

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 17th January, 2024, 2.00 pm

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Fiona Gourley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

75 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

76 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Paul Crossley.

77 DECLARATIONS OF INTEREST

There were no declarations of interest.

78 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

79 ITEMS FROM THE PUBLIC

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

80 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Toby Simon and:

RESOLVED that the minutes of the meeting held on Wednesday 13 December 2023 be confirmed as a correct record for signing by the Chair.

81 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

A report and update report by the Head of Planning on the application under the site visit applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as Appendix 2 to these minutes.

(1) 23/02731/FUL - 1 Drake Avenue, Combe Down, Bath

The Planning Case Officer introduced the report which considered an application for change of use from a dwelling (Use Class C3c) to a House in Multiple Occupation (HMO) for 3-6 people (Use Class C4). It was noted that this had been deferred from the November meeting for a site visit. He confirmed that since the previous meeting, it had been established that the application was not retrospective as the existing lawful use, which differed from the present use, fell within Class C3. He advised that planning permission was required as there was an Article 4 direction in relation to HMOs within the Bath area, otherwise the change of use would be permitted development.

He confirmed the recommendation that the application be permitted subject to the conditions set out in the report including the submission of further security and EPC detail.

The following public representations were received:

1. Jeff Manning, objecting to the application.

Cllr Onkar Saini addressed the Committee as local ward member. He reported that there had been many objections from local residents, who were concerned about the impact of the change of use to an HMO which would change the nature of the neighbourhood and lead to an influx of cars and subsequent traffic congestion. He asked the Committee to reject the application.

In response to Members' questions, it was confirmed:

1. The proper consultation process had been carried out and there had been a number of responses which had been taken into consideration when assessing the application.
2. Members needed to consider the application in front of them which was change of use from C3 to C4. If the present use was unauthorised, this would be addressed through a different process.
3. Any change to the management of the premises was not a material consideration. If permission was granted, the use would need to be compliant with the permission. Members should disregard comments made relating to the intentions of the existing management as that is outside of the control of planning.
4. A management plan for the property was no longer considered appropriate as the application sought permission to change from the existing C3c use to use class C4. C4 properties could be occupied by a wide range of individuals, and it was not normally considered reasonable for management plans to be secured through the planning process.
5. The number of licensed HMOs throughout the district was recorded and this information was assessed by Planning officers in determining applications to ensure there was not a concentration of HMOs. There may be examples of HMOs operating without the knowledge of the local authority, but the LA could only consider what it knew.

6. C4 use could be for up to 6 occupants.
7. The smaller bedroom was above the minimum size standard.
8. A condition relating to the maintenance of the gardens would not be reasonable in the case of this application.
9. The comments of the police had been taken into account in terms of improving the security of the property by condition but the issue of crime in the wider area was not something that could be controlled by the planning process and there were no direct links to this property identified.

Cllr Ian Halsall acknowledged that local residents had expressed concern about the current unauthorised sui generis use of the property but stated that this application was in accordance with local plan policies and there had been no highways objection. He stated that HMOs could be inhabited by a range of occupants including students and professionals and that there was no evidence of over provision of HMOs in the area.

Cllr Eleanor Jackson stated that the application was policy compliant and moved the officers' recommendation to permit the application. This was seconded by Cllr Lucy Hodge.

Cllr Shaun Hughes stated that although he was sympathetic to the concerns of the residents in relation to the current unauthorised use, the planning application was policy compliant and there were no reasons not to accept the officers' recommendation.

Cllr Tim Warren stated that he did not agree with the proposed change of use and would not support the motion.

On being put to the vote the motion was CARRIED (8 in favour, 1 against)

RESOLVED that permission be granted subject to the conditions set out in the report.

82 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

A report by the Head of Planning on the application under the main applications list.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 2 to these minutes.

(1) 23/04679/TCA Sydney House, Sydney Road, Bathwick, Bath

The Tree Officer introduced the report which considered a Tree Works Notification in a conservation area and confirmed that it had been referred to the Committee under the scheme of delegation as the notification was associated with a Councillor.

She confirmed her recommendation that no objection be raised to the notification.

Cllr Toby Simon opened the debate as the local ward member. He spoke in support of the application and moved the officer's recommendation. This was seconded by Cllr Tim Warren.

Cllr Ian Halsall spoke in support of the application and stated that the works would reduce the risk of the tree falling onto the public highway.

On voting for the motion it was CARRIED (9 in favour, 0 against - UNANIMOUS).

RESOLVED that no objection be raised to the notification.

83 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

RESOLVED that the report be noted.

84 QUARTERLY PERFORMANCE REPORT 1 OCT - 31 DEC 2023

Members agreed it would be useful to receive additional information in relation to the data relating to enforcement cases including a breakdown of the number of cases that had been satisfactorily resolved compared with those cases closed for other reasons. It was agreed that it would be useful for the Enforcement Manager to attend a future meeting to give further clarification.

RESOLVED that the report be noted.

The meeting ended at 3.02pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services