

# Planning Committee

**Date: Wednesday, 17th January, 2024**

**Time: 2.00 pm**

**Venue: Council Chamber - Guildhall, Bath**

## **Agenda**

To: All Members of the Planning Committee

**Councillors:-** Duncan Hounsell, Ian Halsall, Paul Crossley, Fiona Gourley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

**Permanent Substitutes:-** Councillors: Ruth Malloy

Chief Executive and other appropriate officers  
Press and Public

The agenda is set out overleaf.



**Corrina Haskins**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

## 3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

## 4. **Public Speaking at Meetings**

The Council has a specific scheme for the public to make representations at Planning Committee meetings.

**Advance notice is required by the close of business (5.00pm) two days before a committee. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

## 5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

## 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Planning Committee- Wednesday, 17th January, 2024**

**at 2.00 pm in the Council Chamber - Guildhall, Bath**

**A G E N D A**

**1. EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer will draw attention to the emergency evacuation procedure.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

**3. DECLARATIONS OF INTEREST**

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,  
(as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for  
Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

**4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

**5. ITEMS FROM THE PUBLIC**

To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to Democratic Services will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e., 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

**6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)**

To confirm the minutes of the meeting held on 13 December 2023 as a correct record for signing by the Chair.

**7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 11 - 26)**

The following item will be considered at 2pm:

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

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 27 - 32)

The following item will be considered at 2pm:

1. 23/04679/TCA - Sydney House, Sydney Road, Bathwick, Bath

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 33 - 36)

The Committee is asked to note the report.

10. QUARTERLY PERFORMANCE REPORT 1 OCT - 31 DEC 2023 (Pages 37 - 44)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

Delegated List Web Link: <https://beta.bathnes.gov.uk/document-and-policy-library/delegated-planning-decisions>

## PLANNING COMMITTEE

### Minutes of the Meeting held

Wednesday, 13th December, 2023, 11.00 am

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

#### 66 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure.

#### 67 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

#### 68 DECLARATIONS OF INTEREST

Cllr Lucy Hodge declared an interest in item (3) under the main applications list: 23/03896/TCA - Audley House, Park Gardens, Lower Weston, Bath due to her association with the notification and withdrew from the meeting during consideration of the item.

Cllr Toby Simon declared an interest in item (3) under the main applications list: 23/03896/TCA - Audley House, Park Gardens, Lower Weston, Bath as a resident of a neighbouring property and withdrew from the meeting during consideration of the item.

#### 69 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

#### 70 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.

#### 71 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson seconded by Cllr Tim Warren and:

**RESOLVED** that the minutes of the meeting held on Wednesday 15 November 2023 be confirmed as a correct record for signing by the Chair.

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

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

This item was withdrawn from the agenda.

73 **MAIN PLANS 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 various planning applications under the main 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 Main decisions list attached as Appendix 2 to these minutes.

**(1) 23/02958/VAR - Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath**

The Lead Planning Officer reported that the application had been considered at the previous meeting where the Committee had agreed to overturn the officers' recommendation and refuse the permission. He confirmed that the application had come back to Committee for reconsideration in the interest of fairness as advice given in relation to permitted development rights was not clear and Members were advised to consider the application and make a fresh decision.

Cllr Paul Crossley arrived at this point in the meeting and the Planning Officer reiterated the above advice for his benefit.

The Planning Officer introduced the report which considered an application for variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL.

He confirmed the recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Chris Parkin, objecting to the application.
2. Tom Rocke, supporting the application.

Cllr Joanna Wright addressed the Committee as ward member and raised the following points:

1. She referred to the history of the application site and the Planning Inspector's decision to dismiss an appeal for a larger scheme. She expressed concern that the application to vary Condition 15 was at odds with this decision.

2. She stated that local residents and the wider community had been opposed to the scheme for the reasons of over-development, loss of amenity and detrimental impact on ecology.
3. She asked the Committee to refuse the application rather than include a condition to restrict permitted development rights.
4. She questioned the legality of the prior approval application to demolish the cottage.

In response to Members' questions, it was confirmed:

1. In relation to whether the application to demolish the cottage was permitted development, it was confirmed that the previous prior approval application was in accordance with regulations. It was also confirmed that plots 1 and 2 would have permitted development rights if constructed under the current permission.
2. The Council's Ecologist had no objection to the variation to condition 7. The timescale for the retention of landscaping was 10 years rather than 5 in accordance with the Biodiversity Net Gain policy. After 10 years, the balance of plants to hard landscaping could change.
3. If Members were minded to remove permitted development rights, they would need to set out specific reasons to justify the decision. Officers' advice was that it would be difficult to justify removing permitted development rights associated with plot 1 as the current variation application only related to plot 2.
4. The size of the patio of plot 2 would be slightly larger if the variation to condition 15 was agreed. It was not possible to clarify whether the additional bedroom would be a double or single room.
5. In relation to the decision of the Planning Inspector to dismiss an appeal for a previous planning application on the site due to overdevelopment, this referred to a slightly larger building on a smaller footprint. The application that had been subsequently granted, which was the subject of this variation application, was a larger footprint and therefore was less overdeveloped in the context of the site.
6. The Highways Authority was satisfied that there would still be adequate car parking spaces as a result of the variation to condition 15.

The Chair advised the Committee that if they were concerned with the changes to the plans (condition 15) they needed to consider the application as a whole rather than each separate variation.

Cllr Tim Warren moved that officers be delegated to permit the application with an additional condition to restrict permitted development rights on plot 2 to prevent over development of the site and to preserve the character of the area and the openness of green belt. He stated that he did not feel restricting permitted development rights in relation to plot 1 could be justified in the context of this application. This was seconded by Cllr Eleanor Jackson.

Cllr Ian Halsall stated that he was still concerned about the variation to condition 7 and the loss of landscaping after a 10-year period in view of the sensitivity of the setting and the impact on ecology. However, it was noted that it was difficult to retain planting in perpetuity and following further debate there was general agreement that landscaping could also be protected by restricting permitted development rights in relation to hardstanding areas as well as extensions and outbuildings.

Cllr Shaun Hughes spoke against the motion as he was of the view that the current

conditions should be retained.

Cllr Lucy Hodge stated that she was concerned about the variation to condition 7 and did not support the motion.

Before voting on the motion, it was noted that although the Committee had previously refused the application on 15 11 23, there had been a change of circumstances since that meeting whereby additional information was now available in relation to the option available to the Committee to restrict permitted development rights which would address concerns relating to the over development of the site and loss of landscaping.

On voting for the motion, it was CARRIED (7 in favour, 3 against).

**RESOLVED** that officers be delegated to permit the application subject to:

1. The conditions set out in the report.
2. An additional condition to remove permitted development rights for plot 2 in relation to extensions, outbuildings and hardstanding areas to prevent over development of the site and to preserve the character of the area and the openness of green belt.

**(2) 23/02194/FUL - Agricultural Buildings and Land, Blackrock Lane, Publow, Bristol**

The Planning Case Officer introduced the report which considered an application for the erection of a 4-bed dwelling and associated works.

He confirmed his recommendation that the application be permitted.

The following public representations were received:

1. Jonathan Piper, supporting the application.

In response to Members' questions, it was confirmed:

1. Prior approval was a material consideration in determining a planning application and there was an existing permission for residential use on the site. The prior approval process was legitimate, a number of tests needed to be met to gain approval and each case was considered on its merits.
2. Officers had made a judgement that the proposed development was better than the prior approved scheme (the 'fall-back' position) in regard to design, siting and ecological and environmental benefits. The 'fall-back' position proposed the use of render and timber where the new scheme would include a slate roof, timber boarding and stone.
3. The proposed building would be 2.5m higher than the 'fallback' position and it would be set further back from the road.
4. The barn was considered appropriate for conversion as this was one of the tests to secure prior approval permission.
5. If permission was granted for this application, the removal of the barn would be secured by a condition.
6. The sustainable construction checklist had not been included with the application but had since been submitted and was policy compliant.
7. The application would not result in the felling of trees and the site was not landscaped.



8. The application site was not close to the housing development boundary.
9. It was an option to restrict permitted development rights as a condition attached to planning permission, as long as there was a clear justification for doing so.

Cllr Tim Warren stated that the application was an improvement on the 'fall-back' position in terms of its siting and environmental benefits. He moved the officers' recommendation that permission be granted, and this was seconded by Cllr Paul Crossley.

A number of Members spoke in support of the application for the reasons that it was preferable to the prior approved scheme, it was a self-build and the design was sympathetic to a rural setting.

The Committee debated whether permission should be subject to a condition to restrict permitted development rights but concluded that this could not be justified in the case of this application.

On being put to the vote the motion was CARRIED (9 in favour, 1 against).

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

**(3) 23/03896/TCA - Audley House, Park Gardens, Lower Weston, Bath**

Cllrs Lucy Hodge and Toby Simon declared an interest and withdrew from the meeting during the discussion of this item.

The Tree Officer introduced the report which considered a Tree Works Notification in a conservation area and confirmed that the application 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.

In response to questioning, the Tree Officer confirmed that the applicant was intending to plant a replacement tree elsewhere on the site.

Cllr Tim Warren moved the officers' recommendation, seconded by Cllr Eleanor Jackson and on being put to the vote the motion was CARRIED (8 in favour, 0 against - UNANIMOUS).

**RESOLVED** that permission be granted.

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

The Committee considered the appeals report.

**RESOLVED** that the report be noted.

The meeting ended at 1.31 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	17th January 2024
RESPONSIBLE OFFICER:	Gary Collins – Head of Planning
TITLE:	SITE VISIT AGENDA
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

## BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

## The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

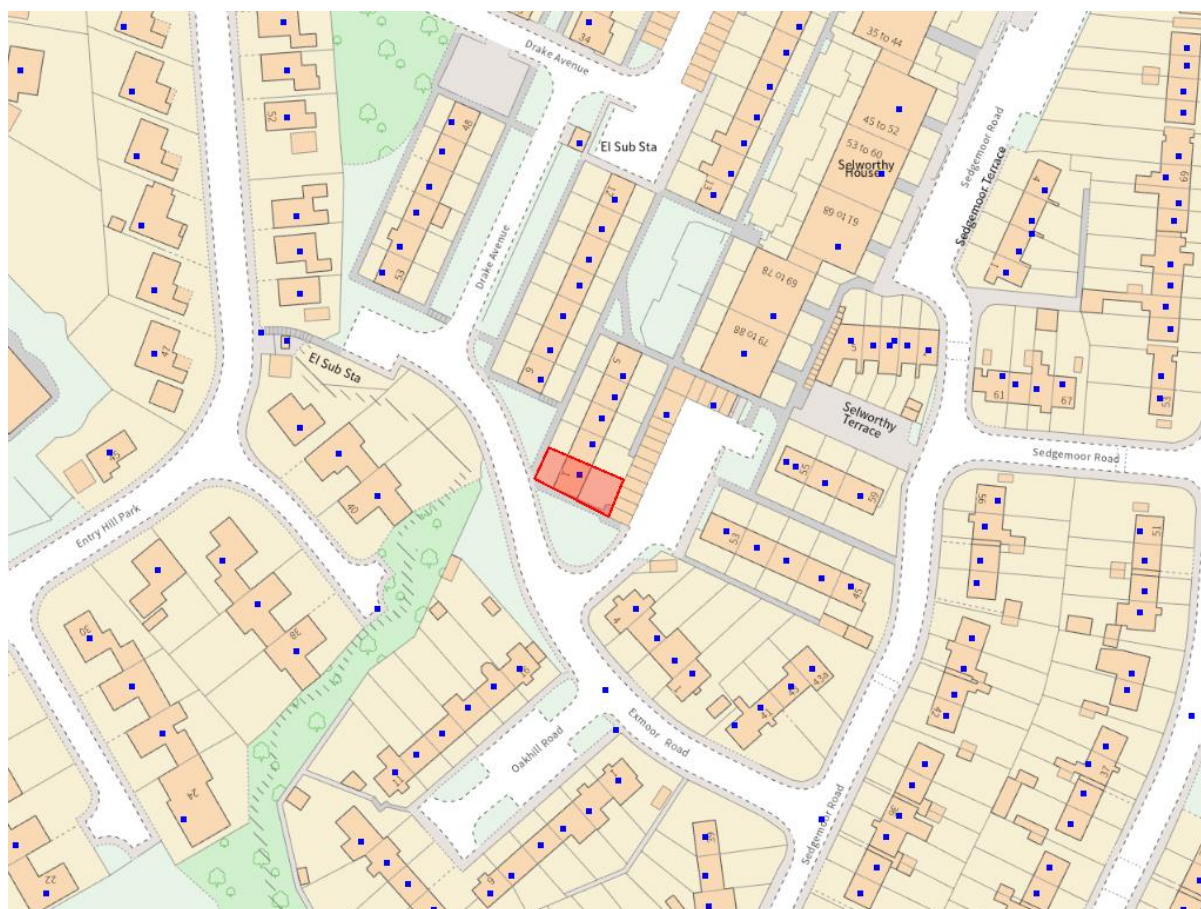
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## **INDEX**

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	23/02731/FUL 19 January 2024	Vertex Investments Ltd 1 Drake Avenue, Combe Down, Bath, Bath And North East Somerset, BA2 5NX Change of use from dwelling (Use Class C3c) to House in Multiple Occupation (Use Class C4).	Combe Down	Christopher Masters	PERMIT

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 001  
**Application No:** 23/02731/FUL  
**Site Location:** 1 Drake Avenue Combe Down Bath Bath And North East Somerset  
 BA2 5NX



**Ward:** Combe Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Bharat Pankhania      Councillor Onkar Saini  
**Application Type:** Full Application  
**Proposal:** Change of use from dwelling (Use Class C3c) to House in Multiple Occupation (Use Class C4).  
**Constraints:** Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,  
**Applicant:** Vertex Investments Ltd  
**Expiry Date:** 19th January 2024  
**Case Officer:** Christopher Masters  
 To view the case click on the link [here](#).

**REPORT**  
**Reasons For Reporting To Committee**

The application has been reported to Committee as the application was called in by Cllr. Onkar Saini. In line with the Council's Scheme of Delegation the application was referred to the Chair of the Planning Committee, who stated:

"The Avon and Somerset Constabulary has indicated a significantly high number of crimes and anti-social behaviour in the vicinity of the dwelling.

The committee will wish to know to what extent, if any, these are directly related to the premises in the application and examine the statements from Environmental Protection and Housing Services that there have been no direct complaints regarding this property. Concerns about an increase in crime and ASB have also been raised by some objectors to this application.

Safety and security are essential to sustainable communities. Crime prevention can be a material planning consideration.

The committee will also want to consider if the planning conditions proposed are sufficient and appropriate for this application.

I consider that it is in the public interest that this application is determined in public at committee."

In addition, the Vice Chair commented:

"There have been a significant number of objections to this application. Whilst this does not automatically warrant referral to planning committee in light of the concerns raised by Avon and Somerset police yet no record of complaints by the Council's own Environmental Protection and Housing Services teams in respect of amenity issues, it is considered that this retrospective application should be considered by the committee to fully understand the concerns raised by third parties and to consider the adequacy of the conditions proposed should the committee be minded to support the officer's recommendation."

The application refers to 1 Drake Avenue, a two-storey end of terrace property located within the City of Bath World Heritage Sites and HMO Article 4 Area.

Planning permission is sought for the change of use from a 5 bedroom dwelling (Use Class C3) to a 5 bedroom House in Multiple Occupation (HMO) for 3-6 people (Use Class C4).

The application has been deferred by the Committee so that a site visit can be undertaken. During the last Committee it came to light that given the premises are currently managed by a non-profit registered provider of social housing the current use, although akin to that of a C4 HMO, does in fact fall under Use Class C3(c).

To elaborate, Schedule 1, Part C of The Town and Country Planning (Use Classes) Order 1987 (as amended) sets out that for the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in Section 254 of the Housing Act 2004.

Turning to Section 254 of the Housing Act 2004, which relates to meaning of "house in multiple occupation", Paragraph 5 sets out that for any purposes of the Housing Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14.

At Schedule 14 (Buildings which are not HMOs for purposes of this Act (excluding Part 1)) it is stated that one instance in which a property is not a HMO is a building where the person managing or having control of it is a non-profit registered provider of social housing. It follows that in this instance the existing use should be considered as falling within C3(c) which encompasses 'not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)'.

Relevant Planning History:

There is no relevant planning history on this site.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Avon and Somerset Constabulary - Not acceptable in current form. Over the past 12 months within a 300m radius of the site address there have been 111 crimes and 174 instances of Anti Social Behaviour (ASB). The premises do not appear to meet secure by design standards. Properties let in a shared capacity present different security risks from standard homes. With an HMO, not only must you provide security of an adequate nature for the overall property, you must also provide a safe method for tenants to be able to access common areas such as hallways, landings and kitchens, without threat of unauthorised entry by unwanted visitors. Details of the security measures to be incorporated into the development could be secured by condition. The covering letter indicates complaints in relation to ASB would be dealt with under "environmental protection legislation". This requires clarification as ASB is dealt with by Avon and Somerset Constabulary the Local Authority and the Police under the Anti-social Behaviour, Crime and Policing Act 2014. Other similar housing sectors deal with this issue by having a Management Plan for the property and where necessary including an ASB section within the tenancy agreements.

Cllr. Onkar Saini - I respectfully urge the referral of the planning application (23/02731/FUL) to the committee, should officers be minded to approve it. Concerns regarding amenity loss, building size, historical anti-social issues (refuse waste, noise), neighbourhood vulnerability, and potential parking impact highlight the need for comprehensive evaluation.

Environmental Protection - Environmental Protection have not received any complaints at present and cannot comment on concerns raised by residents. However, as the property is a HMO it is best to consult the Housing team who regulates HMO licenses for their opinion regarding the application.

Housing Services - Housing Services also hasn't received any direct complaints regarding anti-social behaviour regarding this property and has no comments to make on this application.

The property is already operating a 5 bedroom HMO and the HMO licence was issued for this property on 8 April 2021. A HMO Licence application was submitted on 09 September 2020.

#### Representations Received :

97 Objections and two representations have been received. The comments made can be summarised as follows:

- o If permitted the upgrade from EPC D to C should be secured by condition.
- o The property has been a HMO since 2021.
- o Other properties in the vicinity are in the same use.
- o There has been an increase in crime and antisocial behaviour.
- o The use of the property as a HMO prejudices the safety and security of the community and the perception thereof.
- o The number of bedspaces has been increased without permission.
- o The proposal harms the housing mix of the area.
- o The development would create an increase in on street parking.
- o The application has been inadequately publicised.
- o The appearance of the area has declined.
- o The use devalues nearby properties.

#### **POLICIES/LEGISLATION**

##### **CORE STRATEGY:**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

##### **PLACEMAKING PLAN:**

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

B1: Bath Spatial Strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

##### **LOCAL PLAN PARTIAL UPDATE:**



The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

D5: Building design

H2: Houses in multiple occupation

ST7: Transport requirements for managing development

#### **SUPPLEMENTARY PLANNING DOCUMENTS:**

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022)

#### **NATIONAL POLICY:**

The updated National Planning Policy Framework (NPPF) was published in September 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### **LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

#### **OFFICER ASSESSMENT**

Policy H2 of the Local Plan Partial Update sets out that Proposals for:

Change of use from residential (C3) to small HMO (C4) in Bath;

Change of use from residential (C3) to large HMO (Sui Generis) district wide;

Provision of new build HMO district-wide;

Change of use from other uses to HMO district-wide; and

Intensification of small HMO (C4) to large HMO (Sui Generis) district Wide

will be refused if:

The site is within an area with a high concentration of existing HMOs (having regard to the Houses in Multiple Occupation Supplementary Planning Document, or successor document), as they will be contrary to supporting a balanced community;  
The HMO is incompatible with the character and amenity of established adjacent uses;  
The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;  
The HMO creates a severe transport impact;  
The HMO does not provide a good standard of accommodation for occupiers;  
The HMO property does not achieve an Energy Performance Certificate "C" rating unless one or more of the following exemptions applies:

The cost of making the cheapest recommended improvement would exceed £10,000 (including VAT).  
Where all relevant energy efficiency improvements for the property have been made (or there are none that can be made) and the property remains below EPC C.  
Where the proposed energy efficiency measures are not appropriate for the property due to potential negative impact on fabric or structure.  
Where the minimum energy performance requirements would unacceptably harm the heritage significance of a heritage asset.

The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;  
The development prejudices the continued commercial use of ground/lower floors.

Where a new build HMO is proposed, development should be consistent with other relevant Local Plan policies and guidance relating to new build residential accommodation.

A condition restricting the number of occupants may be attached to permissions where deemed necessary to ensure that no further harmful intensification will occur.

In this instance permission is sought for the Change of use from a dwelling (C3) to small HMO (C4) in Bath. It is understood that the property is currently occupied as supported housing in a manner consistent with that of a HMO but falls under Use Class C3c.

The Houses in Multiple Occupation SPD (February 2023) states that applications for the change of use from C3 dwellings to C4 or sui generis (HMOs) will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between 2 HMOs or

Criterion 2: HMO properties represent 10% or more of households within a 100 metre radius of the application property, or the application property tips the concentration to 10% or more.

It has been confirmed through a GIS search that the development would not 'sandwich' any residential property between other HMO certified properties and so the proposal is considered to accord with Criterion 1.

With regards to Criterion 2, the schemes' contribution to the concentration of HMOs within the surrounding area has been calculated as set out in section 4.3 of the SPD. In this

instance it has been calculated that within a 100m radius of the site there would be 5 HMOs (including 1 Drake Avenue and a total of 137 Residential properties. Accordingly, the proposal would result in a HMO concentration of 3.65%. The scheme therefore accords with Criterion 2.

On this basis the scheme is not considered to be located within an area with a high concentration of existing HMOs and would contribute to supporting a balanced community. It would not result in the unacceptable loss of accommodation in a locality, in terms of mix, size and type nor given the solely residential use of the premises would the development prejudice the continued commercial use of ground/lower floors.

The remaining criteria shall be dealt with in the following Character and appearance, residential amenity and highway sections.

#### CHARACTER AND APPEARANCE:

Policies D1, D2, D3 and D4 of the Placemaking Plan and Policy D5 of the Local Plan Partial Update have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposed scheme does not include any external alterations. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3 and D4 of the Placemaking Plan, Policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

#### RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

In this instance it is noted that there are a significant number of comments from members of the public alleging that with the present use of the property has diminished the safety and security of the surrounding area (or perception thereof) which has resulted in harm to the amenity of nearby residents. It is understood the Council's Environmental Protection and Housing Teams have not received any complaints regarding the property.

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling. It is appreciated that C3 dwellings are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of an HMO are likely to be less regimented and may occur at earlier and later

times in the day than a C3 family home. Such a change of use can therefore result in increased comings and goings, noise and other disturbance compared to a C3 use. Notwithstanding this, it is generally held that individually HMOs do not result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. As set out above, it is not considered that such a concentration exists in this location.

The submitted information demonstrates that an acceptable standard of HMO accommodation is proposed. The five bedrooms are considered to be of an adequate size exceeding the standard of 6.51m<sup>2</sup> (GIA) as set out within the updated HMO SPD.

The submitted information demonstrates that each bedroom benefits from good levels of natural light and outlook through large windows. The communal amenity space at ground floor is of acceptable proportions measuring 18.3m<sup>2</sup> which is sufficient for up to five occupants. As the maximum number of occupants would be mandated by the HMO licence against the same criteria it is not considered necessary for this function to be duplicated by attaching a planning condition.

Whilst the EPC rating of the property is currently D, the applicant has indicated that they intend to undertake works which shall result in the EPC level increasing to C. Officers are satisfied that there is a realistic prospect of the requisite EPC rating being achieved and a condition can therefore be attached to ensure the requisite EPC rating is obtained prior to the property being occupied as a HMO.

It follows that subject to a satisfactory EPC rating being achieved the property provides an acceptable level of amenity for occupants.

It is acknowledged that previously officers believed the existing use of the property to fall within Use Class C4 and advised the Committee accordingly. As explained above, it has since been discovered that this is not that case and that the application seeks permission to change from the existing C3c use to use class C4. As such, officers no longer consider it appropriate to secure compliance with a management plan as the comments received from members of the public are not pertinent to the proposed manner of use. C4 properties can be occupied by a wide spectrum of individuals, and it is not normally considered reasonable for management plans to be secured through the planning process. There is no evidence to suggest that use of the property as a C4 HMO would diminish the amenity levels of nearby residents. Such a condition would therefore not be appropriate as it would fail to meet at least one of the six tests required for conditions to be attached as set out at Paragraph 56 of the NPPF.

In this instance it is therefore considered that subject to the property being fitted with the security measures outlined in the response from Avon and Somerset Constabulary there is no overriding reason why occupation of the property could not occur in a way which affords occupiers with an adequate level of amenity and maintains the levels of residential amenity enjoyed by nearby residents. Security details for the property should be secured by condition to ensure the residential amenity of the area is maintained.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

#### HIGHWAYS:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The recently adopted Transport and Development SPD contains revised parking standards. The maximum standard for C3 and C4 uses for the outer Bath area is 1.5 car parking spaces for a 3-bed property or greater.

As it is understood the existing dwelling does not benefit from any off street car parking, and the adopted parking standards do not require a minimum number of car parking spaces to be provided, officers are satisfied that the development is acceptable in terms of its car parking provision.

The parking standards also set out that four bicycle parking spaces should be provided in C4 HMO's with four or more bedspaces. The submitted details state that the existing property benefits from a rear outbuilding within which cycles can be stored and it is understood that this shall be retained.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

#### OTHER MATTERS:

It is understood that internal alteration has been undertaken which has increased the number of bedrooms. Such works do not in themselves require planning permission as they only affect the inside of the property and therefore do not constitute development.

It has been raised by contributors that insufficient publication of the application has occurred. The Local Authority is satisfied that the application has been publicised in line with its statutory duty and statement of community involvement. All interested parties have been notified of the change to the description of development since the previous Committee Meeting.

The impact of development on the value of nearby properties is not a material planning consideration.

## **PUBLIC SECTOR EQUALITY DUTY:**

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—  
eliminate discrimination, harassment, victimisation  
advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and  
foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

Whilst the characteristics of individuals in the host property and wider community are unknown it is inherent that there will be individuals in the locality who share a relevant protected characteristic. Elderly, young and otherwise vulnerable residents in the local area may be particularly vulnerable to crime or Anti-Social Behaviour and the fear thereof. In this instance given the use of the property as a HMO shall only be undertaken once enhanced security measures are provided, it is considered the levels of residential amenity of nearby residents and those residing at the property shall be satisfactory. Accordingly, the proposal is considered to have a neutral impact on equality.

## **CONCLUSION:**

It is therefore considered that subject to the submission of further security and EPC details by condition the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

## **2 Plans List (Compliance)**

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

## **3 Secure Design (Pre-Occupation)**

Prior to first occupation of the House in Multiple Occupation hereby approved, details of the security measures to be incorporated into the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the development is served by adequate security measures in the interests of the safety, crime prevention and amenity of future occupiers of the development, and Policy D6 of the Placemaking Plan.

## **4 EPC Certificate (Pre occupation)**

Prior to first occupation of the House in Multiple Occupation hereby approved an Energy Performance Certificate showing that the property has an EPC rating of C, B or A shall be submitted to the local planning authority and approved in writing.

Reason: To ensure the property has a EPC Rating of C, B or A in accordance with the Bath and North East Somerset Houses in Multiple Occupation Supplementary Planning Document, and Policies H2 and CP1 of the Local Plan Partial Update.

## **PLANS LIST:**

1 This decision relates to the following plans:

Received 6th October 2023

BLOCK PLAN  
SM01 FLOOR PLANS

Received 24th July 2023

LOCATION PLAN

## **2 Condition Categories**

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **3 Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

**Do not commence development** until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available



here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

#### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

#### **5 HMO Advice Note**

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at [hmo\\_licensing@bathnes.gov.uk](mailto:hmo_licensing@bathnes.gov.uk) or telephone 01225 396269.

#### **6 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

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Bath & North East Somerset Council		
MEETING:	Planning Committee	AGENDA ITEM NUMBER
MEETING DATE:	17th January 2024	
RESPONSIBLE OFFICER:	Gary Collins – Head of Planning	
TITLE:	APPLICATIONS FOR PLANNING PERMISSION	
WARDS:	ALL	
BACKGROUND PAPERS:		
AN OPEN PUBLIC ITEM		

## BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

### **The following notes are for information only:-**

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

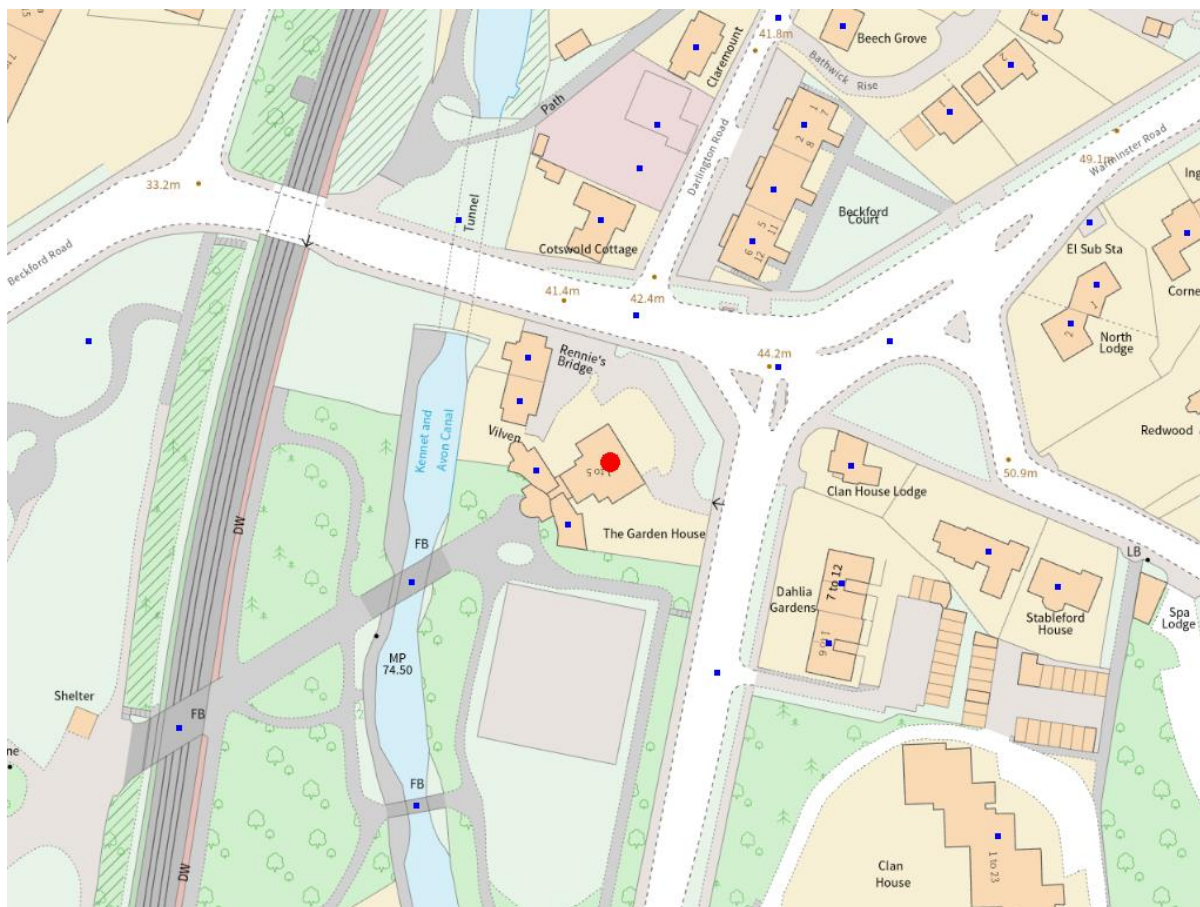
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## **INDEX**

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	23/04679/TCA 25 January 2024	Mr John Leach Sydney House, Sydney Road, Bathwick, Bath, Bath And North East Somerset T1- Acer, Remove the Ivy clad stem. reduce the end weight of the remaining leaning stem, 1m at most from the ends of 7 branches.	Bathwick	Jane Brewer	NO OBJECTION

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 23/04679/TCA  
**Site Location:** Sydney House Sydney Road Bathwick Bath Bath And North East Somerset



**Ward:** Bathwick      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Manda Rigby      Councillor Toby Simon  
**Application Type:** Tree Works Notification in Con Area  
**Proposal:** T1- Acer, Remove the Ivy clad stem. reduce the end weight of the remaining leaning stem, 1m at most from the ends of 7 branches.  
**Constraints:** Conservation Area,  
**Applicant:** Mr John Leach  
**Expiry Date:** 25th January 2024  
**Case Officer:** Jane Brewer  
To view the case click on the link [here](#).

## REPORT

### REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification is associated with a Councillor

This notification relates to a tree located within the Bath Conservation Area and within the grounds of a Grade II listed building.

The proposal is to carry out works to an acer which is growing against the front boundary wall of the property. The works are to remove an ivy clad stem and to reduce the end weight of the remaining leaning stem which involves removing up to 1m from 7 branches.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the trees.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

Further information regarding trees in conservation areas can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/environment/trees-and-woodlands/trees-conservation-areas>

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

No comments have been received.

## **POLICIES/LEGISLATION**

Town and Country Planning Act 1990 (in particular sections 197-214 as amended)  
Town and Country Planning (Tree Preservation)(England) Regulations 2012

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

**OFFICER ASSESSMENT:**

The tree is a small individual which leans over the front boundary wall. It is not considered to be a good example of maple and is not located in the most suitable position to accommodate future growth in the long term.

**CONCLUSION:**

The works are considered to represent the normal management of trees within a domestic garden setting and a TPO would not be a proportionate response.

**RECOMMENDATION:**

No objection

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<b>Bath &amp; North East Somerset Council</b>		
<b>MEETING:</b>	<b>Planning Committee</b>	<div>AGENDA ITEM NUMBER</div> <div></div>
<b>MEETING DATE:</b>	<b>17<sup>th</sup> January 2024</b>	
<b>RESPONSIBLE OFFICER:</b>	Gary Collins – Head of Planning	
<b>TITLE:</b>	<b>NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES</b>	
<b>WARD:</b>	ALL	
<b>BACKGROUND PAPERS:</b> None		
<b>AN OPEN PUBLIC ITEM</b>		

## APPEALS LODGED

**App. Ref:** 22/03557/FUL  
**Location:** 26 Pulteney Mews Bathwick Bath Bath And North East Somerset BA2 4DS  
**Proposal:** Alterations of smooth Bath stone coloured render to existing concrete blockwork to front and rear elevation of property to cover poor quality blockwork finish  
**Decision:** REFUSE  
**Decision Date:** 22 May 2023  
**Decision Level:** Delegated  
**Appeal Lodged:** 12 December 2023

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**App. Ref:** 22/01913/OUT  
**Location:** Land At Rear Of Priory Nurseries And Glenfield Cottage Radstock Road Midsomer Norton Bath And North East Somerset  
**Proposal:** Proposed new shared user bridge over River Somer, private vehicular access track and permissive footpath link between Radstock Road and Land West of Wheelers Road in Midsomer Norton, Somerset, with associated landscaping and engineering works (Resubmission of 20/04904/OUT).  
**Decision:** REFUSE  
**Decision Date:** 23 March 2023  
**Decision Level:** Delegated  
**Appeal Lodged:** 19 December 2023

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**Case Ref:** 21/00115/UNAUTH

**Location:** Land Between Convergence Of Durley Park And Durley Lane  
Durley Hill Keynsham Bath and North East Somerset

**Breach:** Without Planning Permission, the change of use of agricultural land to a mixed use for storage (including vehicle storage), and the breaking, repair and sale of vehicle parts.

**Notice Issued Date:** 11 September 2023

**Appeal Lodged:** 18 December 2023

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## APPEALS DECIDED

**App. Ref:** 22/03301/FUL  
**Location:** 36B St John's Road Bathwick Bath Bath And North East Somerset BA2 6PX  
**Proposal:** Erection of vertical extension to existing office accommodation to create an additional storey, including incidental works of demolition (Resubmission).  
**Decision:** REFUSE  
**Decision Date:** 14 December 2022  
**Decision Level:** Delegated  
**Appeal Lodged:** 1 August 2023  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 28 November 2023

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**App. Ref:** 21/04650/FUL  
**Location:** Papermill Cottage Leigh Lane St Catherine Bath Bath And North East Somerset  
**Proposal:** A new vehicular entrance and car parking spaces in the garden of Papermill Cottage  
**Decision:** REFUSE  
**Decision Date:** 20 April 2022  
**Decision Level:** Delegated  
**Appeal Lodged:** 28 September 2022  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 4 December 2023

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**App. Ref:** 22/00896/CLEU  
**Location:** Papermill Cottage Leigh Lane St Catherine Bath Bath And North East Somerset  
**Proposal:** Use of property as residential curtilage as more particularly described in the Supporting Statement (Certificate of Lawfulness of Existing Use)  
**Decision:** REFUSE  
**Decision Date:** 20 April 2022  
**Decision Level:** Delegated  
**Appeal Lodged:** 18 October 2022  
**Appeal Decision:** Appeal Dismissed  
**Appeal Decided Date:** 4 December 2023

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## Bath & North East Somerset Council

MEETING:	Planning Committee	
MEETING DATE:	17 January 2024	AGENDA ITEM NUMBER
TITLE:	Quarterly Performance Report covering period 1 Oct – 31 Dec 2023	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Analysis of Chair referral cases		

### 1 THE ISSUE

*At the request of Members and as part of our on-going commitment to making service improvements, this report provides Members with performance information across Planning.*

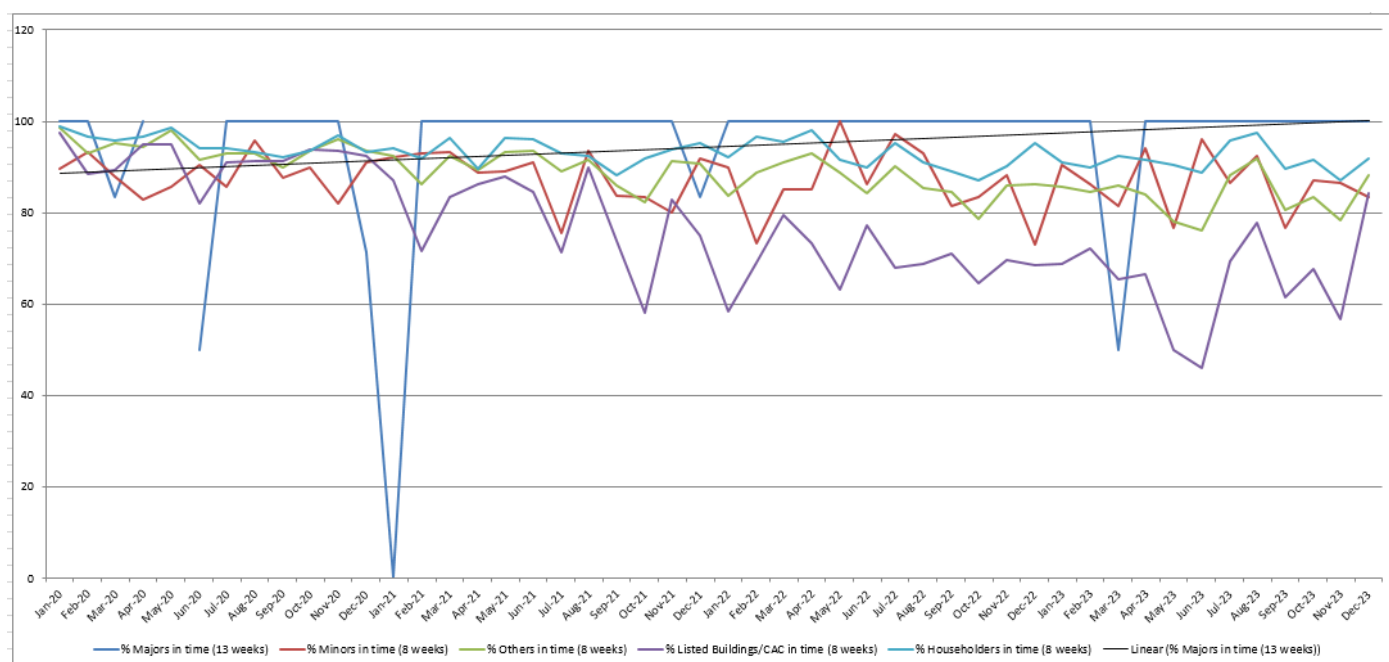
### 2 RECOMMENDATION

Members are asked to note the contents of the performance report.

### 3 THE REPORT

Tables, charts and commentary

#### 1 - Comparison of Applications Determined Within Target Times



Majors target 60%, non-majors target 70%

% of planning applications in time	2021-2022				2022-2023			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
% Majors in time	(11/11) 100%	(4/4) 100%	(7/7) 100%	(7/7) 100%	(7/8) 88%	(8/8) 100%	(5/5) 100%	(12/12) 100%
% Minors in time	(78/94) 83%	(75/83) 90%	(93/103) 90%	(82/101) 81%	(78/91) 86%	(82/92) 89%	(75/88) 85%	(98/84) 86%
% Others in time	(379/431) 88%	(373/420) 89%	(332/383) 87%	(329/394) 84%	(318/372) 85%	(338/426) 79%	(311/359) 87%	(283/341) 83%

Note:

**Major** - 10+ dwellings/0.5 hectares and over, 1000+ sqm/1 hectare and over

**Minor** - 1-10 dwellings/less than 0.5 hectares, Up to 999 sqm/under 1 hectare

**Other** - changes of use, householder development, adverts, listed building consents, demolition in a conservation area

## 2 - Recent Planning Application Performance

Application nos.	2021-2022				2022-2023			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Received	710	610	618	564	605	541	526	538
Withdrawn	60	51	42	76	54	70	45	65
Delegated no. and %	526 (98%)	482 (95%)	472 (96%)	494 (98%)	461 (98%)	518 (98%)	449 (99%)	433 (96%)
Refused no. and %	42 (8%)	34 (7%)	30 (6%)	40 (8%)	26 (6%)	38 (7%)	30 (7%)	27 (6%)

## 3 – Dwelling Decisions and Numbers

Decisions on Major residential applications	2021-2022				2022-2023			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Decisions on Major residential applications (10 or more dwellings)	3	3	0	3	4	3	3	6
Major residential decisions granted	1	2	0	2	4	3	2	5
Number of dwellings applied for on Major schemes	103	300	776	65	0	428	70	237
Number of dwelling units permitted on schemes (net)	105	610	46	78	251	189	38	110

## 4 - Planning Appeals

	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023
Appeals lodged	15	15	14	11
Appeals decided	15	15	12	8

Appeals allowed	9 (60%)	6 (40%)	5 (42%)	2 (25%)
Appeals dismissed	6 (40%)	9 (60%)	7 (58%)	6 (75%)

## **5 - Enforcement Investigations**

	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023
Investigations launched	124	131	123	118
Investigations in hand	474	510	423	430
Investigations closed	86	79	227	110
Enforcement Notices issued	0	6	2	2
Planning Contravention Notices served	6	3	5	4
Breach of Condition Notices served	0	0	1	1
Stop Notices	0	0	0	0
Temporary Stop Notices	0	0	1	0
Injunctions	0	0	0	0

## **6 – Other Work (applications handled but not included in national returns)**

The service also processes other statutory applications (discharging conditions, prior approvals, prior notifications, non-material amendments etc) and discretionary services like pre-application advice. The table below shows the number of these applications received

	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023
Other types of work	350	345	341	297

## **7 – Works to Trees**

	Jan – Mar 2023	Apr – Jun 2023	Jul – Sep 2023	Oct – Dec 2023
Number of applications for works to trees subject to a Tree Preservation Order (TPO)	18	15	19	26
Percentage of applications for works to trees subject to a TPO determined within 8 weeks	89%	87%	95%	100%
Number of notifications for works to trees within a Conservation Area (CA)	187	159	243	252
Percentage of notifications for works to trees within a Conservation Area (CA) determined within 6 weeks	95%	97%	97%	96%

## **8 – Corporate Customer Feedback**

The latest quarterly report is published here:

## **9 - Ombudsman Complaints**

When a customer remains dissatisfied with the outcome of the Corporate Complaints investigation they can take their complaint to the **Local Government Ombudsman** for an independent view.

<b>Ombudsman Complaints</b>	<b>Jan – Mar 23</b>	<b>Apr – Jun 23</b>	<b>Jul – Sep 23</b>	<b>Oct – Dec 23</b>
<b>Complaints upheld</b>	0	0	0	0
<b>Complaints Not upheld</b>	0	0	0	0

## **10 – Section 106 Agreements and Community Infrastructure Levy (CIL)**

Members will be aware of the Planning Obligations SPD first published in 2009. Planning Services have spent the last few years compiling a database of Section 106 Agreements. This is still in progress, but does enable the S106/CIL Monitoring Officer to actively monitor the delivery of agreed obligations. S106 and CIL financial overview sums below will be refreshed for every quarterly report. CIL annual reports, Infrastructure Funding Statements and Infrastructure Delivery Plan 2021 are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/annual-cil-spending-reports>

(Note: figures are for guidance only and could be subject to change due to further updates with regards to monitoring S106 funds)

S106 Funds received (2023/24)	<b>£187,659.98</b>
CIL sums overview – Potential Liability amount (April 2015 to date)	<b>£11,901,291.29</b>
CIL sums overview – Paid (April 2015 to date)	<b>£28,813,358.66</b>

## **11 – Chair Referrals**

**Table 12** below shows the numbers of planning applications where Chair decision has been sought to either decide the application under delegated authority or refer to Planning Committee. A further **analysis of Chair referral cases** is in Appendix 1 below.

	<b>Jan – Mar 2023</b>	<b>Apr – Jun 2023</b>	<b>Jul – Sep 2023</b>	<b>Oct – Dec 2023</b>
Chair referral delegated	18	16	2	12
Chair referral to Planning Committee	4	6	6	7



## 12 – 5 Year Housing Land Supply

### 5 year housing land supply

A	Total planned housing 2011-2029		13,000
B	Completions 2011-2023	2011-2023	9,213
C	Plan requirement	2011-2028	12,274
D	5 year supply requirement (100%)	2023-2028	3,061
E	5 year supply requirement (with 5% buffer)	2023-2029	3,214
G	Deliverable supply (#)	2023-2030	3,946
H	Deliverable supply buffer (%)	2023-2031	29%
I	Deliverable supply (#) over 100% requirement	2023-2032	885
J	Deliverable supply (#) over 105% requirement	2023-2033	732

A	Alternative Calculation Method		
B	5 year supply requirement (722x5)		3,610
C	Surplus/deficit		549
D	Deliverable supply		3,946
E	5 year requirement + backlog/surplus		3,061
F	5 year requirement + backlog/surplus +5% buffer		3,214

Supply as a % of requirement	Supply in years
123%	6.14

The monitoring reports are also published on our website: <https://beta.bathnes.gov.uk/policy-and-documents-library/five-year-housing-land-supply-and-housing-and-economic-land>

## Appendix 1 - Analysis of Chair referral cases

Application no	ADDRESS	PROPOSAL	Decision Level	Decision Date	Status	Notes
23/03896/TCA	Audley House Park GardensLower WestonBathBath And North East SomersetBA1 2XP	T1-Sequoia, section fell	COMMD	13-Dec-23	NOOBJ	Application is associated with a Councillor.
23/02958/VAR	Waterworks Cottage Charlcombe WayFairfield ParkBathBath And North East SomersetBA1 6JZ	Variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL (Erection of two detached dwellings with associated means of access, car	COMMD	14-Dec-23	PERMIT	Both local ward members have requested that the application be brought to committee should the officer be minded to permit. The officer is minded to permit.
23/01716/FUL	2 CulverhayCompton DandoBristolBath And North East SomersetBS39 4LQ	Erection of two storey rear extension, front porch extension and raised patio to provide additional living accommodation.	CHAIR	03-Oct-23	RF	Chair referral delegated decision
23/03504/FUL	2 Rushgrove GardensBishop SuttonBristolBath And North East SomersetBS39 5XE	Erection of garden pod for home office/gym and children's play area	CHAIR	01-Nov-23	PERMIT	Chair referral delegated decision
23/02888/FUL	ShalomDragons Hill CloseKeynshamBristolBath And North East SomersetBS31 1LL	Change of use from dwellinghouse (Use Class C3) to residential children's care home (Use Class C2).	CHAIR	07-Nov-23	PERMIT	Chair referral delegated decision
23/01679/FUL	138 Bath RoadKeynshamBristolBath And North East SomersetBS31 1TA	Change of use of detached domestic garage at rear of property to a salon.	CHAIR	07-Nov-23	RF	Chair referral delegated decision
23/02315/FUL	Bell Farm Hunstrete LaneWoollardBristolBath And North East SomersetBS39 4HU	Change of use from Agricultural to mixed Agricultural and Commercial, and erection of Shepherd's Hut/Cafe and Toilet Hut	CHAIR	07-Nov-23	RF	Chair referral delegated decision
23/00189/FUL	Parcel 3873ButhamChew MagnaBristolBath And North East Somerset	Erection of agricultural buildings and provision of pond.	CHAIR	08-Nov-23	PERMIT	Chair referral delegated decision
23/03275/FUL	120C Charlton ParkMidsoner NortonRadstockBath And North East SomersetBA3 4BP	Erection of single story front & rear extensions & internal alterations.	CHAIR	08-Nov-23	PERMIT	Chair referral delegated decision

23/03909/VAR	Storage Yard Adjacent To Argyle Works Lower Bristol RoadWestmorelandBathBath And North East SomersetBA2 3DB	Variation of conditions 21 (Parking (Compliance)) and 24 (Plans List (Compliance)) of application 22/00687/REG03 (Erection of 8 no. affordable homes and associated works, following demolition of existing building).	CHAIR	30-Nov-23	PERMIT	Chair referral delegated decision
23/04100/VAR	Proposed Employment Unit 2Bell LaneChew StokeBristolBath And North East Somerset	Variation of conditions 11 (materials) and 17 (plans list) of application 19/01427/RES (Approval of reserved matters with regard to outline application 17/05325/OUT (Residential development of 5 dwellings and associated car parking and reorganisation of c	CHAIR	30-Nov-23	PERMIT	Chair referral delegated decision
23/02920/FUL	6 - 7 Moorland RoadOldfield ParkBathBath And North East SomersetBA2 3PA	Demolition of existing single-storey bank vault, two-storey staircase extension, rear storage structure and detached garage and conversion of the existing building and a two-storey rear extension and erection of two-storey infill building and associated e	CHAIR	01-Dec-23	PERMIT	Chair referral delegated decision
23/02394/FUL	22 Hill ViewFarrington GurneyBristolBath And North East SomersetBS39 6UJ	Erection of 3 bed dwellinghouse including demolition of existing garage and utility to adjoining property.	CHAIR	11-Dec-23	PERMIT	Chair referral delegated decision
23/04067/FUL	7 Kennet RoadKeynshamBristolBath And North East SomersetBS31 1NZ	Erection of single-storey porch and rear extension, and two-storey side extension, following demolition of single storey outbuildings. Alterations to drive, including widening of access. (Resubmission).	CHAIR	20-Dec-23	PERMIT	Chair referral delegated decision

23/02194/FUL	Agricultural Buildings And LandBlackrock LanePublowBristolBath And North East Somerset	Erection of 1no. 4 bed dwelling and associated works	COMMDC	14-Dec-23	PERMIT	Chair referral to committee. I note that a Sustainable Construction Checklist has been submitted. The location is outside the Housing Development Boundary in Green Belt. The committee will wish to consider the fundamental policy question of whether obtaining prior approval for a barn conversion can be used as a material consideration for an application for a new build in green belt. The Town and Country Planning Order 2015 includes the criteria that agricultural building conversion to residential should NOT include any external projections from the existing structure implying that the existing structure is expected to be retained and should maintain the same dimensions.
22/04565/FUL	The Old Post Office Tucking Mill LaneMidfordBathBath And North East SomersetBA2 7DA	Erection of new single storey rear extension to dwelling and relocated pedestrian gate access	COMMDC	16-Nov-23	PERMIT	Chair referral to committee. I note the detailed planning concerns of South Stoke PC and the concerns of the conservation officer regarding effects on a non-designated heritage asset. The planning committee may wish to consider if these concerns are addressed satisfactorily or outweighed by the perceived benefits of the scheme.
23/01693/FUL	Bloomfield House146 Bloomfield RoadBloomfieldBathBath And North East SomersetBA2 2AS	Provision of garden room building and new entrance gates.	COMMDC	16-Nov-23	PERMIT	Chair referral to committee. I note the number of objections and the particular concern of Cllr David about possible impact on neighbours. Among concerns are ones about potential change of use from class C1. Although that is not a material planning consideration for these applications, it might be advisable to have these applications determined in public at committee so that members of the public can hear the officer report. The committee might also wish to consider the conditions that are proposed to be attached if a decision to permit is made.

23/01692/LBA	Bloomfield House146 Bloomfield RoadBloomfieldBathAnd North East SomersetBA2 2AS	Provision of new entrance gates.	COMMDC	16-Nov-23	CON	Chair referral to committee. I note the number of objections and the particular concern of Cllr David about possible impact on neighbours. Among concerns are ones about potential change of use from class C1. Although that is not a material planning consideration for these applications, it might be advisable to have these applications determined in public at committee so that members of the public can hear the officer report. The committee might also wish to consider the conditions that are proposed to be attached if a decision to permit is made.
22/04109/FUL	Elm Grove FarmLower RoadHinton BlewettBristolBath And North East Somerset	Conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements.	COMMDC	23-Nov-23	RF	Chair referral to committee. I note the objections of the ward councillor and the Parish Council expressing concerns about the application of policies in this case. The case officer contrasts this new application with the extant planning permission. The planning committee would wish to explore that contrast and debate relevant policy issues. The committee would also wish to consider if the ecological conditions proposed are appropriate and sufficient.
23/01535/PIP	StrathmoreStaunton LaneWhitchurchBristolBath And North East SomersetBS14 0QL	Permission in Principle Planning Application for the erection of 1no. dwelling and associated works.	COMMDC	19-Oct-23	PERMIT	Chair referral to committee. I note the objections of the Whitchurch Parish Council. The proposed development is in Green Belt and is adjacent to but outside the Housing DevelopmentBoundary. The committee will wish to consider if there are indeed the special circumstances to depart from development plan policy. The committee will want to understand relevant planning history and consider the situation that exists "on the ground". This application needs to be determined at committee.

23/03159/FUL	RocksideMead LaneSaltfordBristolBath And North East SomersetBS31 3EP	Erection of front balcony, two storey side extension, garage and associated alterations following removal of conservatory and existing garage.	COMMDC	17-Nov-23	PERMIT	Chair referral to committee. I note the support for the application from Saltford Parish Council. The committee may wish to consider whether the purposes of green belt apply to this location and whether significant weight should be given to the fact that adjacent properties have been rebuilt, modernised, and extended. The committee may wish to consider if it is Rockside that no longer fits with the street scene.
23/03048/VAR	Parcel 2000Silver StreetMidsomer NortonBath And North East Somerset	Variation of condition 10 (plans list) of application 23/00462/VAR to revise location of Plot 9 boundary wall and associated landscaping (Variation of conditions 4, 5, and 8 of application 21/00971/RES (Erection of 40 dwellings, provision of public open s	COMMDC	19-Oct-23	PERMIT	This application is presented to committee as the applicant is an employee of the council and is employed within the Planning Service.
23/02676/FUL	22 Rockliffe AvenueBathwickBathBath And North East SomersetBA2 6QP	Erection of front porch extension, replacment of windows and doors, installation of raised flat roof to rear extension and new ground floor side windows. Alterations to front and rear ground floor window and door openings and rear first floor window openi	COMMDC	19-Oct-23	PERMIT	This application is presented to committee as the applicant is an employee of the council and is employed within the Planning Service.
23/02496/FUL	9 St Ann's WayBathwickBathBath And North East SomersetBA2 6BT	Erection of single storey rear extension, two storey and single storey side extension (replacing existing), internal re-organisation and extended loft conversion (including new dormers).	COMMDC	16-Nov-23	PERMIT	This application is presented to committee in accordance with the scheme of delegation as the applicant is an employee of BANES.
23/00660/FUL	Systopia Consulting Limited Proximity HousePixash Business CentrePixash LaneKeynshamBristolBath And North East SomersetBS31 1TP	Construction of 2no. industrial units (Use classes B8 and E(g)) with associated parking, external yards, landscaping and services.	COMMDC	16-Nov-23	PERMIT	Ward member, Cllr Andy Wait, has requested that the application be referred to the committee.

<b>Contact person</b>	John Theobald, Project/Technical and Management Support Officer, Planning 01225 477519
<b>Background papers</b>	CLG General Development Management statistical returns PS1 and PS2 + Planning applications statistics on the DCLG website: <a href="https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics">https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics</a>
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