

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

17th January 2024

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE
PREPARATION OF THE MAIN AGENDA**

ITEMS FOR PLANNING PERMISSION

| Item No. | Application No. | Address |
|-----------------|------------------------|--|
| 1. | 23/02731/FUL | 1 Drake Avenue, Combe Down, Bath, BA2 5NX |

Update:

The introductory section after the Vice Chair's comments is amended as follows:

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 dwelling (Use Class C3c) to House in Multiple Occupation (Use Class C4).

Background

The application went before Committee in November 2023 under the description that it was for a retrospective 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). At the November Committee, Members chose to defer the decision so that a site visit could be undertaken. It is also notable that the existing use Class of the property was cast into doubt at the November Committee. The description of development was amended accordingly.

The site visit was undertaken in December 2023.

Since the site visit advice has been taken from the Council's Legal team regarding the existing use of the property. It has been confirmed that the existing lawful use, which differs from the present use, falls within Class C3 of the use Class Order which includes sub-classes (a, b and c).

The representations section is amended as follows:

Representations Received :

The application was readvertised following amendment of the description after the November Committee. In total 104 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 There is insufficient parking for cars and bicycles.
- o The application has been inadequately publicised.
- o The appearance of the area has declined.
- o The use devalues nearby properties.
- o The application is prejudicial to residential amenity of nearby residents.
- o The application does not afford occupiers adequate levels of residential amenity.

The reference to the September 2023 version of the NPPF in the Policy Section is amended to refer to the December 2023 version.

The 13th Paragraph of the Principle of Development Section is amended as follows:

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 which falls within Use Class Sui Generis.

The 2nd Paragraph of the Residential Amenity Section is amended as follows:

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.

It is notable that the present use falls within a different use class to that for which planning permission is sought.

The 9th Paragraph of the Residential Amenity Section is amended as follows:

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 C3 use to use class C4...

The Public Sector Equality Duty Section is amended as follows:

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.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality.

Recommendation

There is no change to the Officer recommendation. It is recommended Permission is granted for the scheme.