

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

BATH AND NORTH EAST SOMERSET COUNCIL

**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT
THE MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 17
JANUARY 2024**

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	SUPPORTING/ OBJECTING/ REPRESENTING
1	23/02731/FUL 1 Drake Avenue, Combe Down, Bath	Jeff Manning	Objecting
		Cllr Onkar Saini	Local ward member
MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	23/04679/TCA Sydney House, Sydney Road, Bathwick, Bath	No Speakers	

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
17th January 2024
SITE VISIT DECISIONS

Item No:	001	
Application No:	23/02731/FUL	
Site Location:	1 Drake Avenue, Combe Down, Bath, Bath And North East Somerset	
Ward: Combe Down	Parish: N/A	LB Grade: N/A
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	

DECISION PERMIT

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:

This decision relates to the following plans:

Received 6th October 2023

BLOCK PLAN
SM01 FLOOR PLANS

Received 24th July 2023

LOCATION PLAN

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 or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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 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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

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.

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 or telephone 01225 396269.

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.

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

17th January 2024

DECISIONS

Item No:	01	
Application No:	23/04679/TCA	
Site Location:	Sydney House, Sydney Road, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: II
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	

DECISION NO OBJECTION

PLANS LIST:

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.

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