

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **18th December 2019**

RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

AGENDA
ITEM
NUMBER

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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.

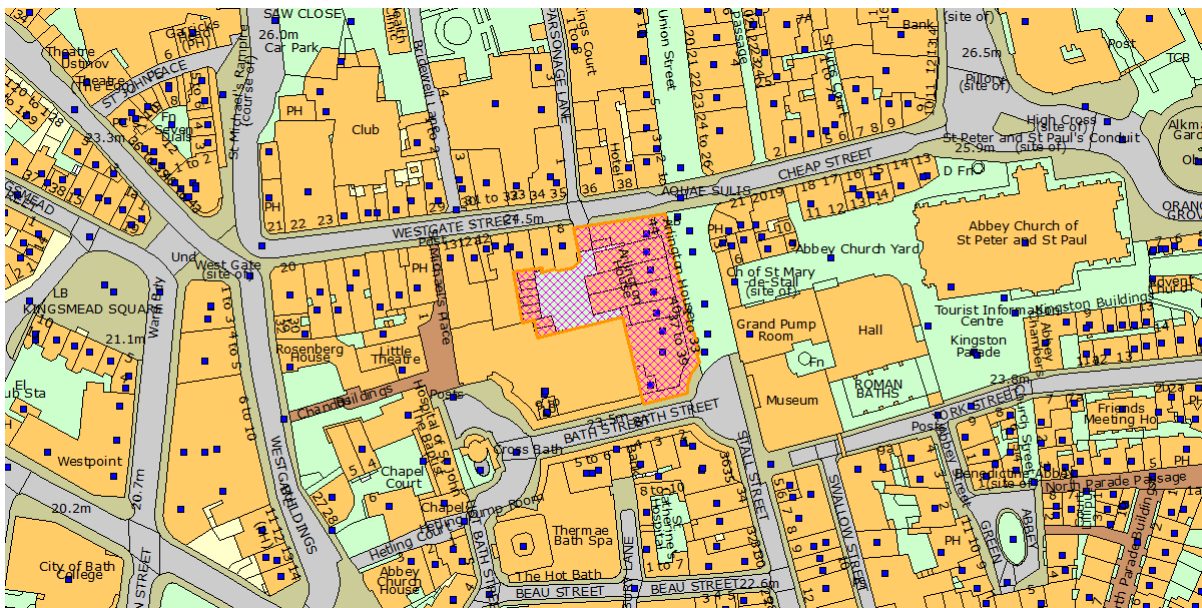
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	19/03846/FUL 23 November 2019	Hamways Limited Arlington House, Bath Street, City Centre, Bath, Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4).	Kingsmead	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 19/03846/FUL
Site Location: Arlington House Bath Street City Centre Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** I
Ward Members: Councillor Sue Craig Councillor Andrew Furse

Application Type:	Full Application
Proposal:	Change of use of Flat 4, Flat 5, Flat 15, Flat 16 and Flat 27 from dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4).
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Bath City Centre Boundary, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Areas, Policy HE1 Scheduled Ancient Monuments, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Hamways Limited
Expiry Date:	23rd November 2019
Case Officer:	Christine Moorfield
To view the case click on the link here .	

REPORT

This application was considered by committee members on the 20th November 2019.

Committee members RESOLVED to DEFER consideration of the application pending a site visit with regard to the internal layout plans and the creation of internal corridors which were permitted in 2017.

Permission for internal alterations to the flats were consented as follows:

Flats 4 and 15 under consent 17/03731/LBA and
Flats 5, 16 and 27 under consent 17/03732/LBA.

The applicants have confirmed that the layout of the flats will reflect the layouts consented by these applications in 2017.

The committee members were able to view the flats at the site visit on the 9th December 2019.

This application was presented to committee because Cllr Furse had requested that if the Officer is minded to approve the application then it should come to committee on the grounds of;

1. Over occupation - an HMO within an HMO.
2. Precedent could lead to further subdivision of HMOs and removal of 'family' accommodation from the city centre housing stock.
3. Detriment to neighbours and current occupants of the block of flats.

The Chair and Vice Chair of the planning committee have stated the following:

Chair: This application is unusual and falls slightly outside the normal definition for HMO's so I agree this decision needs to be taken in the public domain.

Vice Chair: This application is a departure from the usual request for change of use to HMOs & has been assessed against relevant planning policy however the interpretation of criteria set out in the Article 4 in this particular case I think should be debated in the public arena as requested by the Ward Cllr therefore I recommend the application be determined by the planning committee.

This application seeks the change of use of five flats within a block of flats from flats (C3) to HMOs (C4)

The property is located within the city centre of Bath. The building is a block of flats the southern most end of the building being listed.

The site is within the Bath World Heritage Site and an area with an article 4 direction in respect of homes in multi occupation. The property is a grade I listed building and the building is located within the Conservation Area.

The existing flats are laid out as follows:

Flats 4 and 5 are opposite each other on the first floor

Flats 15 and 16 are opposite each other on the second floor.

Flat 27 is above flat 16 on the third floor.

All five of the flats are located at the far most northern end of the block of flats. The flats are not located within the Listed part of the building.

The layout of the units on the east side of the building (5,16 and 27) are slightly different from those on the west side of the building (4 and 15). The details submitted indicate the units having bathroom facilities but the other rooms are not specifically annotated. As HMOs the units can be occupied by 6 or less people.

HISTORY

DC - 13/04936/FUL - PERMIT - 15 January 2014 - External works including the provision of a new shopfront and entrance.

DC - 13/04937/LBA - CON - 15 January 2014 - External works including the provision of a new shopfront and entrance.

DC - 13/04948/LBA - CON - 17 January 2014 - Internal works including the replacement of existing lifts,

escalators, reconfiguration of the main shopfloor, drainage solution to the lower ground floor and associated works at 39 Stall Street, Bath

DC - 14/01452/FUL - PERMIT - 20 June 2014 - Installation of lightning protection mast to existing system

DC - 14/01997/AR - CON - 24 June 2014 - Display of 3 no. non illuminated vinyl signs to the existing construction hoarding.

DC - 16/01469/FUL - PERMIT - 2 September 2016 - Replacement of dilapidated single glazed sash windows with new double glazed units in new rebated sashes, all fitted into existing box frames.

DC - 16/01470/LBA - CON - 2 September 2016 - Internal and external alterations for the replacement of dilapidated single glazed timber sash windows with new double glazed

units in new rebated sashes, all fitted into existing box frames. Re-painting of deteriorated solar reflective coating to asphalt roof.

DC - 16/03827/LBA - CON - 20 September 2016 - Internal alterations and reconfiguration alongside necessary refurbishment works to form 2no. bedrooms, 1no. with an en-suite bathroom, and 1no. family bathroom.

DC - 17/03721/LBA - CON - 4 April 2018 - Internal alterations for the alteration of internal layout of residential units alongside planned refurbishment works (Flats 1,2,3,6,8,12,13,14,17,19,23,24,25,28 and 30 Arlington House)

DC - 17/03731/LBA - CON - 14 March 2018 - Internal alterations for alteration of internal layout of residential units alongside planned refurbishment works (Flats 4 and 15 Arlington House).

DC - 17/03732/LBA - CON - 14 March 2018 - Internal alterations for the alteration of internal layout of residential units alongside planned refurbishment works (5, 16 and 27 Arlington House).

DC - 17/03733/LBA - CON - 14 March 2018 - Internal alterations for the alteration of internal layout of residential units alongside planned refurbishment works (at flats 7, 18 and 29 Arlington House).

DC - 17/05425/LBA - CON - 15 March 2018 - Internal alterations for alteration of internal layout of residential units alongside planned refurbishment works (at Flats 9 and 20 Arlington House).

DC - 17/05431/LBA - CON - 14 March 2018 - Internal alterations for the alteration of internal layout of residential units alongside planned refurbishment works (at Flats 10 and 21 Arlington House).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

DRAINAGE

The drainage and flooding team have no objection to the development in relation to flood risk

HIGHWAYS

HDC notes that the existing flats do not benefit from any off-street car parking provision and that the applicant does not intend to provide any. It is also acknowledged that the application site is located within the 'Bath Central Parking Zone' and that the proposed change of use will not increase the existing numbers of bedrooms from which each flat currently benefits

The change of use is likely to increase the occupancy of the flats marginally by independent individuals (i.e. not a family) and this may raise concerns over increased parking demand in the vicinity of the application site, particularly in an area where on-street parking is controlled by permit

However, the site's sustainable city centre location is acknowledged with good access to a range of services, facilities and public transport links, therefore, car usage should be less intense

There is evidence from surveys carried out by the Department for Communities and Local Government which states that rented accommodation can have up to 0.5 fewer cars than owner occupied households of a similar size and type. Based on existing room* numbers and that proposed, car-ownership would be similar to the current use of the properties.

Given this, it is not considered that there would be a significant impact on the local highway network

Without adopted parking standards for HMOs, it is difficult to demonstrate that the retention of the existing number of bedrooms will result in an unacceptable increased demand for parking, or a demonstrable harmful impact on local highway conditions. Paragraph 109 of the revised NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Refusal of the application on these grounds would be considered contrary to this policy, therefore HDC raises no objection to the proposed change of use, subject to Conditions and Advisories being attached to any planning permission granted.

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined.

The statutory Development Plan for B&NES now comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

- CP6 - Environmental Quality
- CP2 - Sustainable Construction
- CP10 - Housing Mix
- B4 - World Heritage Site

The following B&NES Placemaking Plan policies should be considered:

- D1 - General urban design principles
- D2 - Local character and distinctiveness
- D3 - Urban Fabric
- D4 - Streets and Spaces
- D6 - Amenity
- ST1 Promoting Sustainable Travel
- ST7 Transport access and development management
- HE1 Historic Environment
- H2 House in Multiple Use

Supplementary Planning Document: Houses in Multiple Occupation in Bath SPD (November 2017) Consideration will be given to the National Planning Policy Framework and the National Planning Practice Guidance.

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

This proposal is for the change of use from C3 to C4 which could ordinarily be implemented under permitted development rights, however an Article 4 Direction has been adopted which applies to the whole City of Bath, and therefore planning permission is required.

Placemaking Plan Policy H2 restricts the sub-division and conversion of existing dwellings to Houses in Multiple Occupation in areas of high concentration of existing HMOs, where it is incompatible with the character and amenity of existing adjacent uses and where the HMO use would significantly harm the amenity of adjoining residents through a loss of privacy, visual and noise intrusion. A supplementary planning document has been adopted alongside Policy H2 which seeks to prevent further changes of use to HMOs in areas of high concentration. The SPD has two criteria for the assessment of such applications:

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) will not be permitted where:

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

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. It is worth noting that this change of use does not proposed sandwiching horizontally or vertically as the flats are located above and below each other.

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 also aims to ensure that there is a balance of housing types at street level.

The SPD recognises that the cumulative impact of HMO's on either side could significantly impact upon the residential amenity of the property as well as character of the area. C3 dwelling houses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and comings and times 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 a HMO are likely to be less regimented and occur at earlier and later times in the day than a C3 family home, and may well consist of groups engaging in evening or night time recreational activity. Such a change of use can therefore be expected to increase comings and goings, noise and other disturbance compared to a C3 use.

Individually, small HMOs are not generally considered to result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect.

Given that the proposal will not result in sandwiching a C3 property, the proposal is considered to be in compliance with Criterion 1. It should also be noted that the proposal results in two units on the first and second floor with one unit on the thirds floor.

Criterion 2: Stage 1 Test:

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 Test: HMO properties represent more than 10% of households within a 100 metre radius of the application property

The site falls outside a Census Output Area in which HMO properties represent more than 10% of households. It is therefore considered that the proposal would not result in an over concentration of HMOs contrary to supporting a balanced community. The proposal therefore complies with Policy H2 of the Placemaking Plan and supplementary policy set out in the Houses in Multiple Occupation in Bath (HMO) SPD.

It is noted that within a 100m radius of the site there are 8 HMOs and there are 161 properties of which 8 are HMOs. The change of use of these 5 flats will result in 8% of the units within the identified area being HMOs.

It is recognised that HMOs are occupied by unrelated individuals who come and go separately resulting in some additional activity in association with the property which is different to the activities associated with a dwelling house (C3). These units are located within the City Centre with no amenity space and so are considered to be units that would not attract young families.

As the adjacent units are flats it is expected that the change of use of these units would not result in a level of harm to the residential amenity of the neighbours that would justify refusal of the application.

The proposed conversion would provide a reasonable living environment for the proposed occupiers and adequate provision of facilities.

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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least ten bicycles (two spaces for each of the five flats) has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan

PLANS LIST:

Location Plan 30/08/2019

A (03) 01-002-03 Proposed first floor 3/12/2019

A(03) 03-001-03 Proposed third floor 3/12/2019

A(03) 02-001-03 Proposed second floor 3/12/2019

A (02)00-001-01 Block plan 02/09/2019

A (01)01-001, Existing first floor 02/09/2019

A(01)02-001, Existing second floor plan 2/09/2019

A(01)03-001 Existing third floor plan 02/09/2019

The applicant shall note that future residents will not be entitled to residents parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developer's risk given the sustainable location of this development proposal.

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.

This permission does not convey or imply any civil or legal consents required to undertake the works.

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.