

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **13th December 2023**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Gary Collins – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION 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.

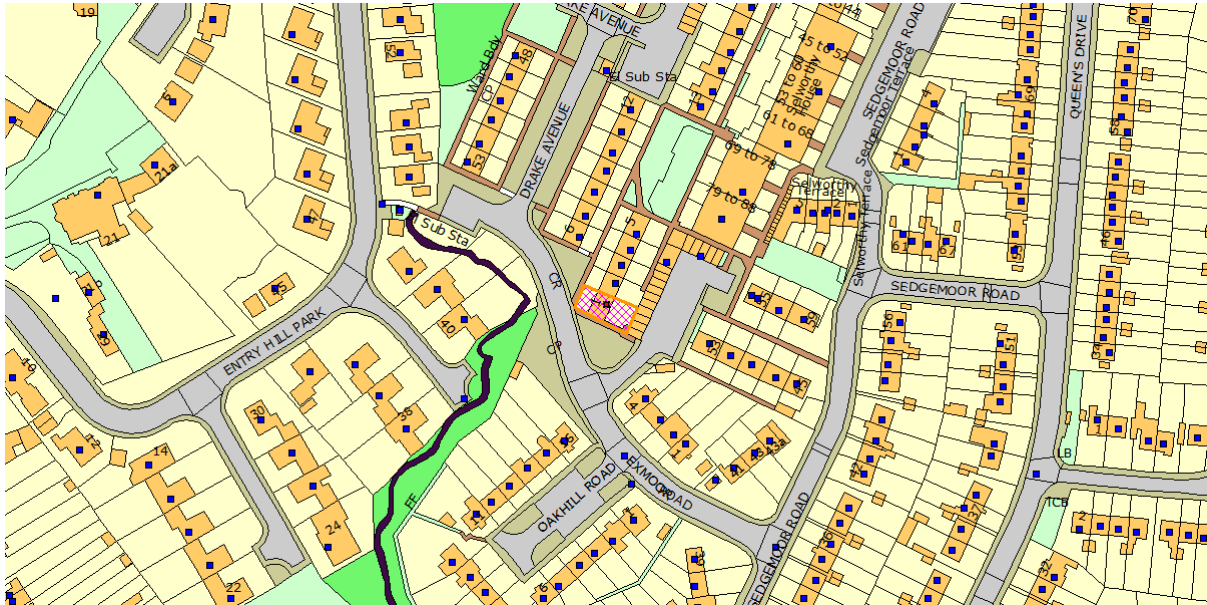
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	23/02731/FUL 15 December 2023	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: 15th December 2023
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 at cannot comment on concerns raised by residents. However, as the property is a HMO it is best to consult 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 with 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 dwellinghouses 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 6.51m² (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 18.3m² 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 necessary 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 appropriate 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 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 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

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 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.