

BATH AND NORTH EAST SOMERSET

PLANNING, HOUSING AND ECONOMIC DEVELOPMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Tuesday, 4th July, 2017

Present:- Councillors Will Sandry (Chair), Barry Macrae (Vice-Chair), Rob Appleyard, Colin Blackburn, Lisa O'Brien, Geoff Ward (in place of Fiona Darey) and David Veale

Also in attendance: Graham Sabourn (Head of Housing), John Wilkinson (Divisional Director, Community Regeneration), Simon De Beer (Group Manager, Policy & Environment) and John Cox (Business Support and Development Manager) and Chris Mordaunt (Team Manager for Standards & Improvement)

Councillor Bob Goodman: Cabinet Member for Development

Councillor Patrick Anketell-Jones: on behalf of the Cabinet Member for Economic and Community Regeneration, Councillor Paul Myers

1 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Fiona Darey had sent her apologies to the Panel, Councillor Geoff Ward was present as her substitute.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

6 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

Members of the public had registered to make a statement to the Panel relating to agenda item 9 (HMO Supplementary Planning Document). These statements would be heard at the beginning of this item.

7 MINUTES - 2ND MAY 2017

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

8 CABINET MEMBER UPDATE

Councillor Bob Goodman, Cabinet Member for Development addressed the Panel, a summary is set out below.

He wished to thank Liz Richardson for her work over the last 2 years. He said that Liz had been an admirable Cabinet Member and Advocate for Homes & Planning.

Joint Spatial Plan

The Joint Spatial Plan is for both Planning and Transport Strategy and I think it is important that we realise that and indeed our residents do because, without the infrastructure, it is not going to be possible to develop some of the sites which have been put forward within the Plan.

The two major areas are Whitchurch and North Keynsham which will give 1,400 and 1,600 houses respectively within the planned period.

The biggest challenge and one which I suspect people know is close to my heart, is the Affordable Housing need which is anticipated to be 32,500 and will be made-up of Social Housing and Shared Ownership.

We have to ensure these numbers are built and I have already been in conversation with the Mayor of the West of England, Tim Bowles, to let him know I want to work with him and other Members of the Combined Authority to achieve these targets.

I want to also highlight the potential trading off of land at Hicks Gate whereby the existing Park & Ride could be made into housing and B&NES could take part of the Park & Ride in the adjoining area. This is currently being looked at by officers.

The final agreed version will go out to consultation in November with a view to the adoption of the Joint Spatial Plan in early 2019.

Place Making Plan

We have been given the green light with the Place Making Plan from the Inspector with what I think is fair to say fairly minor alterations. The Place Making Plan will be going to Full Council in July.

We will then be looking at a review of our Core Strategy in what is now to become the new Local Plan.

HMO's

I hope there will now start to be a rebalancing of houses for the residents but, of course, we still have to take into account that HMO's are needed for key workers etc. and I have one or two ideas how that can be achieved which I hope to bring to you in the months to come.

Universities

Both Councillor Richardson and I have had meetings with the Universities to discuss various matters including how they can develop on their own sites and how we can be supportive of their aspirations in relation to ensuring the right type of mix in the community as a whole.

Housing

I thought I would just finish up with some positive news on housing. Firstly, I do have to mention the tragic events of Grenfell Tower a few weeks ago. Following a thorough investigation, it has been found there is no cladding on buildings Social Housing providers have in the Authority and indeed, as you can expect, we are taking this extremely seriously and a high level meeting will be taking place shortly to assess any action which may be needed stemming from the Grenfell catastrophe.

Under the Platform for Life Banner, 20 units of shared housing for young people being supported to maintain employment and education has been achieved.

3 key housing projects are underway for housing for clients with learning difficulties.

In Fosseyway and Midsomer Norton, 4-6 flats for independent living again with learning difficulties have been completed by Asra Housing Association and Swallow.

In Somerdale, there are 6 purpose built flats completed for people with learning difficulties.

I want now to blow the trumpet of Housing Services in that they have been awarded a Silver Standard for the work by the Housing Options and Homelessness Team by the Government National Practical Support Service and I very much look forward to working with them in the months ahead.

Another piece of good news on Affordable Housing is that Merlin Housing Society secured a £5.5m deal with Barrett's to take 40 new homes. This is increasing the number which the Planning Consent requires and includes specially adapted homes for wheelchair users.

Councillor Lisa O'Brien asked for his view on the possibility of the loss of 260 Social Housing units within the Mulberry Park development.

Councillor Goodman replied by saying that he had been very vocal within his ward on this issue and that he believed that it would be discussed in more detail at the

Development Management Committee on July 26th. He added that he would be supporting that there be no loss of these units within the development.

Councillor Colin Blackburn said that he could not understand why there is a lack of installed fire alarm systems, particularly in HMOs.

Councillor Goodman replied that this may depend on the number of protective doors that are in place within the property.

Councillor Rob Appleyard asked how he would form a relationship with Curo given his previous comments relating to the Foxhill regeneration.

Councillor Goodman replied by saying that he believed in the comments he had made previously and the need protect the local residents. He added that felt that he had the expertise to handle his new role and to form relationships with all necessary parties.

The Chairman asked how his new role as Cabinet Member would affect his professional work.

Councillor Goodman replied that since he had become a Councillor he had spoken with the Council's Monitoring Officer and agreed that any property that he was involved with would be decided upon by the Development Management Committee. He added that going forward he would look to have little or no direct dealing with any properties and that since becoming a Cabinet Member this week he had requested for a meeting to take place with himself and the Council's legal team.

The Chairman thanked him for his update on behalf of the Panel.

Councillor Patrick Anketell-Jones addressed the Panel on behalf of Councillor Paul Myers, Cabinet Member for Economic and Community Regeneration.

He said that the retail sector was coming under increasing pressure across the Council through the cost of rent and business rates. He added that in Bath there were a lot of empty shops and that this has an effect on the confidence of retailers in the area. He advised that the Council were looking to manage a £300,000 rate relief fund.

He informed the Panel that the Council owns 113 units and of the 8 of these that were currently empty 5 were under consideration.

He said that the Council and the Business Improvement District (BID) were working together on common interest projects.

He commented that retailers in Keynsham High Street were reporting a drop in sales and that it would be analysed if the new one way system had had any effect.

He said with regard to the Mineral Hospital, Bath that the Council has shown an interest in continuing to use the site for public use, but that he felt that there were other interested parties willing to pay a higher price for it.

He stated the need for a robust Coach Parking Strategy in Bath now that the area within Green Park is no longer available.

He explained that the opportunity for the Council to establish a Pioneer Building for expanding businesses to use had been lost due to the site being sold. He added though that the funding for this work was still available.

He suggested that the Panel might like to look at a refresh of the Cultural & Creative Strategy. He acknowledged that the technical elements of this work area have flourished, but that the Arts had struggled a little.

Councillor Rob Appleyard said that Coach Parking could be accommodated within the Odd Down Park & Ride and that the focus should be on identifying drop off and collection points.

Councillor Lisa O'Brien commented that landlords should be encouraged to make their empty retail sites more appealing by covering the windows with appropriate advertising.

Councillor Anketell-Jones replied that the BID is working on a similar initiative.

Councillor Colin Blackburn asked how proactive were the Council being with regard to the Rate Relief Fund.

Councillor Anketell-Jones replied that the details were still being discussed and acknowledged that it would have to be publicised.

Councillor Geoff Ward said that he felt that rents and rates within Bath were too high and that the Council should assess if they were at an appropriate level. He added that any Coach Park must have appropriate facilities for the public to use when they arrive.

Councillor Barry Macrae said that it was the intention of the Panel to provide advice to officers regarding retail later in the year. He added that the Enterprise Zone in Midsomer Norton required publicising.

Councillor Anketell-Jones replied that he was sure that with Councillor Paul Myers taking on this portfolio that this area of B&NES would be kept under a very good eye.

The Chairman thanked him for his update on behalf of the Panel.

9 HMO SUPPLEMENTARY PLANNING DOCUMENT

Joy Burt addressed the Panel, a copy of her statement will be placed on the Minute Book and can be seen online as an appendix to these minutes, a summary is set out below.

She said that she had responded to the consultation paper on HMOs in Bath Supplementary Planning Document Review in May 2017 and thanked Councillor Bob Goodman for leading the review into HMO Policy.

She said that in West Avenue the figure was now over 30%. She said that a reduction to 10% would go some way to address the student issue, but that this figure must apply to purpose built student accommodation as well as private HMOs.

She stated that it should be recognized that Bath cannot support the ever increasing expansion of student numbers at both of the universities. She said that she believed that a saturation point had now been reached and that a cap should be applied.

She said that by allowing developers to continue to turn family homes into HMOs for students as not only is it decreasing the housing stock, but as neither landlords nor students pay Council Tax, the income to B&NES is decreasing.

She said that she did have faith in the Council to do right by the residents of Bath so that those of us who live in Westmoreland and Oldfield Park wards can, in the future, say in truth we are proud to live in these communities.

Councillor Colin Blackburn asked if there was a site for potential purpose built student accommodation that she was concerned about.

Joy Burt replied that the recent proposals for a 126 bedroom facility on the site of the current Wansdyke Business Centre were a real concern. She said that local residents were pleased that it had been refused. She added that the issue of garages being converted into living accommodation was also a concern.

Simon Lock addressed the Panel, a summary of his statement is set out below.

He said that rubbish production is of a high volume at HMO properties and that he had written to Councillor Martin Veal on the matter, but had not received a reply.

He said that there were limited parking opportunities in areas containing a high percentage of HMOs and that noise emanating from regular late night parties was difficult to live with. He added that anti-social behaviour is a real problem and that the cause was alcohol being consumed in excessive amounts.

He stated that communities are becoming fractured and that the gardens of HMO properties in the main are often very messy.

He said that he felt that the number of registered HMOs was low in comparison to the actual figure.

Councillor Geoff Ward asked if he felt if the new SPD would make a difference.

Simon Lock replied that he thought it might as long as the number of registered HMOs increased.

Councillor Colin Blackburn asked what he thought the Council could do better regarding this issue.

Simon Lock replied that it should increase its efforts to fully understand the true figures of HMOs in the area as he thought there could be twice as many as were registered. He added that the Council should look at parking controls in certain areas and that he was concerned that the introduction of wheelie bins in the future would lead to an increase in fly tipping. He said that he would like to see a real community created again.

Councillor Shaun Stephenson-McGall addressed the Panel. He said that he welcomed the initial Council decision in 2013 and that amending the threshold figure to 10% was the right thing to do. He added that since 2013 we have seen that other Councils have been more ambitious with their proposals.

He stated that the Council needed the appropriate number of staff in place for enforcement to be efficient and robust. He added that they should not reduce the amount of funding that it gives to the Student Community Partnership.

He said that he was disappointed that further purpose built accommodation was not being pursued and advised the Panel to consider the Belfast case study within the appendix to the report.

Councillor Colin Blackburn asked how much funding does the Council give to the Student Community Partnership now in comparison to previous years.

Councillor Shaun Stephenson-McGall replied that it was currently £5,000 and had previously been between £15,000 - £20,000.

Councillor Barry Macrae commented that he felt that residents felt a little powerless on this issue. He suggested that the Universities and landlords should contribute to the Student Community Partnership.

Councillor Geoff Ward commented that he was aware of specific training that took place in South Wales for HMO landlords.

Councillor Shaun Stephenson-McGall replied that he was aware of a previous voluntary accreditation scheme, but that it was enforcement that was really necessary for the bad landlords.

Councillor June Player addressed the Panel. She said that landlords should be held more responsible for their tenants, especially in terms of rubbish associated with the property. She stated that parking was also difficult as when students are present the roads are packed with cars.

She said that first year students should have to stay in purpose built accommodation for the first full year of their course and that the additional licensing scheme was not adequate enough.

She recalled to the Panel that she had put a motion to Council relating to HMOs and business rates and that nothing further had happened in respect of it.

She concluded by stating that she agreed with the proposal to amend the threshold to 10% and the introduction of a sandwich policy.

Councillor Colin Blackburn asked her opinion on the conversion of garages into dwellings.

Councillor Player replied that she was against it and did not feel that it was monitored properly.

The Chairman read out a statement from Rosie Phillips, Chief Executive, Developing Health & Independence (DHI), a summary is set out below.

The situation relating to two people were referred to and it was stated that they both now live in a HMO in central Bath provided by Home Turf Lettings, DHI's not for profit lettings agency.

She explained that DHI set up Home Turf Lettings as a not for profit lettings agency several years ago in response to the growing lack of affordable accommodation which meant that they were struggling to find accommodation for both our traditional client group (those who are vulnerable and marginalised) but increasingly for those simply on a low wage or suffering a set-back in life.

She wrote that the impact of this is that those who are most vulnerable, as well as those in low paid work, are furthest from either the support services they need or their place of work and have to pay most to access it. This cannot be right.

She stated therefore, while we support B&NES proposed restriction, DHI would urge that the Council consider an exemption for charities and not for profit organisations that provide affordable housing aimed at supporting local people.

The Group Manager for Policy & Environment introduced the report to the Panel. He drew their attention to Table 4 that sets out the key policy options shortlisted in the Arup Report. He explained to them a little more detail regarding Option 4 - HMO 'Sandwich' Policy (Introduce an additional criteria. A proposed HMO will be refused if it would result in a non-HMO dwelling being located between two HMOs).

Councillor Barry Macrae asked if the threshold was amended would that affect any existing HMOs.

The Group Manager for Policy & Environment replied that it would not.

The Team Manager for Standards & Improvement added that any additional licence ceases after five years.

The Chairman explained to the Panel that the House Condition Survey (Housing Census modelling study) was due to be undertaken by Housing in the Summer of 2017 and that potential changes in the Mandatory Licensing scheme will help improve the data sets.

Councillor Colin Blackburn agreed with comments made regarding the Council's need to enhance its data as he felt that there are far more HMOs out there than are registered.

Councillor Rob Appleyard asked if any thought had been given to reducing the number of years for a licence from five to four and if any behaviour conditions should be applied to it.

The Team Manager for Standards & Improvement replied that these suggestions were not being considered currently, but he would note them for future reference.

Councillor Lisa O'Brien questioned whether the Council should consider allowing no further HMOs for a period of two years to allow for a thorough data collection process to take place. She also suggested that landlords and tenants should be asked to pay business rates and Council Tax respectively.

The Group Manager for Policy & Environment replied that the Government believes that we should not be able to control it all which is why we had to apply for the initial Article 4. He added that he did not think the Council would have a case for not allowing any HMOs for two years and that the percentage amendment proposed is substantial alongside a sandwich policy. He said that he did not think that they would be challenged on their proposals.

Councillor Geoff Ward said that he agreed for the need for the Council's data to be enhanced, particularly in non-traditional HMO areas.

Councillor Barry Macrae said that he would endorse the threshold amendment to 10%. He commented of the need for Licensing and Planning to be reading from the same book on this issue.

The Head of Housing offered to bring to a future meeting of the Panel a report that detailed their enforcement work. He reminded them that they were looking at two totally separate pieces of legislation and that the additional licensing measures were about the protection of tenants.

The Chairman asked a question on behalf of Councillor June Player in her absence regarding the level of control the Council has on the conversion of garages into dwellings.

The Group Manager for Policy & Environment replied that he would seek a response to this question and inform the Panel.

The Panel **RESOLVED** to endorse the emerging preferred approach to introduce a sandwich policy and lower the threshold to 10% from 25% as follows;

Applications for the change of use from C3 Dwellings to C4 or Sui Generis (Houses in Multiple Occupation) will not be permitted where;

Criteria 1:

It would result in any residential property (C3 use) being 'sandwiched' between two HMOs;

Criteria 2:

Stage 1 – The application property is within or less than 50 metres from a Census Output Area in which HMO properties represent more than 10% of Households; and;

Stage 2 – HMO properties represent more than 10% of households within a 100 meter radius of the application property.

10 THE IMPLICATIONS OF LOSSES OF OFFICE TO RESIDENTIAL IN BATH

The Divisional Director for Community Regeneration introduced this report to the Panel. He explained that this matter was at the early stage of policy development and that officers have been asked to explore the benefits and risks of making an Article 4 Direction to remove the permitted development rights to make a change of use from office to residential in Bath.

The Business Support & Development Manager gave a presentation to the Panel, a copy can be seen online as an appendix to these minutes and on the Panel's Minute Book, a summary is set out below.

Policy Context

2013: Introduction of new Permitted Development Rights (PDR)

2011 – 2016 in Central Area:

7,000sqm of office space converted to residential

12,000sqm of office space subject to PDR consents

Placemaking Plan 2016

Proposed adjustment to Central Area office policy:

Enable 60,000sqm of new office space

Manage loss of 20,000sqm of "least suitable" space

He informed them that to assess the risk and impact of further losses of office space the Council has appointed Ortus Economic Research to undertake an analysis of the Bath Central Area.

He said that Ortus engaged Lambert Smith Hampton to provide local commercial market knowledge and advice and followed a methodology they have used

elsewhere to support authorities considering Article 4 Directions as well as exemptions from the original temporary arrangements.

He explained that given that 80% of B&NES office stock is located within the Bath Central Area, this part of the City has been the focus of the assessment. He added that the Central Area is as defined in the Core Strategy, with the addition of areas of B1 activity along the Lower Bristol Road. He added that the emerging analysis shows that as an established commercial centre B1(a) premises play an important role in Bath's local economy; this use class accounts for a greater proportion of economic activity than any other.

Councillor Rob Appleyard asked if there were any key areas to address and what was the current view of officers.

The Divisional Director for Community Regeneration replied that he felt that the value of pursuing an Article 4 Direction should be explored.

The Group Manager for Policy & Environment added that all persons affected would have to be notified and consulted.

The Chairman asked if it were possible to immediately introduce an Article 4 Direction.

The Group Manager for Policy & Environment replied that the Council would have to assess the financial liability of making that decision.

Councillor Barry Macrae said that he welcomed the report and that he hoped the Council could mitigate any future problems.

Councillor Colin Blackburn thanked the officers for providing a good report. He asked what risks would there be in going public with a consultation period of twelve months versus an immediate implementation.

The Divisional Director for Community Regeneration replied that it was his view that starting the application process now would be worth exploring as outside of the work taking place on the Quays it was not certain where the future growth of office sites would be delivered.

Councillor Lisa O'Brien said that she would advocate an immediate implementation of an Article 4 Direction.

The Chairman said that there was a need to understand the financial risk in making a decision on this issue, but hoped officers could see from the comments made by the Panel that there is support for implementation.

The Divisional Director for Community Regeneration thanked the Panel for their comments and said that work would continue on the potential options and that he would bring a report to a future meeting of the Panel.

11 HOUSING & PLANNING ACT

The Panel noted the report that was submitted to them.

12 PANEL WORKPLAN

Councillor Rob Appleyard asked whether the Panel should take part in any work relating to the condition applied to HMOs regarding car ownership.

The Chairman reminded the Panel of discussions earlier in the meeting relating to receiving a report on Additional Licensing Enforcement and a refresh of the Culture & Creative Strategy.

Councillor Lisa O’Brien suggested that the Panel receive a report on the Destination Marketing Plan and advised that this could take place in November.

The Chairman said that he would like for them to have a report on progress of the Mulberry Park Development and how that compares with the Foxhill Charter.

Colin Blackburn commented that he would like to hear more information on how the Rate Relief Fund would be administered and details of any key future projects.

Councillor Barry Macrae said that he felt that at some point the Panel should discuss the impact of the West of England Combined Authority (WECA) on B&NES.

The Chairman thanked the Panel for their suggestions and said they would be discussed further with the Strategic Director for Place.

The meeting ended at 5.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services