated that the four flats had a communal entrance and the HMO had two entrances on the opposite side of the building.

- (11) In response to Councillor Theobald, the Planning Officer stated that the final location of the outside cycle store was to be confirmed.
- (12) In response to the Chair, the Transport Planning Officer stated that the ambulance bay outside of the property could be removed to extend the general parking area.
- (13) In response to Councillor Moonan, the Planning Officer stated that the HMO would have communal outside space.
- (14) In response to Councillor Moonan, the Planning Officer stated that the only alterations to the outside of the property were at the rear so the front door would remain as an unused front door.
- (15) Councillor Moonan asked whether a bedroom in the middle of the common area would be suitable and if there would be any sound proofing.
- (16) The Planning Officer responded that this would be covered by building regulations.
- (17) Councillor Mac Cafferty stated that the Committee had placed conditions on new builds around acoustically proofing walls.
- (18) The Legal Adviser responded that where conditions have been placed on applications in the past it was supported by Environmental Health's response to the application. A condition placed on this application would not be supported by evidence and may not stand up to appeal.
- (19) Councillor Mac Cafferty asked that if there was a further conversation between officers and the applicant could the officers consider a further condition on acoustically proofing the walls.
- (20) The Legal Adviser suggested that the Committee could agree to be minded to grant subject to officers considering an additional condition of acoustic insulation for the ground floor bedroom in the HMO.

Debate and Decision Making Process

- (21) Councillor Miller stated that he would not vote for the officer recommendation as he believed the application did not comply with planning policy.
- (22) A vote was taken and on a vote of 10 For, 1 Against and 0 Abstentions planning permission was minded to grant subject to officers considering the additional conditions suggested by the Committee.

121.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and is **MINDED TO GRANT**

planning permission for the reasons set out in the report subject to officers considering the additional conditions of acoustic insulation for the ground floor bedroom in the HMO and the removal of PD rights from the HMO.

122 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

122.1 There were none.

123 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

123.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

124 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

124.1 The Committee noted the large number of appeals against the removal of telephone boxes. It was noted that telephone boxes were being kept in place to be exploited for advertising revenue rather than as a utility. Councillors Morris and Mac Cafferty reported that telephone boxes had been used a meeting point for drug sales in their wards.

124.2 **RESOLVED** – That the Committee noted the new appeals that had been lodged as set out in the planning agenda.

125 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

125.1 **RESOLVED** – That the Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

126 APPEAL DECISIONS

126.1 **RESOLVED** – That the Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

127 NON-PUBLIC MINUTES

127.1 **RESOLVED** – That the Committee agreed the minutes to be a correct record of the PART 2 proceedings on 7 March 2018 and 7 February 2018.

The meeting concluded at 5.30pm

Signed

Chair

Dated this

day of

