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Date: 28th September 2012

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To: All Members of the Planning, Transport and Environment Policy Development and Scrutiny Panel

Councillor Marie Longstaff
Councillor Caroline Roberts
Councillor Malcolm Hanney
Councillor Geoff Ward
Councillor Ian Gilchrist
Councillor David Martin
Councillor Douglas Nicol

Cabinet Member for Homes & Planning: Councillor Tim Ball
Cabinet Member for Transport: Councillor Roger Symonds
Cabinet Member for Neighbourhoods: Councillor David Dixon

Chief Executive and other appropriate officers
Press and Public

Dear Member

Planning, Transport and Environment Policy Development and Scrutiny Panel: Monday, 8th October, 2012

You are invited to attend a meeting of the **Planning, Transport and Environment Policy Development and Scrutiny Panel**, to be held on **Monday, 8th October, 2012 at 10.00 am** in the **Brunswick Room - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Mark Durnford
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Mark Durnford who is available by telephoning Bath 01225 394458 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Mark Durnford as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Mark Durnford as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

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**Planning, Transport and Environment Policy Development and Scrutiny Panel - Monday,
8th October, 2012**

at 10.00 am in the Brunswick Room - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

At the time of publication no notifications had been received.

7. MINUTES: 23RD AUGUST 2012 AND 11TH SEPTEMBER 2012 (Pages 7 - 36)

8. CABINET MEMBER UPDATE

This item gives the Panel an opportunity to ask questions to the Cabinet Member(s) and for them to update the Panel on any current issues.

9. COMMUNITY INFRASTRUCTURE LEVY & REVIEW OF THE PLANNING OBLIGATIONS SUPPLEMENTARY PLAN

The Panel will receive a verbal update on this item from the Policy & Environment Manager.

10. SUSTAINABLE CONSTRUCTION & RETROFITTING SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Panel will receive a verbal update on this item from the Planning Policy Officer.

11. HOUSES IN MULTIPLE OCCUPATION IN BATH SUPPLEMENTARY PLANNING DOCUMENT: CONSULTATION DRAFT (Pages 37 - 130)

In response to concerns about the impact of high levels of Houses in Multiple Occupation (HMO) in Bath, the Cabinet considered a mixture of planning controls and housing-led solutions on 14th March 2012. The Cabinet agreed to make a non-immediate Article 4 Direction covering Houses in Multiple Occupation in Bath. Once confirmed, the Article 4 Direction will be supported by a Supplementary Planning Policy setting out the framework within which planning applications for a change of use from a dwelling house to a small HMO will be considered. The first draft of this has now been prepared entitled Houses in Multiple Occupation in Bath: Supplementary Planning Document (Consultation Draft) and is presented to Cabinet for agreement to publish for public consultation in Oct – Nov 2012.

12. TRANSPORT STRATEGY

The Panel will receive a presentation on this item from the Group Manager for Planning Policy & Transport.

13. PARKING STRATEGY

The Panel will receive a presentation on this item from the Transportation Policy Manager.

14. PANEL WORKPLAN (Pages 131 - 142)

This report presents the latest workplan for the Panel (Appendix 1).

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Thursday 23rd August, 2012

Present:- Councillors Marie Longstaff (Chair), Caroline Roberts (Vice-Chair), Malcolm Hanney, Geoff Ward, Ian Gilchrist, Nicholas Coombes and Douglas Nicol

Also in attendance: Simon De Beer (Policy & Environment Manager) and Sue Murtagh (Green Infrastructure and Partnerships Coordinator)

Cabinet Member for Homes & Planning: Councillor Tim Ball

29 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

30 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

31 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor David Martin had sent his apologies to the Panel, he was substituted for the duration of the meeting by Councillor Nicholas Coombes.

32 DECLARATIONS OF INTEREST

There were none.

33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

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

Mr Mike Wheeler, South West Transport Network made a statement to the Panel on the subject of the Rail Decentralisation programme, and Bristol's 'City Deal'. A full copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

As section 4.11.6 Future Decentralisation (p.122) of the ITT allows, we urge the Government to include the following addenda as an amendment, considering the status of the Rail Decentralisation programme, and Bristol's 'City Deal'.

We call upon the neighbouring Local Authorities to form a Rail Board or risk the Government imposing a quango upon us.

We also seek the following actions as part of the plans for devolution.

- Explicit information on Bristol's 'City Deal' & the Rail Decentralisation status.
- The immediate transfer of the Government's rail officer to the region, and a requirement for the employment of Directors of both Rail & 'Bus/Tram locally.
- Insist Revenue Support for new services beginning 2016-19 (£900k p.a. /line) utilises the Precept model of e.g. TfL & MerseyTravel.
- A good model for the Greater Bristol Transport Board is Liverpool's MerseyTravel, with its multi-mode, multi-magnitude network. It has been very effective in developing & funding services.

Broadly, we envisage new Transport Boards having jurisdiction over the following rail details:

- Specification for devolved services.
- Setting Fares for devolved services.
- Station/On-train staffing levels for devolved services.
- Rolling Stock procurement.
- Service Contract award & management.
- Specifying local subsidy – Precept.
- Development of local infrastructure.
- Station developments & maintenance (inc. disabled access).
- Ticket Office opening hours/re-instatement.
- 'Smart-ticketing' Options.
- CCTV & safety assurance.
- Shelters & information.
- Revenue Protection Staff placement.
- BTP Liaison.

The Chairman asked for the statement to be passed to Councillor Roger Symonds, Cabinet Member for Transport.

Councillor Geoff Ward asked if he felt he had been able to find the most appropriate officers to address.

Mr Wheeler replied that there appeared to be a breakdown in communication with officers at the West of England Partnership. He added that one local Council continues to veto these proposals.

35 CABINET MEMBER UPDATE

Councillor Tim Ball, Cabinet Member for Homes & Planning was present and stated that he would make a statement to the Panel under agenda item 8.

The Chairman thanked him for his attendance and wished for it to be recorded that neither Councillor David Dixon, Cabinet Member for Neighbourhoods or Councillor Roger Symonds, Cabinet Member for Transport were present, had given their apologies or had submitted a written report to the Panel. She also questioned why a Divisional Director was not present.

36 GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD): RESPONSES TO CONSULTATION AND ISSUES ARISING

The Policy & Environment Manager introduced this item to the Panel. He explained that the Council undertook consultation on an Issues and Options document between 21st November 2011 and 16th January 2012 and that a Preferred Options document was consulted on between 23rd May and 20th July 2012.

He added that as a result of the issues raised during the public consultation and also because of the further work required on the Core Strategy the Council was undertaking a review or stock take of the work so far. Part of the stock take will be a review of the site selection process in light of the concerns expressed over the previous methodology through the public consultation.

He stated that over 1,600 comments had been received to that consultation, including a number of petitions.

He informed the Panel that through the consultation 27 new sites had been suggested. He stressed that no assessment had yet taken place of these sites.

The Chairman commented that earlier in the week she had received a copy of the Cabinet report due for publication in September. She asked why the report had already been written.

The Policy & Environment Manager replied that he thought an early sight of the paper would be of help.

Councillor Malcolm Hanney asked why there was no mention of the Judicial Review process in the report.

The Policy & Environment Manager apologised for the omission.

Councillor Malcolm Hanney commented that he did not understand why the Cabinet report had been published prior to this meeting. He added that the communities surrounding the 27 newly proposed sites would not have had time to receive and digest the information. He asked for the dates for when each of the newly proposed sites were suggested.

The Policy & Environment Manager replied that in response to a request at the last Town & Parish Council liaison meeting, the Council had agreed to notify Parish & Town Councils of the new list of sites as soon as it was possible. He added that it took some time to work out the exact location of some of the sites that were being put forward.

Councillor Geoff Ward commented that he felt it would have been more beneficial if only viable sites were listed.

The Policy & Environment Manager reiterated his previous comment relating to the request of the Parish & Town Councils. He added that the publication of the list would promote early engagement.

The Chairman asked if some sites should have simply been dismissed before publication.

The Policy & Environment Manager replied that officers have been asked not to withhold any suggested sites in light of previous criticism that the council had made decisions on sites without involving local councils.

The Chairman asked if any further comment could be given on whether three sites from the initial list were going to be removed at the next Cabinet meeting.

Councillor Tim Ball, Cabinet Member for Homes & Planning replied that it was highly unlikely that the Cabinet would choose to progress the sites at Stanton Wick, Radstock Canteen and Ellsbridge House.

The Chairman asked at this point if Councillor Ball would like to make his statement to the Panel.

Councillor Ball stated that in the light of the recent Options Consultation and the further work required on the Core Strategy, a stock take of the Gypsy & Traveller site work was underway. He added that the results of on-going work indicated that there were particular concerns about the deliverability of three of the sites.

Old Colliery, Stanton Wick:

Highways – The development of this site would require considerable improvements, such as a visibility splay, amendments to the existing Traffic Regulation Order, improvements at the Stanton Wick Lane junction with the A368 and provision of additional passing places in Stanton Wick Lane. These measures will all have a cost.

Ecology – Whilst the Ecologist is of the view that no significant habitat related constraints have been identified that would prevent a carefully sited development proceeding, further surveys are needed for protected species (eg bats, great crested newts) which may require mitigation with associated costs.

Viability – An initial assessment indicates that the costs of developing the site will render the site unviable. (NB 20 pitches would cost £3.6m to develop & 5 pitches would cost £1.7m. Even if the pitches were valued at the top end of the market, they are likely to yield £2.4m for 20 pitches & £0.6m for 5 pitches).

Former Radstock Infant School Canteen:

Historic Environment – A formal Conservation Area Impact Assessment concludes that it would be very difficult to achieve good design as a Gypsy or Traveller site and that the harm arising to the Conservation Area would be considerable, failing to accord with national planning policy requirements.

Highways – The limited size of the site would prevent on-site turning and passage of large vehicles on the access road would be difficult. The proposed use of the site would require full demolition of the front boundary wall which, as noted by the Conservation Area Impact Assessment, makes a valuable contribution to the character of the Conservation Area.

Ellsbridge House, Keynsham:

Trees – The Council's senior arboriculture officer is of the view that development of this site would destroy the woodland appearance. In her view, the site is suitable for a woodland designation Tree Preservation Order.

Highways – The neighbouring landowner has indicated very strongly that the option of a new, improved shared access would not be acceptable and so this access solution is not available to the Council.

Conclusion on the above 3 sites: I believe it is almost certain that the three sites suggested at Stanton Wick, Ellsbridge House and Radstock Infant School Canteen will not be included in our final plans

The Council has also now published the list of sites suggested by the community for investigation as Gypsy & Traveller sites and these will be assessed against the new criteria. Before the Council finalises the draft Plan it will consult on the revised list of sites in the New Year.

Judith Chubb-Whittle, Chair of Stanton Drew Parish Council addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

Here are a few of the questions my parishioners have asked me to put to you;

Can a detailed number of responses received be provided?

Does a petition count as a single response?

Is it possible to provide a breakdown of responses received per site?

A revised, and hopefully more realistic and accurate site selection process is welcomed, but can we be assured that sites which have already been shown to be undeliverable will be removed AND removed permanently?

The report refers to new sites identified through the 'Call for Sites', but the initial Call for Sites closed on 16-Jan-2012. Is there currently a formal Call for Sites or is this

just an informal request? Whilst the response form can be found by searching the B&NES website, it is not linked from the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD web page.

One positive outcome has been the massive increase in the interest in the activities of the Parish Council; the lowest level of democracy and the only one which is apolitical. This contrasts with the Parishioners' current view of B&NES, which has massively undermined its credibility and frustrated everyone with its unnecessary politicisation of a hugely important local issue.

Mary Walsh, Joint Chair of Whitchurch Village Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

My question this morning is why is this consultation being continued, as it has been proven to be flawed and is littered with inaccuracies?

The Whitchurch site is still included on the preferred list when it is an inappropriate site in a dangerous position, but most of all it is in the Green Belt. The Council referred to site on the matrix table as Brownfield when it has now been agreed it is definitely in the Green Belt.

Three sites have been rumoured as being removed from the list, my question is was it because they were represented by a renowned barrister or because they were inappropriate just as the Whitchurch site is. If this is the only way to get fair play we will take appropriate action or did the council remove them because of public outcry?

I keep asking about the Gas Main that runs very near to the site but no one has answered my question. Is it correct that a new development cannot be created near this danger? A letter I sent dated 12th July has still not been answered.

I trust sense will prevail and the correct action will be to remove the site from the list.

Councillor Malcolm Hanney asked if she felt that Whitchurch had been treated fairly in this process.

Mary Walsh replied that she felt that Whitchurch had not been treated fairly and that the figures attributed to them on the scoring matrix were very wide of the mark.

Ken Sutton addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

The need for B&NES to pursue the issue of traveller's sites is obvious but progress should not mean change at any price. B&NES must get it right. The current proposals are not the right thing and would do untold damage.

The absence of the mention of Conservation Areas in the current document is alarming. One of the original criteria was that sites should not be within 1½miles of such an area.

I move now to the summary of comments received on the suggested site at Radstock. The shorthand presentation of comments is worrying. People take a lot of time to present comments, they deserve effective presentation. This seems more geared to brevity than accuracy.

Traffic problems – B&NES own team leader for Highway Development Control advised before pre-consultation that the roads were already very difficult. The document in front of you identifies the problem but plays it down. The use of this site will change the road from difficult to dangerous.

Access – Certainly the site can be reached by foot and cycle but it takes determination and hard work because it is at the top of a very steep hill. I live below the site and have walked home on only 3/4 occasions in the past 4 years. Bicycles need to be pushed up. Public Transport is very limited.

There is a primary school nearby, but it is oversubscribed. Again, B&NES officers pointed this out prior to the first paper.

The above suggests a selective deafness throughout these reports. That suggests predetermined conclusions and does no justice to the gravity of the issue, or make your job of assessment any easier.

Rosemary Collard addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

On 9th May, the land adjacent to Ellsbridge House was designated by the Council as a preferred option for a Gypsy & Traveller Site. This decision and the subsequent consultation have had a very detrimental impact on our business and its prospects as the proposed site is immediately adjacent to our nursery and shares its access.

Despite representations made to the Council, including at a Special Council meeting on 18th June 2012, the Council has failed to acknowledge that its decision to determine this site as a preferred option was negligent. As a result, we have had to deal with staff concerns, both from current staff and in the recruitment of new staff for the Keynsham nursery. There has also been less interest by families than anticipated and many families attending the Open Days have expressed concerns relating to child safety and the difficulties of securing a shared access.

The Highways section of the detailed site assessments related to this site states that 'the formation of any additional access in this location would be resisted and not in the interests of highway safety, particularly given the need for access by large / towing vehicles and caravans'.

With regard to the Potential for Development and Suitability section it was stated that 'the site is not considered suitable for development as a Gypsy & Traveller site due to its location adjacent to a busy and noisy highway'.

I do not understand why, with all the information the Council had at its disposal, the land adjacent to Ellsbridge House ended up being one of the 6 preferred sites.

After months of uncertainty and worry, of time being spent writing statements, attending meetings and dealing with queries and concerns, the question I would like an answer to is, has the site been rejected?

Liz Richardson, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

Members of this Committee are now aware that both a detailed letter of claim and a detailed application for leave to legally challenge the Council has been issued by individuals including myself connected with the preferred sites at Stanton Wick, Keynsham and Radstock.

The issue which I am addressing is the lack of any reference in the reports before you of the application for a Judicial Review we consider should be of material interest to this Committee. The application which follows a detailed letter of claim before action, challenges the Council that it acted unlawfully for the following reasons:

- The selection criteria failed to apply, or give reasons for not applying, national policy in Planning policy for traveller sites, in breach of the statutory duty to have regard to national policy;
- The Council failed to consider the reasonable alternative sites or give reasons why other sites, including tolerated sites where gypsies and other travellers are already living and working without apparent land use problems were not reasonable alternatives, in breach of the Environmental Assessment of Plans and Programmes Regulations 2004;
- The Council acted irrationally by adopting selection criteria and then short listing sites which performed very badly against those criteria;

The failure to reconsider the Gypsies DPD preferred options following the suspension of the Core Strategy examination was unlawful for the following reasons:

- A reason for refusing to reconsider the Gypsy and Traveller DPD was a belief that any delay would undermine the Core Strategy. As the Core Strategy examination has been suspended for at least 11 months, the need for urgency on the Gypsy and Traveller DPD has abated and this is a relevant consideration requiring the future of the document to be reconsidered;
- The Gypsy and Traveller DPD is required to be consistent with the development plan. However the preferred options draft is not consistent with the current Local Plan or the submission draft Core Strategy and the relevant Core Strategy policy will have to change in any event to be consistent with Planning policy for traveller sites.

I understand that it is not appropriate for me to make available copies of legally privileged documentation but I am sure the Committee will be able and wish to avail itself of copies of both the Letter of Claim before action, the Application to Challenge the Council at a Judicial Review hearing and the connected correspondence between the Council and the lawyers representing the Claimants.

Sue Osborne, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

I am providing you with a submission in respect of the main body of the report which you have before you.

Item 2.1 – 'the scope of the stock take' – Our submission is that the "stock take" is in effect a fundamental review and should therefore be predicated by a complete stop of this process. Only in this way will the Council be able to properly manage what is a sensitive and complex process and ensure that the conclusions reached are both robust and deliverable. To attempt what is a confused re-timing whilst continuing the review of the 6 preferred sites will bring unnecessary expense, confusion and harm to the communities surrounding the 6 preferred sites.

Item 3.1 – there is no advice regarding the cost of defending a legal challenge which is inevitable if the current process is not halted, reviewed and re-started. We suggest that this Committee will want to see a detailed budget including the cost of defending a legal challenge. We suggest that it would be appropriate for the officers to present budget and timing comparisons between a halt and re-start and the proposed 'stock take' and assessment of additional sites. Our cursory work concludes the cost of halting and re-starting will not be higher than this proposal for sticking plaster and hope.

Item 3.4 – We submit that the costs of development are fundamental to the consideration of deliverability and sustainability and contrary to the advice given to the Committee we consider that costs cannot be left to the Draft Plan Stage. The deliverability must be a fundamental consideration in the early appraisal of sites. Highways and Contamination can always be overcome at a price but that does not make a site deliverable for its proposed use.

Item 4.3 – We submit that to describe the objections, which have resulted in an application for a legal challenge as "concerns" is a contrived understatement and an avoidance of the challenge that the process is fundamentally flawed.

Item 4.11 – How can the continuing of this process be defended when it is admitted that the needs assessment, that which will set out the requirement for pitches, must be updated?

Item 5.5 – We submit that the flawed process promoted to date by the Council has inflicted considerable damage to relationships between the travelling communities and settled communities.

Karen Abolkheir, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

The report fails to list all of the issues raised by the consultation process and the submissions received from individuals, professional advisors and other concerned and connected parties. Many of the issues were brought to the attention of Cabinet BEFORE 9th May meeting. We are concerned that the report is misleading from its

failure to ensure the correct emphasis is applied to each of the issues and that some key issues have been omitted.

We submit that the key areas of omission are;

- The potentially affected communities were not made aware of the proposals much earlier in the process – a failure of duty by the Council to ensure a proper process of communication and consultation.
- The proposal is an inappropriate development in the Green Belt therefore contrary to Government policy and previous applications on the site have been refused on Green Belt grounds.
- Occupation of the site would dominate nearest local community at Stanton Wick directly contrary to Government policy.
- The examination and criticism of the site appraisal process and the site selection scoring matrix.
- The Stanton Wick site scores a minimum of -8. A highly respected and nationally renowned Planning Consultant submitted a report evidencing the scoring.
- The site is not one preferred by travellers as shown in the GTAA i.e. in close proximity to amenities and small family sites of up to 5 pitches.
- The distance from public services and community facilities and access to public transport.
- Impact on availability of school places, resources and quality of education in local schools.
- The distance from public services and community facilities and access to public transport.
- Impact on availability of school places, resources and quality of education in local schools.

In respect of Responses listed from Statutory Consultees we respectfully call your attention to the following;

English Heritage – Need to carefully consider historic and social significance of the colliery to ensure any future use of the site is sensitive to its cultural heritage value (reference to conservation of non-designated heritage assets Core Strategy Policy CP6 and NPPF). – not made available for public consultation.

Wessex Water – Comment has no consideration of cost and supply restrictions and is therefore insufficient for the purpose of site evaluation.

Avon Wildlife Trust – Site is clearly not suitable for a development as proposed.

The Gypsy Council – Recommends smaller sites.

We consider that the report is therefore incomplete and selective in its reporting of the issues raised and opinions given during the consultation process.

Clarke Osbourne, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

Considerable expense of time and money has been made by our group in seeking to advise and inform the Council in both the mistakes of process and the particular detailed information concerning the site at Stanton Wick. It is of great concern that much of this advice and information has been ignored.

We remain convinced that the Council should heed this Committees earlier advice and stop this process, re-set the needs assessment, re-set the site assessment and undertake an open and fair process of selection and following that a public consultation.

We have many unanswered questions, particularly in respect of the involvement of individuals prior to the notification and launch of the process by the Council in May this year. We intend to follow through this questioning in the weeks and months to come to satisfy ourselves that all proper care has been taken by the Council to ensure a fair and open process, devoid of emotion or political positioning has been followed.

Councillor Geoff Ward asked what changes should be made to the process.

Clarke Osborne replied that he felt that the whole process should be halted to allow for further discussion with the other neighbouring Local Authorities to take place and for a review of the needs assessment to be carried out.

Peter Duppa-Miller, Secretary, B&NES Local Councils Association addressed the Panel.

He said that looking forward, the Local Councils Association most warmly welcomes B&NES Council's intentions to -

- Identify sufficient suitable, available and achievable authorised sites in Bath and North East Somerset for Gypsies, Travellers and Travelling Show People.
- Review the GTAA 2007, in order to establish the up-to-date (and projected) need for pitches.
- Comply with the Duty to Co-operate with neighbouring Local Authorities.
- Establish, and utilise, a much more robust site selection process.

Brian Huggett, Chairman of Englishcombe Parish Council, addressed the Panel. He stated that Site 1 of the new list of proposed sites needed to be correctly identified and that he had informed the officers of this error. He added that he found the scoring matrix difficult to follow and hoped that this would be revised as the process moved into this next phase.

The Chairman at this point wished to ask the officers present some of the questions that had been raised by the members of the public during their statements.

She asked if a detailed number of responses received per site could be provided.

The Policy & Environment Manager replied that all the responses that had been received would soon be available to view online. He added that he would provide details of the number of responses per site at the next meeting of the Panel.

The Chairman asked if a petition was counted as a single response.

The Policy & Environment Manager replied that it was.

The Chairman asked if a decision on the future of the sites at Stanton Wick, Radstock and Ellsbridge House would be made at the September Cabinet meeting.

Councillor Tim Ball replied that it would.

The Chairman asked if the scoring matrix would be revised.

The Policy & Environment Manager replied that the matrix would now be replaced by more descriptive & analytical Site Selection Criteria as set out in Appendix 3 of the Cabinet report.

The Chairman asked why there had been no mention of the Judicial Review in either the Panel or Cabinet report.

The Policy & Environment Manager apologised for this oversight and said that an update report would be issued to the Cabinet meeting.

The Chairman asked for an explanation of the scoring in relation to the site in Whitchurch.

The Policy & Environment Manager replied that he would need to look at the matrix and would give an answer at the next meeting of the Panel.

Councillor Malcolm Hanney commented that he believed the site would move from 5th to 13th on the original scoring matrix now that the site had been ratified as being greenfield and not brownfield within the Green Belt. He added that he did not see much need in having a further call for sites at this stage.

He asked how the 27 newly proposed sites could be fairly compared with all the previous sites including the 17 dropped in May and the three sites where indications have been given that they may be dropped in September

He also stated that he was concerned over possible further legal challenges and that therefore the Council needed to get the process completely right.

Councillor Nicholas Coombes commented that he understood why a scoring matrix was used in the first instance but agreed that it was the correct decision to move on

from it at this stage. He added that he welcomed the new raw list of sites and stated that he felt the MoD sites should be ruled out of these discussions.

Councillor Geoff Ward commented that he felt that only deliverable sites should be discussed and that the Council should take stock now and serve the community in the best way it can.

Councillor Caroline Roberts asked if the Council's legal team had approved the initial process.

The Policy & Environment Manager replied that it had.

Councillor Geoff Ward called for the final decisions on this matter to truly provide real solutions for the travelling community.

The Chairman asked for an update at the next meeting on the relationship between the Gypsy & Traveller Development Plan Document, the Placemaking Plan and the Core Strategy.

She also thanked the members of the public present for their attendance and contribution to the meeting.

37 BATH & NORTH EAST SOMERSET CORE STRATEGY: INSPECTOR'S PRELIMINARY CONCLUSIONS AND REVIEW OF THE LOCAL DEVELOPMENT SCHEME

The Policy & Environment Manager introduced this item to the Panel. He informed them that the examination into the Bath & North East Somerset Council Core Strategy had been suspended in light of the Inspector's preliminary conclusions. This will enable further work to be undertaken to address the concerns raised by the Inspector. He added that the Inspector's most substantive issue of concern relates to the housing requirement for the district. The Inspector is of the view that the publication of the National Planning Policy Framework (NPPF) during the course of the hearings rendered the B&NES methodology for assessing housing target non-compliant with national policy. He therefore stated that he could not come to a conclusion on the level of housing that should be planned for.

The Policy & Environment Manager then spoke of the decision to suspend the examination. He said that the reason why suspension was favoured over withdrawal was because the Government had urged Local Authorities to ensure that an up-to-date Plan was in place as quickly as possible (NPPF para 184). He added that the delay to the Core Strategy had significant implications for the Council. It would delay the preparation of CIL potentially affecting CIL income from April 2014 and it would delay the adoption of other Plans currently under preparation. It may have an impact on housing delivery because of the delay in providing clarity and direction for key development sites. A suspension would entail less of a delay than a complete withdrawal.

Furthermore, a withdrawal would mean the removal of the entire emerging policy framework in the Core Strategy requiring the Council to fall back on less up-to-date

Local Plan policies and the NPPF. Even those emerging Core Strategy policies which are potentially sound would be lost.

The Chairman asked what other elements of the Council's work will be affected by the delay to the Core Strategy.

The Policy & Environment Manager replied that the decision affects the Placemaking Plan, Gypsies & Traveller Sites, CIL, Neighbourhood Planning SPD and Sustainable Construction SPD.

Councillor Malcolm Hanney commented that population figures for the area are now predicted to be much lower and therefore questioned the need for further housing. He also asked who made the decision to suspend the examination.

The Policy & Environment Manager replied that population figures are now expected to be substantially lower and that the Inspector had been informed of this. He added that the affordable housing capacity also has to be met. He stated that the decision to suspend the examination was taken at a meeting of the Informal Cabinet.

Councillor Nicholas Coombes asked how the new housing figures would be calculated.

The Policy & Environment Manager replied that the Council would use the latest Census data and seek the use of expert demographers to aid it on this matter. He added that he would be happy to bring the methodology to the Panel and the Local Development Framework (LDF) Steering Group.

Councillor Geoff Ward asked if the Inspector made any comments in relation to the proposed Gypsy & Traveller sites.

The Policy & Environment Manager replied that he had asked for our plans but had made no comment on them.

Councillor Malcolm Hanney asked if the minutes of the LDF Steering Group could be shared with the Panel.

The Policy & Environment Manager replied that he saw no reason why this should not be possible.

The Chairman thanked him for the update on behalf of the Panel and stated that she looked forward to receiving further information as and when it became available.

38 NEIGHBOURHOOD PLANNING PROTOCOL FOR BATH & NORTH EAST SOMERSET - ADOPTION DRAFT

The Policy & Environment Manager introduced this item to the Panel. He explained that the Localism Act (November 2011) and the Neighbourhood Planning Regulations (April 2012) facilitates new community-led planning rights which will enable communities to undertake their own Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build projects. He added that the new legislation also introduces new planning duties on Bath & North East Somerset to support these new rights.

He informed the Panel that a number of local groups in B&NES had already received in-kind support from some of the national agencies funded to assist with Neighbourhood Planning. In particular, B&NES has one of the Neighbourhood Planning National Frontrunners (Freshford & Limpley Stoke Parishes) – this cross border Neighbourhood Area has received a grant of £20,000 from the government to support the development of their Neighbourhood Plan as a result of a successful funding bid led by B&NES Council.

Councillor Nicholas Coombes wished to make some comments on the *My Neighbourhood* document.

He felt that Ward Councillors should be included as part of Figure 2 on page 10.

He believed there was a typographical error on page 11 and that the first bullet point in the box entitled Level 3 should read 'Fall marginally below the thresholds for Level 1 and 2'.

On page 22, Figure 5 he suggested that the word 'minority' be inserted in the section entitled Faith, Ethnic and Language groups to read 'Further work needs to be done to ensure that minority faith, ethnic and language groups are engaged and informed in the planning process. Many organisations representing minority faith, ethnic and language groups will be routinely consulted.'

He also asked for clarification on whose decision it was to approve Neighbourhood Forums and Neighbourhood Area Applications.

The Policy & Environment Manager thanked him for his comments and replied that the current advice that he had was that the decision was to be a Cabinet function.

Councillor Nicholas Coombes replied that he felt it should be a decision made by Full Council.

Councillor Malcolm Hanney commented that he felt that Full Council should have a view on the process, but was reassured that not huge numbers were making moves on the matter.

Mr Rae Harris commented that in previous drafts of the document there had been a lack of detail in relation to local preservation trusts. He asked how a neighbourhood could be highlighted.

Councillor Nicholas Coombes replied that members of preservation trusts will not always live within the same area and therefore they would require some front facing members to put an application forward.

Councillor Malcolm Hanney advised Mr Harris to make a statement at the next Cabinet meeting.

The Panel **RESOLVED** to:

- (i) Note the amendments to the draft in Appendix B.
- (ii) Note the results of the consultation (Appendix C), Localism e-survey results (Appendix D) and summary of community interest in take up of Neighbourhood Planning (Appendix E).
- (iii) Note the new application forms for Neighbourhood Forums in Bath and Neighbourhood Areas for Town and Parish Councils wishing to take forward a Neighbourhood Plan (Appendices F and G), which are due to be published in September 2012.

39 GREEN INFRASTRUCTURE STRATEGY

The Green Infrastructure & Environment Partnership Co-ordinator introduced this item to the Panel. She explained that a healthy, properly functioning natural environment is the foundation of sustainable economic growth, prospering communities and personal wellbeing. She added that Core Strategy policy CP7 on Green Infrastructure addresses the issue and sets out a requirement to protect and enhance the Green Infrastructure network across the district.

She then wished to highlight some of the key points from within the report.

The strategy will also provide the supporting framework to access funding sources external to the council including health, Water Framework Directive funds and a platform for bidding for heritage Lottery funds or similar. Opportunities also occur through Development Management processes to influence allocation of Community Infrastructure Levy (CIL) and Section 106.

The Bath & NE Somerset area benefits from a unique and outstanding natural environment. This Strategy is about harnessing and sustaining the full benefits of these invaluable assets and offering cost effective, practical solutions to make a significant contribution to delivering the Councils vision and values.

The strategy is being developed by the Planning Policy & Environment Group within Planning & Transport Development with support from a cross council officer working group and was informed by early stakeholder engagement in 2011. Once the Strategy is approved by the Council the details of who will do what and by when, will be worked up in the Delivery plan.

The overall response received during the recent consultation on the draft strategy was very positive. The draft was well received and there was strong support for the

need for a strategy and endorsement of the importance of GI in achieving sustainable development.

Councillor Caroline Roberts commented that she felt an expansion of the Avon Valley Railway down as far as Newbridge would be detrimental and called for a balance to be found on developments such as this.

The Green Infrastructure & Environment Partnership Co-ordinator replied that Task & Finish Groups would look to find sustainable solutions.

Councillor Geoff Ward commended the strategy as it would lead to further tourism and give openness to the City.

The Green Infrastructure & Environment Partnership Co-ordinator commented that it is not the expectation that the Council should deliver the strategy solely, other land owners will be sought to manage their sites in an agreed manner.

The Chairman on behalf of the Panel thanked her for the report and her attendance at the meeting.

40 PANEL WORKPLAN

The Chairman introduced this item to the Panel. She requested that a report on the Core Strategy Methodology be added to the workplan so that they could monitor the next stages of the process.

She also wished to highlight the request for Cabinet Members to provide a written report to the Panel if they are unable to attend the meeting in person.

The Panel agreed to have a small scale update on the Gypsies & Travellers item at their September meeting.

The meeting ended at 2.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Tuesday 11th September, 2012

Present:- Councillors Marie Longstaff (Chair), Caroline Roberts (Vice-Chair), Geoff Ward, Ian Gilchrist, David Martin, Douglas Nicol and Brian Webber (In place of Malcolm Hanney)

Also in attendance: David Trigwell (Divisional Director for Planning and Transport), Simon De Beer (Policy & Environment Manager), Stephen George (Senior Planning Policy Officer), Andrew Sharland (Landscape Architect) and Nick Jeanes (Team Leader Traffic and Safety)

Cabinet Member for Transport: Councillor Roger Symonds

41 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

42 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Malcolm Hanney and Tim Ball, Cabinet Member for Homes & Planning had sent their apologies to the Panel. Councillor Brian Webber was present as a substitute for Councillor Hanney for the duration of the meeting.

44 DECLARATIONS OF INTEREST

Councillor David Martin declared a personal interest in Agenda Item 10 (Concept Statements for MoD sites in Bath) as he is a Governor at Bathwick St Mary School.

Councillor Geoff Ward declared a personal interest in Agenda Item 10 (Concept Statements for MoD sites in Bath) as his home overlooks the site at Ensleigh.

45 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

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

Lin Patterson addressed the Panel on behalf of the Save our 6-7 Buses Campaign, a copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

"We have heard there may be cuts to bus services. Here are a few reasons why you should maintain a decent 30 minute frequency in the 6 – 7 area, which is 10% of Bath."

"Elderly

- An NHS study predicted that by 2025, Bath's elderly over 85 will increase by 44%. Only good public transport can keep these people in their own homes, and out of care homes."

"Health

- The Fairfield Park Health Centre, served only by this bus route, is on a steep hill and treats the whole area and Snow Hill. It was built there because of the good bus service. There was an outcry from patients when the service was cut to 40 minutes, and our campaign has been solidly supported by the Health Centre itself."

"Essential Services

- Not only the Health Centre, but other essential services are accessed via the bus, and a 40 minute interval proves difficult to use and remember."

"The voters dependent on the 30 minute 6-7 buses are not responsible for the problems and rely on the Council to live up to their ideals by ensuring the frequency is maintained. They are doing their part by increasing bus use. We ask again as in July, where do you stand?"

The Chairman asked if she had received any response from the Cabinet Member for Transport, Councillor Roger Symonds.

Lin Patterson replied that she had met with Councillor Symonds and informed him of the ridership increase. She added that he had explained that a decision on bus services was not likely to be made until the budget meeting of the Council.

Colin Currie addressed the Panel on the subject of Norton Radstock Regeneration, a copy of the statement can be found on the Panel's Minute Book, a summary is set out below.

"I would like to make an appeal for the standing down of the Norton Radstock Regeneration Co. in its present form. It is a totally moribund organisation and has no public confidence in the area, in fact it is seen as actually blocking regeneration rather than assisting it. The NRR's only asset is the railway land, on which it has made a number of unsuccessful attempts to build housing which is a completely inappropriate use for the site. The proposal to re-instate the rail link to Frome, which will make a positive contribution to re-generation, will be blocked by the current intention to build on the existing rail track."

“If regeneration is to actually happen it needs an organisation that is accountable, with a balance of professional and political expertise elected on a democratic basis that will both ensure public confidence and deliver results for Radstock.”

The Chairman on behalf of the Panel thanked them both for making their statements.

47 MINUTES - 26TH JULY 2012

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

48 CABINET MEMBER UPDATE (20 MINUTES)

The Cabinet Member for Transport, Councillor Roger Symonds addressed the Panel.

He informed them that a Transport Conference was due to take place on September 18th. He added that sixty different organisations would be represented at the conference and that he hoped that this would aid in the development of a future strategy / vision.

He announced that the Bath Transport Package had received the backing of the Government and that as part of the package this would enable a series of new bus shelters to be put in place. He added that real time information should be available on nine routes within two years.

He stated that in July the Council had been awarded £3.1m from the Local Sustainable Transport Fund and that an initial scheme was planned to provide an off road route to and from Bath Spa University.

He informed them that a new search had begun for a Park & Ride to the east of Bath.

On the matter of Supported Bus Services he said that discussions would take place in the next month and that he would inform the earlier public speaker, Lin Patterson as soon as a decision had been made. He wished to also thank her for the survey comments she had sent him.

With regard to the other public speaker, Colin Currie, he said that he expected a report on the Radstock Railway to come to the Cabinet in due course.

The Chairman asked if the Transport Conference was a public event.

Councillor Roger Symonds replied that the event was by invitation only.

The Chairman asked if he had any comment to make on the 20mph report that was later to be discussed by the Panel.

Councillor Roger Symonds replied that the intention was to complete the scheme within two years. He added that he needed to emphasise that the restriction cannot be enforced, but he hoped that the signage would encourage people to drive slower

and more carefully. He also said that he was pleased that the Police had given their support to the scheme.

Councillor David Martin asked if any progress had been made on plans to implement a Low Emissions Zone on the London Road.

Councillor Roger Symonds replied that he had enquired about the implications of introducing one and was awaiting further information.

Councillor Geoff Ward asked if some of the £3.1m secured through the Local Sustainable Transport Fund could be used to maintain the 6 / 7 service referred to earlier.

Councillor Roger Symonds replied that most of that figure was a one off capital figure to which the Council has to specify to the Government the projects that it will be allocated to.

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

49 GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD) (20 MINUTES)

The Policy & Environment Manager addressed the Panel to give them an update on this item in light of issues raised at the previous meeting.

He informed them of the breakdown of comments that had been received in the pre-consultation process, they were as follows:

General comments (on all sites) = 29

GT1 Whitchurch = 539

GT14 Keynsham = 113

GT2 Stanton Wick = 592

GT4 Radstock = 122

GT6 Newbridge = 15

GT8 Lower Bristol Road = 17

Total = 1398

He added that all the responses would soon be available to view online.

He explained that the petitions referred to in the Cabinet report & published online were in relation to Camerton, Stanton Wick and Radstock.

He informed them that the Whitchurch site does not lie near the gas main or its buffer (1/2 km away). The Development Control department do not refuse applications for other housing / extensions in principle this distance from the gas main.

A viability study of the Stanton Wick site has been undertaken and the results are to be published later this week.

The Core Strategy review requires a review of development sites re their capacity, deliverability, obstacles, timing, use etc. This will include assessing scope for accommodation of Gypsies & Travellers on non-Green Belt sites. This will be undertaken through the Placemaking Plan / SHLAA. Reports on the Core Strategy / Gypsies & Travellers / Placemaking Plan will be co-ordinated for early next year along with the public consultation.

Councillor Kris Mountford addressed the Panel on behalf of Stanton Drew Parish Council (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

"In the 11th July, 2012 Cabinet papers, titled MoD Concept Statements, it stated 'The concept statements are not detailed site briefs or masterplans'. Instead, they set out the vision...' So surely the decision was not done and dusted? At that meeting it was stated that the final decision would be taken in September, not August."

"Does this mean that rather than taking up Peter Duppa-Miller's eminently sensible suggestion [made on 9th May 2012 to Cabinet] of using the MoD sites to provide a small number of pitches thus creating integrated communities, social cohesion and providing the gypsy & traveller communities with everything they require, the Cabinet puts maximising the New Homes Bonus over and above all else?"

The Chairman asked the Divisional Director for Planning and Transport for his view on this matter.

The Divisional Director for Planning and Transport replied that there were likely to be implications on all areas of the Council now that the Core Strategy is being reviewed. He added that MoD sites had neither been ruled in or out of the equation as far as Gypsies & Travellers were concerned.

Rosemary Collard addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

"Throughout this consultation, our main concerns about development of any sort on the adjacent site have been the shared access with the nursery and the loss of the woodland. We had previously expressed an interest in purchasing the woodland so that it could be used as a natural learning environment for the children."

"Recruiting qualified staff and apprentices and promoting the new nursery to prospective parents has been challenging because we have been unable to give answers to many of the questions asked of us. It is impossible for us to know how many prospective parents never even contacted us."

"I have pointed out why the site is undeliverable using words from the Council's own documentation. It was deemed not suitable for development and ranked 15th out of 23 yet somehow ended up as one of six preferred sites. I hope that over the past few months the Council has looked again at its findings and listened to what local people have to say. The reasons that originally made the site unsuitable are unchanged."

Karen Abolkheir, Stanton Wick Action Group addressed the Panel (a full copy of the statement is available on the Panel's Minute Book, a summary is set out below).

"We are concerned with the officer's proposal to drop the use of the scoring matrix for future evaluation and to replace it with a subjective, non-comparative list of criteria. This is ill conceived and likely motivated by the eagerness not to have decisions and reasoning questioned by the public. This exercise at the end of the day is one of comparison and a well considered and accurately used scoring matrix is the accepted tool for this purpose."

"Contrary to your officer's assertion that the scoring matrix was confusing, it was not. The problem was that the scoring was badly conceived when considering the evaluation criteria, was incorrectly scored in a number of instances and was ignored in the final comparative analysis."

"The arguments put forward by officers to adjust this process and have what they call a "stock take" are entirely without merit. The proposals, far from correcting the errors of the past actually plan to further confuse, cause stress to both settled and travelling communities and continue this chaotic and knee-jerk policy making."

The Chairman asked if a scoring matrix would be used in the next stage of the process.

The Policy & Environment Manager replied that it would not and it would be replaced by a transparent assessment process so everyone could see the evidence used and the conclusions reached.

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

50 CONCEPT STATEMENTS FOR MOD SITES IN BATH (40 MINUTES)

The Senior Planning Policy Officer introduced this item to the Panel and highlighted some key issues from within the report.

- All of the sites generate the need for educational places. However, there are also current and projected educational capacity pressures in the city and the Concept Statements provide the opportunity to identify the contribution of the MoD sites to this issue. The consultation events have identified opportunities to address these pressures and the potential to provide additional school places to meet need.
- Additional land adjoining MoD Ensleigh – The draft Concept Statement for this site highlighted the potential opportunity for development on the sports pitches adjoining the MoD site on land that is outside both the Green Belt and the Area of Outstanding Natural Beauty. This is only an opportunity and no allocation is made, the rationale being to enable a more sustainable and self-contained housing led scheme that can better support local facilities and public transport. This would need to be pursued through the Placemaking Plan.

Whilst the site is not included as part of the Concept Statement for redevelopment, it is recommended that the broad position of the Concept Statement on this issue is retained, although reworded to reinforce the issues raised during the consultation phase, and identifying that further work is undertaken to test the option of development on this adjacent land through the Placemaking Plan. The outcome of this proactive work would provide the Council with robust evidence that could inform its position when it comes to either allocating this additional area in the Placemaking Plan, or seeking to protect it from development. It would also need to ascertain the likelihood of the site being released for development.

- Sustainable Construction – A viability assessment is underway to better understand the implications of increasing the proportion of homes to be constructed at higher levels of the Code for Sustainable Homes. The Planning Policy team is working with Transition Bath on this issue and the output of this work will be included as part of the Evidence Base for the Concept Statements.

In response to the rapidly changing economics of delivering housing built to higher levels of the Code and to the Council's corporate ambitions, it is recommended that the Council's aspiration should be for all housing to be built to Code Level 5 or above. Whilst this means that the Council's aspirations for the MoD sites goes beyond the Council's Draft Core Strategy which requires all development from 2013 to be Code 4, it is considered to be justified due to the Council's ambitious carbon reduction targets and the national and local imperative of mitigating climate change. The sites have the capability to deliver a greater contribution to national and local Carbon Reduction aspirations, and act as a benchmark to the kind of development that can be achieved.

It is however essential to recognise that it is currently not possible through the planning process to require this proportion of homes to be built at higher levels above Code 4 of the Code for Sustainable Homes. However it is the intention of the Council to bring forward these site specific targets in the Placemaking DPD and give greater policy weight to this issue.

- Housing Numbers – Given the suspension of the Core Strategy process due to housing delivery questions and the concerns made by the Inspector over the flexibility and deliverability assumptions on housing sites, all development sites will need to be reviewed as part of a SHLAA review, including the assumptions made about the housing capacity on the MoD sites.

This issue regarding housing numbers was raised consistently throughout the consultation phase and whilst the Council should seek to optimise the use and development of land, it is recommended that the wording of the Concept Statements is modified with regard to the development capacities of the MoD sites to take account of concerns raised by the Core Strategy examination Inspector. This will help to ensure that other issues of acknowledged importance are given due attention, this also responds to a large proportion of

the comments made during the public consultation period into the Draft Concept Statements.

The Chairman asked if during the consultation anybody had suggested the sites should be used to accommodate Gypsies & Travellers.

The Senior Planning Policy Officer replied that he had received some feedback of that nature, but could not recall it exactly at his point in time.

The Chairman asked if the Panel could be sent any written evidence in connection with this particular matter.

The Senior Planning Policy Officer replied that he would send them the information that he had.

Councillor David Martin stated that he welcomed the Draft Concept Statements and appreciated the comments made in relation to education and sustainable construction. He asked if there had been any feedback from the MOD so far on the process.

The Senior Planning Policy Officer replied that they were concerned over the construction of a new school on the Warminster Road site, but that the relationship in general was very good.

Councillor Douglas Nicol commented that alongside the proposed 700 new homes on the Foxhill site Somer (Curo) were planning to do some renovation works in the area. He asked if the subject of district heating had been raised.

The Senior Planning Policy Officer replied that he had been aware of such talks in the past and encouraged them to continue.

Councillor Geoff Ward commented that he was not sure that the documents were strong enough. He added that he was concerned of their effect on the World Heritage Status of the City and he believed the public wanted more of a community feel to the sites with amenities. He called for the appropriate density, mix and height of properties and asked for a reassurance on this matter.

The Divisional Director for Planning and Transport replied that the Council's development strategy is Brownfield first, if the Council accepts a lower density on these sites it will obviously have repercussions.

The Senior Planning Policy Officer added that the statements set out the challenges ahead and that this will become more of an issue when the planning process is reached.

51 CITY OF BATH WORLD HERITAGE SITE SETTING SUPPLEMENTARY PLANNING DOCUMENT (30 MINUTES)

The Landscape Architect introduced this item to the Panel. He explained that the proposed changes to the consultation draft would be reported to Cabinet on 14th November 2012 for consideration in order to enable preparation of the final version of the document for adoption as a Supplementary Planning Document.

He informed them that the key purpose of the document was to provide information and guidance for the effective protection and appropriate management of the setting. To do this it

- o Shows where the setting is
- o Defines what is important about the setting and
- o Outlines how to assess impacts on the setting

He stated that it was intended for use by developers, agents and development management planners when considering development proposals in the setting. It is also intended for use by landowners and managers of land when considering proposals for change and when considering management operations. It is also hoped it will be of interest to residents and visitors in appreciating the relationship of the surroundings of Bath to the city.

He informed the Panel that consultation on the Draft Supplementary Planning Document was carried out over the period 28th May to 6th July 2012 and a lot of support for it had been received.

Councillor David Martin asked if this would in any way help the planners with their work on the Enterprise Area.

The Divisional Director for Planning and Transport replied that the Placemaking Plan would deal with the Enterprise Area.

Councillor Geoff Ward asked if the document could address the issues surrounding Wooley Valley, MOD sites and the skyline of the City.

The Divisional Director for Planning and Transport replied that it would.

52 20MPH SPEED LIMITS IN RESIDENTIAL ROADS - UPDATE (30 MINUTES)

The Team Leader for Traffic and Safety introduced this item to the Panel. He informed them that on 11th April 2012 the Cabinet approved a 2 year programme to implement 20mph limits in residential roads throughout Bath & North East Somerset. A funding item of £500,000 was allocated for this work, and a nominal timescale indicated, which showed the project being rolled out progressively through 14 defined areas within the urban areas and larger villages, and a 15th phase to cover residential roads in all the smaller villages, to be completed by the end of 2013. A period of approximately 7 months has been allowed, from the start of consultation to

implementation, for each phase. No detailed costing of the proposal had been carried out at this stage.

He added that 76,000 households have been informed about our plans for 20 mph zones across the district in the summer edition of Connect Magazine. The next stage of our communications plan is to raise awareness through the media and our own communication channels about when and where the plans are being rolled out. A media launch is planned to coincide with implementation of the Twerton/Southdown 20 limit, which signals the beginning of the 20mph roll-out.

The first 20mph limit area (Twerton/Southdown) is due to be implemented on 24th September. Consultation has now finished for the second area, Peasedown St John, with 615 leaflets returned by the end of August (out of 2800 distributed). 61.4% of returns supported the proposal, 4.3% had no opinion, and 32.1% were against. Consultation is currently being carried out in Newbridge/Weston and Keynsham, with leaflets due to be returned by 17th and 26th September respectively.

Mr Gerald Chown addressed the Panel. He said that he wished to make 2 points, one Specific and the other General.

He firstly wanted to make a special plea for the inclusion of Widcombe Hill as a 20mph zone. He explained that it is a steep, narrow, residential access road to the City centre and that he has lived in Macaulay Buildings for over 40 years. In that time he said that there had been a huge increase in traffic volumes and an increasing number of car and cycle accidents, caused by drivers and cyclists taking the road bend at Macaulay Buildings too quickly. He added that the Council had installed signs and road surface treatments to slow cyclists, but suggested that the introduction of a 20mph limit at an appropriate point above the road bend would reduce the risk of more accidents and help to ensure that drivers take the rest of the Hill more slowly.

His second and more general point was to suggest that it would be less confusing for drivers if 20mph limits were in place on all residential access roads to the City. He stated that this would make it clear that the whole City is a 20mph zone and it would be simpler and more effective than a piecemeal approach. He said it would also save cost by reducing the multiplicity of signs and road markings, which are involved in the piecemeal approach.

He also asked which roads were individually affected by the introduction of the scheme.

The Team Leader for Traffic and Safety replied that all of the information relating to the individual roads was available on the Council's website and said that Mr Chown could contact him personally if he required any further information. He added that the current plan was to only include the lower half of Widcombe Hill within the scheme.

The Chairman asked if the list of wards within Appendix 1 was in order of priority and what was likely to happen to the wards at the end of the list given that a shortfall of £100,000 currently existed.

The Team Leader for Traffic and Safety replied that the wards listed within Appendix 1 were in order of priority and that indeed it might not be possible to complete the planned work for Lyncombe, Widcombe and Bathwick given the current shortfall.

The Chairman asked if he could explain a little more how the figure of £60,000 was reached to embark on 'soft measures' / social marketing methods.

The Team Leader for Traffic and Safety replied that a University of the West of England study done on Bristol's behalf had suggested that the social marketing element of widespread 20mph limits should attract around 10% of the total scheme cost, therefore if the Council were to do something similar, a funding element of up to £60,000 in total would need to be found.

Councillor Caroline Roberts commented that road safety was the biggest mailbag topic that she receives. She asked if the scheme could be introduced on major roads near to schools.

The Team Leader for Traffic and Safety replied that the Council could think about having a lower speed limit in these areas and offered to take some readings if required. He added that he would welcome any residents who wished to bring forward initiatives.

Councillor Caroline Roberts questioned whether the proposed stage eight of the scheme in Abbey / Kingsmead needed to be carried out.

The Team Leader for Traffic and Safety replied that he would look into that.

Councillor Brian Webber commented that it was policy decision made by the ruling party to introduce the scheme and one that he did not agree with. He added that he was obviously in favour of road safety and believed himself to be a cautious driver but said there was no evidence to support the decision made. He stated that he felt the conclusions reached were merely provisional and had not reduced the number of accidents.

He suggested that further flashing speed warning signs and road reconfiguration is installed and that an assessment of the schemes should be carried out once they have been introduced.

The Team Leader for Traffic and Safety replied that some of the evidence could be conceived as tenuous, but he was well aware of the huge concern over traffic speed / flow from the public. He added that he felt that the Government / Department for Transport had not led strongly enough on this matter.

Councillor Geoff Ward commented that more rural areas needed to be part of the scheme and highlighted the Hartley Bends as a particular problem area.

The Team Leader for Traffic and Safety replied that as this was an A road it came under the jurisdiction of the Highways Agency.

Councillor Geoff Ward asked if he was able to liaise with the Highways Agency on behalf of the Council.

The Team Leader for Traffic and Safety replied that he had actually met with them in the previous week and did discuss the Hartley Bends. He said that the Highways Agency do not see that area of the road as a big problem.

Councillor Ian Gilchrist commented that he hoped he could save the Council some money by informing them that Greenway Lane already had a 20mph restriction in place. He added that he understood why the focus was currently on Bath and asked that members of the Panel be involved when addressing the maps relating to 20mph roads.

Councillor David Martin commented that he was in favour of Widcombe Hill becoming 20mph from top to bottom. He also hoped that areas of Bathwick could be included within the scheme.

The Chairman on behalf of the Panel thanked the officer for the update.

53 PANEL WORKPLAN

The Chairman introduced this item to the Panel. She announced that a date for the additional October meeting had been set for 10.00am on Monday October 8th.

She proposed that the Panel added the following items to their workplan:

Core Strategy Update – November

Highways Agency – Council involvement on speed limits – January

20mph Speed Limit Update – January

Urban Gulls - January

The Panel **RESOLVED** to approve all of the above proposals.

The meeting ended at 4.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Policy, Transport and Environment Policy Development Scrutiny Panel
MEETING DATE:	8 th October 2012
TITLE:	Houses in Multiple Occupation in Bath Supplementary Planning Document: Consultation Draft
WARD:	All wards in the City of Bath
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix A: Houses in Multiple Occupation in Bath: Supplementary Planning Document (Consultation Draft)</p> <p>Appendix B: Draft Consultation Summary Report: Intention to Implement Article 4 Direction for HMOs in Bath</p> <p>Appendix C: Stakeholder Workshop Report: Early Proposals for Additional Licencing and Supplementary Planning Document for Houses in Multiple Occupation in Bath</p> <p>Appendix D: Equalities Impact Assessment of Draft Supplementary Planning Document</p> <p>Appendix E: Draft Sustainability Appraisal Screening Report of Draft Supplementary Planning Document</p>	

1 THE ISSUE

- 1.1 In response to concerns about the impact of high levels of Houses in Multiple Occupation (HMO) in Bath, the Cabinet considered a mixture of planning controls and housing-led solutions on 14th March 2012. The Cabinet agreed to make a non-immediate Article 4 Direction covering Houses in Multiple Occupation in Bath. Once confirmed, the Article 4 Direction will be supported by a Supplementary Planning Policy setting out the framework within which planning applications for a change of use from a dwelling house to a small HMO will be considered. The first draft of this has now been prepared entitled *Houses in Multiple Occupation in Bath: Supplementary Planning Document (Consultation Draft)* and is presented to Cabinet for agreement to publish for public consultation in Oct – Nov 2012.
- 1.1 The final decision to whether to implement the Article 4 Direction, adopt the Supplementary Planning Document and to proceed with Additional Licencing scheme for HMOs will follow in Spring 2013.

2 RECOMMENDATION

2.1 The Policy, Transport and Environment Policy and Development Scrutiny Committee are asked to give their views on the draft Supplementary Planning Document (**Appendix A**) and background Appendices.

3 FINANCIAL IMPLICATIONS

3.1 Detailed work on the costs of implementing all of the options in relation to planning and housing controls was undertaken and was reported previously to Cabinet in March 2012. A full cost breakdown can be seen in section 3.3 of the 14th March 2012 Cabinet report and in Appendix C to that report *Implementation Cost Assessment Summary (Feb 2012)*.

3.2 Joint working arrangements between Planning and Housing on this project are in place to ensure that efficiencies are being made via joint public consultation activities, sharing evidence base and other technical work e.g. Equalities Impact Assessment.

3.3 There are direct cost implications of introducing the Article 4 Direction and in the preparation of the Supplementary Planning Document and associated consultation activities. This c£26k is funded within the LDF 2012-13 budget. There would be on-going costs to Planning Services of implementing these planning controls. **Table 1** summarises these costs.

Table 1: Headline cost impact summary

Article 4 Direction Plus Threshold Policy	
Implementing an Article 4 Direction	c£15k set up – including public consultation – funded through LDF budget in 2012-13(not recoupable)
Preparing a threshold Policy in Supplementary Planning Document	c£11k set up – funded through LDF budget in 2012-13 (not recoupable)
On-going Development Management operations cost	c£31k recurring p.a. (not recoupable if implemented; from 1 st July 2013)
Additional Licensing	c£32k set up costs – including public consultation (potentially recoupable)
	On-going costs recouped through charging

3.4 The direct costs of implementing the Article 4 Direction and preparing a Supplementary Planning Document (including required public consultation) have been met from additional funding allocated on 13th July 2011 from the Revenue Budget Contingency reserve.

3.5 The ongoing Development Management operational costs would be incurred from implementation of the Article 4 Direction and the associated Supplementary Planning Document. Any ongoing costs forming part of an agreed way forward will need to be considered alongside other priorities within the Planning Service 2013/14 budget.

3.6 Costs relating to implementing Additional Licencing are to be considered separately in Spring 2013 as part of the decision process on implementing this. Set-up costs for additional licencing have initially been covered by the reallocation of existing staff resources, ongoing work is underway to recoup set up costs through Licence Fee charging. Ongoing costs should be recoupable through Licence fee charging.

3.7 At this time, as no decision is yet being made to confirm the Article 4 Direction or adopt the Supplementary Planning Document, as a result of this report there are no costs which are being incurred that are not already budgeted for within 2012/13 or 2013/14.

4 THE REPORT

BACKGROUND

4.1 On 31st May 2012, a Direction was made under Article 4 of the GPDO publicising the Council's intention to implement an Article 4 Direction for the entire city of Bath in relation to Houses in Multiple Occupation from 1st July 2013. This notice will be advertised for 12 months and triggered a regulatory consultation period held between 31st May and 20th July 2012.

4.2 The Article 4 Direction, if confirmed, would mean that express planning permission is required for a change of use from a dwelling house (i.e. family house) to a small HMO (3-5 unrelated people living together). B&NES will not be able to collect a fee for the processing of these applications. Reasons for refusal of planning permission will still be required on a case by case basis.

4.3 The 2011 Arup Feasibility Study identified that the Council's existing Planning Policy (Local Plan Policy HG.12) would need to be supplemented or amended to make the Article 4 Direction more effective. A Supplementary Planning Document has now been produced setting out the framework within which planning applications for a change of use from a dwelling house to a small HMO will be determined and includes references to the data sources to be used in that determination.

4.4 It should be emphasised, that an Article 4 Direction cannot be applied retrospectively and it would only control future changes of use from the date it comes into effect (proposed to be 1st July 2013). It would not therefore necessarily tackle any existing issues in areas that already have a high density of HMOs.

4.5 Alongside planning controls, the Council is currently exploring the potential to introduce a new additional licencing scheme for all HMOs with shared facilities and is centred around the wards of Oldfield Park, Westmoreland and Widcombe. This has the potential to be applied retrospectively and should also help deal with property management issues. These proposals are currently out for public consultation (until 30th November 2012).

PUBLIC CONSULTATION ON THE ARTICLE 4 DIRECTION NOTICE

4.6 A public consultation and formal notice period advertising the Article 4 Direction proposed for Houses in Multiple Occupation in Bath commenced on 31st May 2012. The formal procedures for this process were followed and the Secretary of State was notified.

- 4.7 Following this public consultation over 350 responses were received, which were overwhelmingly in support of the Article 4 Direction. The majority of respondents were residents of Oldfield Park and Westmoreland. Some Lower Weston and Widcombe residents who also supported the proposals. A number of residents groups also replied in support.
- 4.8 One respondent supported the Article 4 Direction but requested that Lorne Road (Widcombe Ward) be exempted from the scheme due to fears about the impact on their ability to sell their house at market rate if the Article 4 Direction is confirmed.
- 4.9 English Heritage and local heritage groups including Bath Heritage Watchdog and Bath Preservation Trust support the implementation of the Article 4 Direction, and felt the measures could also help improve the appearance and character of many areas.
- 4.10 Objections to the Article 4 Direction were received from the University of Bath and Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals.
- 4.11 The Student Union continues to oppose the Article 4 Direction, as many students (and graduates) are reliant on HMOs to study in Bath and they believe that the Direction is not justified and could restrict housing choice and increase rents for students.
- 4.12 Landlords groups also oppose the Direction as they would not like to see greater regulations of private rental properties in Bath. They cite potential negative impacts such as: role of HMOs in providing much needed affordable options, impact on rental prices, costs incurred to the Council of implementing and potential displacement effects.
- 4.13 The Council will need to formally make a decision to confirm the Article 4 Direction in spring 2013 prior to the advertised commencement date of 1st July 2013. At this stage the Panel is asked to note the draft Consultation Report (**Appendix C**).

DRAFT SUPPLEMENTARY PLANNING DOCUMENT

- 4.14 In line with the recommendations of the Arup (2011) Feasibility Report, a Supplementary Planning Document for HMOs in Bath has now been drafted (**Appendix A**). Cabinet will be asked to agree this draft for public consultation and there is scope to add to or amend to this in light of the comments made. The Panel are asked for their views on this draft Supplementary Planning Document.
- 4.15 The policy approaches of other authorities with Article 4 Directions or other HMO policies in place considered has been considered in drafting this – in particular Oxford, Exeter, York, Canterbury and Welwyn and Hatfield – in setting the proposed policy (see **Appendix B**). Similar thresholds and processes are proposed as in these local authorities, and we have also simplified the process to integrate with data management systems used by both Housing and Planning teams.
- 4.16 The Supplementary Planning Document introduces a new threshold policy which supplements Local Plan policy HG.12. A two stage assessment process is proposed to make it as clear as possible for property owners or prospective property purchasers if permission is likely to be granted for future change of use to an HMO.

- 4.17 At Stage 1, if the property is located within an area (based on census data super output areas) where over 25% of existing houses are Houses in Multiple Occupation, there is likely to be an issue receiving planning permission for a change of use from a family house to a House in Multiple Occupation. These areas are clearly mapped. It is proposed that the base map will be updated twice a year on pre-specified dates and made available online.
- 4.18 Only properties within areas with over 25% existing HMOs will require a Stage 2 detailed assessment. It is proposed that the threshold is applied again within a more immediate 100m radius of the property. Should the property fail this assessment and it be demonstrated that over a quarter of the properties in the immediate vicinity are already HMOs this would result in the local planning authority refusing the application unless other material considerations are introduced that indicate otherwise.
- 4.19 The SPD also includes a guide to assessing whether a property qualifies as a “House in Multiple Occupation” as defined in the legislation and includes some guidance on design considerations for HMOs including waste and recycling, cycle parking and room layout. It also includes a reference to the proposed Additional Licencing scheme and existing Mandatory Licencing schemes operated by the local authority.
- 4.20 The result of this policy would be that permissions for change of use from a family home to a HMO could be refused in neighbourhoods with over 25% of the existing housing stock in use as an HMO. This would assist in maintaining community balance and a mix of tenure and household types.
- 4.21 The PTE Scrutiny Committee is asked to give their views on the draft Supplementary Planning Document (**Appendix A**) and other background documents. The views of PTE Scrutiny Committee will be considered in finalising the draft Supplementary Planning Document for HMOs in Bath.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 5.2 An Article 4 Direction can be legally challenged in relation to whether there is a sound basis for its implementation. Government guidance advocates that local planning authorities should consider making article 4 directions only in:

exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.

- 5.3 A Supplementary Planning Document can also be open to challenge, for example by planning appeal, however, every effort has been made to ensure that a robust policy approach is taken.
- 5.4 A limited number of Local Authorities have implemented Article 4 Directions or Supplementary Planning Documents in relation to HMOs so there is relatively little precedent. However, we have discussed with and learnt lessons from other authorities with similar issues who have implemented similar policies.

6 EQUALITIES

6.1 An equalities impact assessment has been undertaken and was considered previously by Cabinet on 14th March. This considered the cumulative impacts of the Article 4 Direction plus threshold policy in an SPD plus Additional Licencing.

6.2 The conclusions of the assessment can be summarised as follows:

- Could lead to a more dispersed distribution of HMOs, which could lead to poorer access to public transport for HMO residents and feeling of isolation from greater dispersion.
- Rental prices in most popular student areas could potentially rise (Oldfield Park, Westmoreland, Widcombe) which will affect people with lower salaries and students (both most likely to be young people).
- Wards with higher levels of BME populations also have high proportions of HMOs so these groups may be affected.
- May lead to the perception that HMOs are not welcome in the city and therefore make it harder for employers to attract lower paid workers or graduate employees.
- May result in loss of trade in some areas if current tenants are replaced by people with lower disposable income (e.g. young families or non-student HMO residents e.g. migrant workers)

6.3 An Equalities Impact Assessment has also been undertaken to consider the detail of the Supplementary Planning Document and is included as **Appendix D**.

6.4 This latest assessment identifies many of the same issues and also recommends that it must be ensured that the public consultation on the SPD is accompanied by appropriate guidance and that additional support is available for equalities groups. A series of open drop-in events in 5 locations are planned to help provide advice to groups such as students, local residents, equalities groups and landlords in order to address this and one-to-one meetings with equalities groups will also be sought

7 CONSULTATION

7.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Other B&NES Services; Local Residents; Community Interest Groups; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

7.2 Two stakeholder workshops have been held. The first, was held in in summer 2011 and considered options open to the Council in relation to greater management and control of HMOs in Bath feeding into the Arup Feasibility Study. In July 2012, a second workshop was held to consider the early proposals for the Supplementary Planning Document (alongside the proposed Additional Licencing scheme) – a workshop report is included as **Appendix B**.

7.3 A formal public consultation on the Council's intention to implement the Article 4 Direction for HMOs in Bath was held between 31st May 2012 and 20th July 2012. The proposals received significant public support, in particular from over 350 residents

who responded. Opposition was lodged from both University Student Unions and national landlords groups. **Appendix C** summarises the consultation undertaken and summarises the responses.

7.4 A further six week period of public consultation is planned on the SPD for Oct – Nov 2012, and this will be linked to the ongoing consultation on the proposed Additional Licencing scheme is for all HMOs with shared facilities, and is centred around wards of Westmoreland, Widcombe and Oldfield Park. A series of 5 open events are planned for October in the following locations: Oldfield Park; Westmoreland; One Stop Shop, Manvers Street; the University of Bath Student Union and Bath Spa Student Union.

7.5 The PTE Panel considered this item on 6th December 2011, and stated that they had concerns over the cost of implementation to the Council and the impact on current homeowners who may wish to sell their homes. Following this meeting, further work to quantify the costs to the Council was undertaken and commentary on this is included in part 3 of the report.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Social Inclusion; Customer Focus; Sustainability; Other Legal Considerations*

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trigwell Divisional Director - Planning and Transport, Planning and Transport Development</i>
Background papers	<p><i>B&NES Committee Papers</i></p> <p>14th March 2012 Cabinet Report - Control and Regulation of Houses of Multiple Occupation in Bath: Implementation Options http://democracy.bathnes.gov.uk/documents/s15867/E2324%20Article%204%20HMOs.pdf</p> <p>14th March 2012 Development Control Committee Report - Control and Regulation of Houses of Multiple Occupation in Bath: Implementation Options http://democracy.bathnes.gov.uk/documents/s15893/DC%20Committee%2014%20March%20HMO%20Reportv3%2005.03.12.pdf</p> <p>6th December 2011 Planning, Transport & Environment Policy Development Scrutiny Panel - Planning Control (Article 4 Direction) for Houses in Multiple Occupation (HMOs) in Bath http://democracy.bathnes.gov.uk/documents/s8804/Article4Direction.pdf</p> <p><i>Other</i></p>

	B&NES Houses in Multiple Occupation webpage www.bathnes.gov.uk/hmo
Please contact the report author if you need to access this report in an alternative format	

Houses in Multiple Occupation in Bath

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Supplementary
Planning Document



Consultation Draft
September 2012

**Bath & North East
Somerset Council**

L D F
Local Development Framework
Local Development Framework

For more information on *Houses in Multiple Occupation in Bath* please contact the Planning Policy team at: planning_policy@bathnes.gov.uk

This document can also be viewed on our website: www.bathnes.gov.uk/hmo

Houses in Multiple Occupation in Bath can be made available in a range of languages, large print, Braille, on tape, electronic and accessible formats by contacting Planning Policy on: Telephone: 01225 477548 Fax: 01225 394199

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1.0 Introduction

1.1 Purpose

This Supplementary Planning Document (SPD) accompanies **saved policy HG.12 from the Local Plan** and sets out Bath & North East Somerset Council's approach to the distribution and dispersal of Houses of Multiple Occupation.

It aims to encourage a sustainable community in Bath, by encouraging an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas.

The SPD does this by setting out criteria for assessing planning applications required by the introduction of an Article 4 Direction¹ for the change of use from Family Homes (Use Class C3) to Houses of Multiple Occupation (Use Classes C4 of Sui Generis).

It is important to note that planning applications are assessed against national and local planning policy and all other material considerations. Requiring an application to be submitted does not mean that all will be refused; rather it allows the Council to assess each case against agreed criteria before making a decision.

¹ To be confirmed, but due to be effective from 1st July 2013

1.2 Scope

A Supplementary Planning Document (SPD) is intended to expand policy or provide further detail supporting policies in the Development Plan. It does not have Development Plan status, but it will be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of any SPD cannot, therefore, be regarded as prescriptive but they can provide a powerful indicative tool in the interpretation and application of policy.

This document does this by setting out key decision making criteria for determining the following types of planning application:

- Applications for a change of use from a C3 (dwellinghouse) to C4 HMO where permitted development rights have been withdrawn via an Article 4 Direction covering the entire City of Bath (**see map 1**)
- Applications for change of use to HMOs for more than 6 people; and
- Applications for new purpose built HMOs.

1.3 Policy Context

National
The National Planning Policy Framework sets out a need to provide a mix of housing supply to provide for current and future generations and to "create sustainable, inclusive and mixed communities".

Local
This SPD supplements Local Plan Saved Policy HG.12, which is set out below. Also of relevance are Draft Core Strategy Policies CPI0 (Housing Mix), B1 (Bath Spatial Strategy) and B5 (Strategic Policy for Bath's Universities).

Policy HG.12

Development for the use of buildings for residential purposes within the ambit of Policies HG.4 and 6 involving the sub-division of existing dwellings; conversion of non-residential buildings; the re-use of buildings for multiple occupation in the form of non self contained accommodation or re-use of existing empty dwellings will be permitted provided that it:

- i) is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development;
- ii) does not seriously injure the amenities of adjoining residents through loss of privacy and visual and noise intrusion;

- iii) is not detrimental to the residential amenities of future occupants; and
- iv) does not result in the loss of existing accommodation which, either by itself or together with other existing or proposed dwellings in the locality, would have a detrimental effect on the mix of size, type and affordability of accommodation available in the locality.

Development of commercial premises which prejudice suitable opportunities for re-use of upper floors for residential accommodation will not be permitted.



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Map 1
Coverage of the Article 4
Direction is the entire City of Bath

2.0 Background

2.1 What is an HMO?

Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people from two or more families living together in a residence.

Under the Housing Act 2004² a House in Multiple Occupation (HMO) is defined as a building or part of a building (e.g. a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are occupied under short tenancies.

And the households comprise:

- families (including single persons and co-habiting couples (whether or not of the opposite sex)); or
- any other relationship that may be prescribed by regulations, such as domestic staff or fostering or carer arrangements.

In 2010, the legislative planning framework for Houses in Multiple Occupation (HMOs) changed significantly with the introduction of a new planning Use Class (C4); an HMO with 3 or more people. This change aligns the Use Classes Order with the definition of a HMO within the Housing Act 2004. This is in addition to the previous planning definition of 6 or more people living together (sui generis).

However, in accordance with Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation, properties that contain the owner-occupier and up to two lodgers do not constitute HMOs for these purposes. To classify as an HMO, a property does not need to be converted or adapted in any way.

Flow chart 1 overleaf, sets out the process for determining whether or not your house qualifies as an HMO.

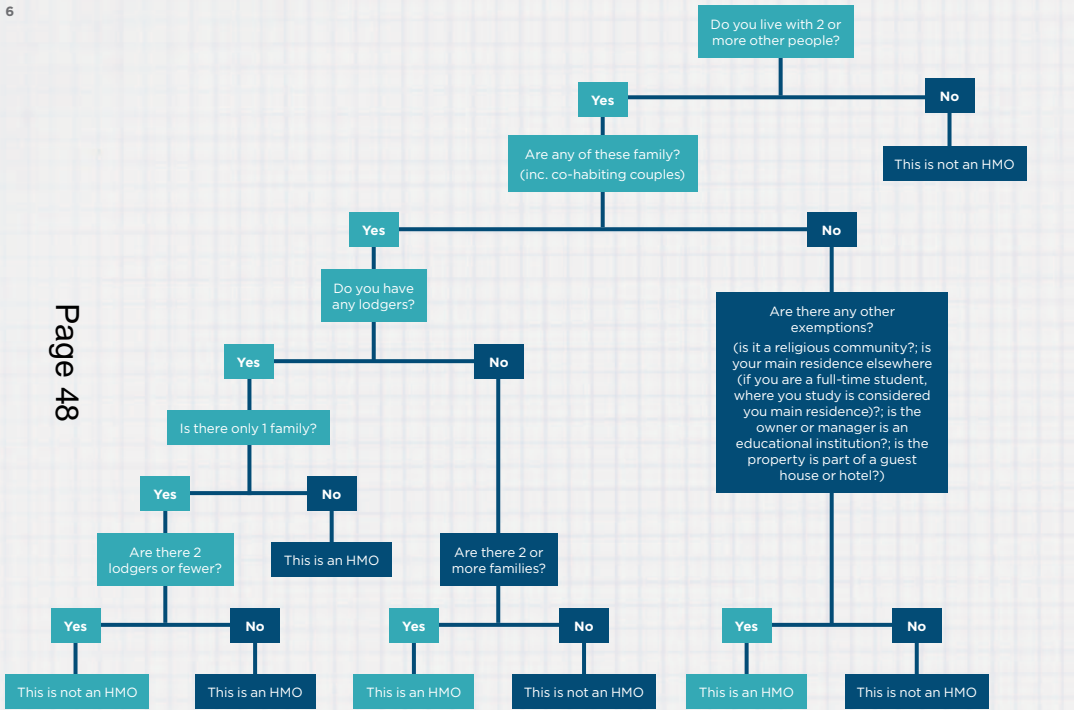
2.2 Context

The private rented housing market in Bath is complex, and there is a diverse demand for flexible housing. HMOs are occupied by a wide range of groups, including young professionals, students, immigrants, asylum seekers, those on housing benefit and contract workers. HMOs therefore have an important role to play in Bath's economy. HMOs have traditionally been more concentrated in certain areas of the city, particularly in the wards of Oldfield Park, Westmoreland and Widcombe.

The combination of an Article 4 Direction and this SPD will manage the future growth and distribution of HMOs across the City, with the aim of creating more balanced communities.



² Housing Act 2004, Part 254, <http://www.legislation.gov.uk/ukpga/2004/34/section/254>



Flow Chart 1

Do you live in an HMO?
This is a guide only. For a legal definition of HMOs, please refer to the Housing Act 2004.

3.0 Supplementary Policy

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

Stage 1 Test: The application property is within or less than **50 metres from a Census Output Area** in which HMO properties represent less than **25%** of households; and

Stage 2 Test: HMO properties represent more than **25%** of households **within a 100 metre radius** of the application property. HMOs will be defined as falling within one or more of the following categories:

- Recorded on B&NES Housing team's database as a licensed HMO.
- A property benefiting from C4 or sui generis HMO planning consent
- Any other properties held on B&NES Housing team's database as HMOs.

A threshold of 25% has been set, based on a number of factors, including the key facts and figures as set out in the table below.

Key Facts and Figures

Private rented properties in B&NES	18%
Proportion of Bath's population who are students	18%
Proportion of Bath's student population not in halls	13%

Students make up one part of the HMO population in Bath and the threshold set needs to account for this population plus others (which the Council have less reliable statistics on). The Stage 1 test ensures that potential applicants are given an early indication of whether their application is likely to be successful, without the need for detailed analysis.

The Stage 2 test ensures a fair policy across the city, ensuring that the application site forms the centre point. A 100m radius has been set, which represents approximately a two minute walk, or your immediate neighbourhood.

The following datasets will be used to determine the proportion of HMOs in any area:

- licensed HMOs - records from the Council's Housing team of those properties requiring an HMO licence will be utilised. This will cover both mandatory (those properties that are three storeys or over and are occupied by five or more persons) and additional licensing;
- properties benefiting from C4 or sui generis HMO planning consent - in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties;
- Council tax exempt student properties

properties known to the Council to be HMOs - this can be established through site visits undertaken by the Council's Housing team in response to complaints, or properties registered through the Council's accreditation scheme, for example.

These data sets will be used to calculate the proportion of HMOs as a percentage of all households. It is considered that these sources will provide the best approach to identifying the numbers and location of HMOs in an area, although it is accepted that it may not be possible to identify all properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent.

Data will be updated on a twice yearly basis (on 1st December and 1st July each year) to ensure that changes of over time are captured and that the latest data can be used in determining a planning application. Applicants will need to take account of the current map on the date that their application is registered.

4.0 Threshold Assessment for Planning Applications

The threshold assessment that will form the basis for planning decisions in Bath is set out in the flowchart below:

4.1 Stage 1

This first stage will simply assess whether or not the application is within any of the areas identified on the publicly available HMO density map. As the map is updated on a twice yearly basis, the latest map on the date of validation of the application will be used for analysis.

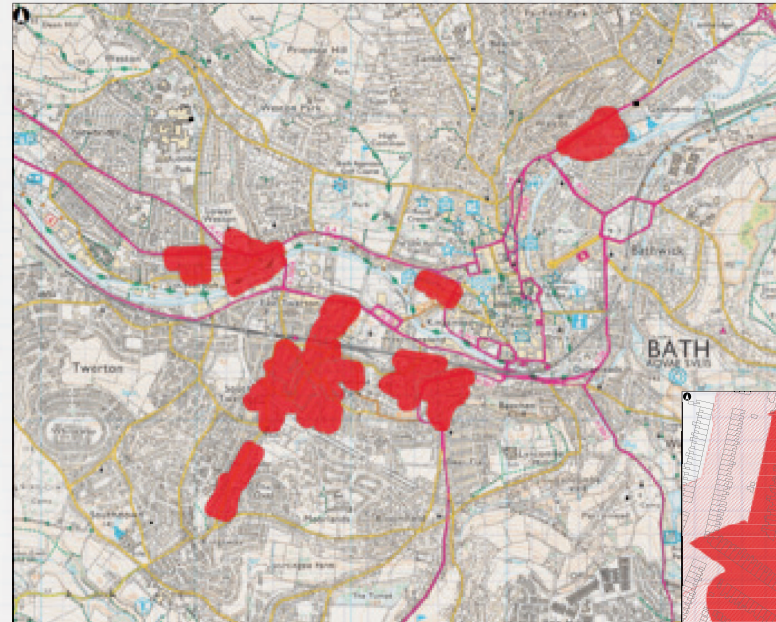
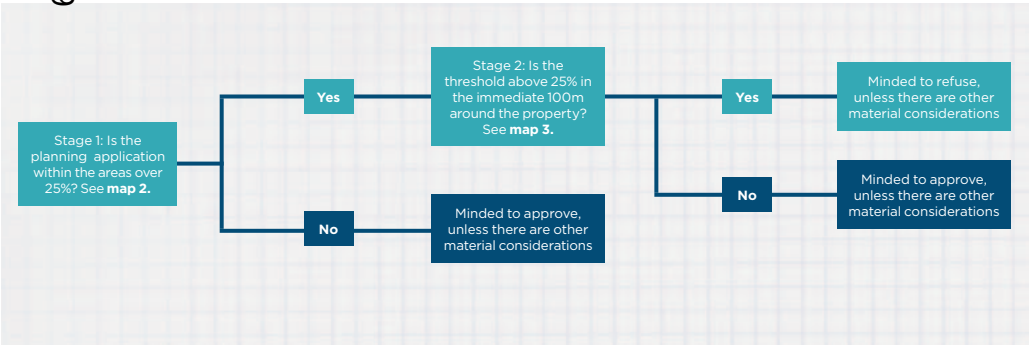
The HMO density map will show which Census Output Areas (COA) across the City are currently at or above the 25% threshold. A COA includes an average of approximately 125 households and is defined by the Office for National Statistics (ONS).

This can be seen to represent a "home-patch" as defined in *Shaping Neighbourhoods: A guide for health, sustainability and vitality* (Barton et al, 2003). In order to ensure that properties that may be surrounded by a high concentration of HMOs (but that lie just outside the relevant Census Output Area) are not excluded from the assessment, a buffer of 50m has been applied to the COAs with over 25% HMOs, an example can be seen in **map 2**.

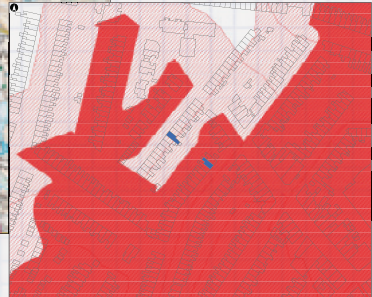
Map 2 Stage 1 Example Assessment Map (August 2012)

City wide mapping for Stage 1 assessments will be updated on a twice yearly basis and will be made available online www.bathnes.gov.uk/hmo

Flow Chart 2 An overview of the threshold assessment approach



Legend
Areas with over 25% HMOs



Inset Legend

Example properties
COAs with >25% HMC (inc 50m buffer)
50m buffer

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4.0 Threshold Assessment for Planning Applications

4.2 Stage 2

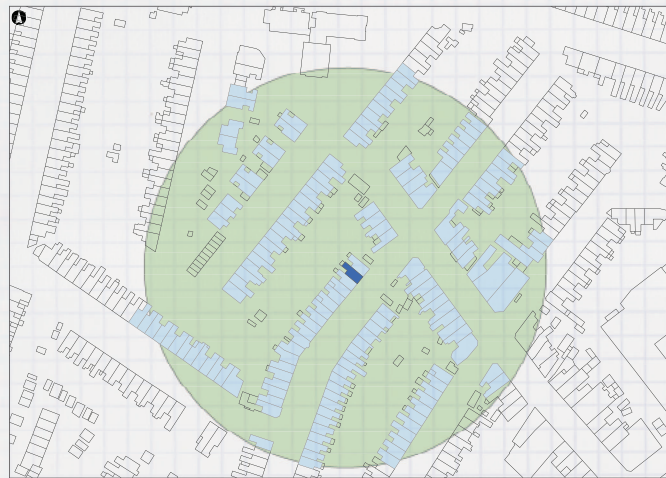
A Stage 2 assessment will only be undertaken where a Stage 1 assessment has shown that the application property is within a Census Output Area (COA) or its buffer that has over 25% density of HMOs.

The 100m radius of the application property is calculated using a buffer zone surrounding the application property, as defined by the Local Land and Property Gazetteer (LLPG). For properties on the edge of the 100 metre radius buffer zone, they will be included only if their central point (as defined by LLPG) is within the buffer zone. This is demonstrated in map 3.

Map 3
Stage 2 Example Assessment
(August 2012)

Legend

Example property	■
Included properties	■
100m buffer	■



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5.0 Monitoring

Changes in HMO numbers will be continually monitored and maps will be updated on a twice yearly basis (on 1st of July and 1st December each year), which will identify any changes in the HMO density in "hot-spot" areas (as defined in Stage 1).

A key aspect of monitoring will be to look at possible displacement effects within or beyond the Article 4 area. It is possible, that there will be some displacement to other parts of the city of Bath.

6.0 Submission Requirements for Applicants

Applicants will be expected to submit the following details with their planning application:

- Application Form
- Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
- Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
- Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
- Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)

- Roof plans (e.g. at a scale of 1:50 or 1:100)
- Design and Access Statement

Within the Design and Access Statement, in addition to requirements set out elsewhere, we would expect the applicant to cover

- Waste and recycling
- Bicycle parking
- Room size and layout
- External amenity space
- Drying space

7.0 Other considerations

The Council also operates licencing schemes for HMOs in Bath. In addition to the current Mandatory HMO licensing, the Council is current considering introducing an Additional Licensing scheme for HMOs with shared facilities, in and around the wards of Oldfield Park, Westmoreland and Widcombe.

For more informaton, see www.bathnes.gov.uk/hmo



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Article 4 Direction for Houses in Multiple Occupation in Bath

Draft Consultation Report, August 2012

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- 1 Introduction
- 2 Public Consultation
- 3 Summary of key issues raised

1 Introduction

- 1.1 A public consultation in accordance with the *Town and Country Planning Act 1990* and *General Permitted Development Order 1995* (as amended) regulations was undertaken in relation to the Council's intention to implement an Article 4 Direction for the entire city of Bath. This report summarises the consultation undertaken, the key issues raised and also includes a full schedule.
- 1.2 The public consultation was held between 31st May and 20th July 2012.

2 Public Consultation

- 2.1 On 31st May the Council issued a [notice of its intention to implement an Article 4 Direction](#) for the entire city of Bath in relation to Houses of Multiple Occupation.
- 2.2 A [press notice](#) appeared in the Bath Chronicle on 31st as required by the regulations.
- 2.3 A statutory [site notice](#) was prepared with the details of the notice and the public consultation, 2 copies of which were advertised in the following public locations:

District Centre

Moorland road

Local Centres

Weston High Street
Chelsea Road
Twerton High Street
Mount Road
Frome Road
Bradford Road
The Avenue
Widcombe High Street
Bear Flat
Walcot Street
Bathwick Street
London Road
Julian Road
St James's Square
Larkhall shops
Claremont Terrace

Libraries

Central Library
Oldfield Park Library
Weston Library

Shops (subject to agreement with premises either on community notice board or outside on the public highway)

Sainsburys (Odd Down)

	Sainsburys (Central)
	Sainsburys (Moorland Road)
	Coop (Moorland Road)
	Tesco (Englishcombe Lane)
	Tesco (Bathwick Hill)
	Coop Twerton High Street
Other	
	RUH main entrance
	Bath Spa University (main campus)
	University of Bath (main campus)
	St Saviours church (Lansdown)
	Warminster Road
	Whiteway
	Fairfield Park

- 2.4 Email/letter notification of the Article 4 Direction was sent to all known planning contacts including statutory consultees (as contained within the B&NES LDF Mailing list) prior to 31st May 2012. This letter included: (i) a copy of the Article 4 Direction (and the plan annexed to the Direction); (ii) A copy of the consultation notice and (iii) a copy of the press notice features in the Bath Chronicle on 31st May 2012.
- 2.5 A notification letter, with the above items also included, was also send to the Secretary of State.
- 2.6 A specific webpage about HMOs was produced www.bathnes.gov.uk/hmo including copies of all documentation and details of the consultation were produced.
- 2.7 A [press release](#) was issued prior to 31st May which led to articles in the local media and a notice in the Council's *Inform e-bulletin*. Two such examples, featured in the Bath Chronicle are reproduced below.

Consultation on measures to control HMO growth

Thursday, May 31, 2012

Measures to better control and manage the growth of Houses of Multiple Occupation (HMO) in Bath are moving ahead as part of proposals put forward by Bath & North East Somerset Council.

An intention to implement an Article 4 Direction to control HMO growth will be published on 31st May 2012. This will help deal with concern that some streets in Bath are now being dominated with high numbers of HMO's and consequently the availability of larger homes for local families is reducing. There are at least 3,000 HMO's across the district, the majority of which are in Bath, although there could be many more because not all HMO properties require registration with the Council.

The main element of the measures would result in all property owners in Bath having to apply for planning permission to convert a family house into an HMO. It is proposed that the new rules will apply from 1st July 2013 giving a one year notice period – although no property in HMO use before this date will be affected.

Councillor Paul Crossley (Lib-Dem, Southdown), Leader of Council, said, "The number of family homes being converted is reaching the level where people are concerned that entire communities will become dominated by HMO's. Bath & North East Somerset Council wants to ensure a fair mix of larger family homes and HMO's.

"We must have the policy tools in place to ensure that this happens just like other University cities, such as Bristol, Oxford, and Exeter, that have all agreed additional planning controls over HMO's. By starting the consultation now we are giving people reasonable notice about the new policy should the Council agree to adopt the Article 4 Direction."

Have your say

The consultation on the measures starts on 31st May 2012 and continues for 7 weeks. People can give their views at planning_policy@bathnes.gov.uk or write to the Council at: Article 4, Planning Services, PO Box 5006, Bath BA1 1JG. Details can also be found at www.bathnes.gov.uk/hmo

Next Steps

The details of the policy that planning applications will be considered upon will be contained in the forthcoming Supplementary Planning Document on HMOs in Bath that will be open to public consultation in October 2012. The Council will consider whether to confirm, abandon, or amend the Article 4 Direction in February 2013.

For all the latest news from the Council subscribe to its Twitter Feed: www.twitter.com/bathnes

Have your say on student homes plan for Bath

Friday, June 08, 2012

People are being invited to have their say on plans to reduce the concentration of student housing in some part of Bath.

Bath and North East Somerset Council has launched a seven-week consultation over proposed new rules, which would control the growth of houses of multiple occupancy (HMO).

The idea is to respond to concerns from families that areas such as Oldfield Park are dominated by these types of properties, pushing out local people.

However both of Bath's university students' unions have attacked the plans for what is called an Article 4 direction, arguing that they should not be told where they can or cannot live.

Naomi Mackrill, vice-president for community and diversity at the University of Bath's student union, said limiting HMOs would reduce the number of graduates staying in the city after their degrees, harming the local economy.

"Accommodation is a worry for students who want to stay in Bath. They just don't think they can afford to live in Bath," she said.

"Limiting the number of HMOs and improving graduate retention are two competing initiatives."

At the moment there are around 3,000 HMOs across the district, but the direction, if it was brought in, would apply only to new conversions.

It would mean that properties could not be converted into shared houses where 20 per cent of homes within a 100-metre radius already fell into that category of accommodation.

Council leader Councillor Paul Crossley (Lib Dem, Southdown) said any new rules would be brought in from July 1 next year, and he believed they were necessary to get the balance of types of housing right in the city.

He said: "The number of family homes being converted is reaching the level where people are concerned that entire communities will become dominated by HMOs. The council wants to ensure a fair mix of larger family homes and HMOs.

"We must have the policy tools in place to ensure that this happens just

like other university cities, such as Bristol, Oxford, and Exeter, that have all agreed additional planning controls over HMOs. By starting the consultation now we are giving people reasonable notice about the new policy should the council agree to adopt the Article 4 Direction."

People can give their views by emailing planning_policy@bathnes.gov.uk or writing to Article 4, Planning Services, PO Box 5006, Bath BA1 1JG. Details can also be found at www.bathnes.gov.uk/hmo

3 Public Consultation

Overview

A total of 359 responses were received to the Article 4 Direction consultation (although one was not registered as it contained racist comments). Only six of the responses were objections with the remaining responses in support of the Article 4 Direction and other measures to control HMOs in Bath.

The majority of the respondents were residents of Oldfield Park and Westmoreland. Some lower Weston and Widcombe residents also supporting the proposals. Other residents groups also replied in support.

English Heritage and local heritage groups Bath Heritage Watchdog and Bath Preservation Trust support the implementation of the Article 4 Direction, and felt the measures could also help improve the appearance and character of these areas.

One respondent supported the Article 4 Direction but requested that Lorne road in Westmoreland be exempted from the scheme.

Objections to the Article 4 Direction were received from the University of Bath and Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals.

Summary response

The consultation gained a significant level of support, particularly from residents for both the Article 4 Direction and Additional Licencing. The key issues raised by respondents in **support** of the Article 4 Direction are summarised below.

- Belief that there has been a significant increase in HMOs in Oldfield Park and Westmoreland over the last 10 years
- Deterioration of appearance of properties is of concern
- Rubbish and recycling is considered to be a major issue related to HMOs – with spilt refuse being unsightly and attracting pests and with recycling receptacles blocking pavements
- Many residents felt that Students and young people in HMOs add vibrancy to the area but they also felt that HMOs are now beginning to dominate
- Many were concerned that families and young people looking to buy or rent property are being priced out by HMOs
- It is felt that non-student HMOs lets are still needed
- Westmoreland and Oldfield Park has reached saturation point in terms of HMOs
- Increase in student numbers should be tackled to stop the demand for more HMOs in future.
- Unkempt front and back gardens visually detracts from the area
- Late night noise and parties are associated with HMOs
- Irresponsible landlords and property owners are blamed for many of the issues
- On-street parking pressure is cited as one of the biggest issues linked to HMOs
- In the longer term it is felt that the concentration of HMOs will effect local schools as families are displaced
- Impact on facilities – take away and letting agencies are replacing local convenience shops on Moorland road
- Moving in and moving out at each side of the student term are the main times of the year when there are problems
- Sense that the Article 4 Direction will improve the quality of these neighbourhoods and help to bring back the sense of community
- Still support the proposals although consider that this might suppress existing value of family houses as they no longer have potential sales value of an HMO property
- There should be more student accommodation on campus and in specialist units (as on the Lower Bristol road)
- In the summer the area is too quiet with many houses remaining empty
- Universities should take more responsibility for housing their students
- There is a problem with HMO dwellers living in garages (Lorne road, Westmoreland) and in areas of Widcombe
- There is a view that HMOs are often over-occupied with extensions and loft conversions to fit extra people in the houses

- Many residents report that they live on streets with over 50% or perhaps more HMOs
- Belief that other approaches (such as voluntary accreditation) have failed to resolve the issues and concentrations of HMOs and associated issues have increased
- Issues related to HMOs in Lower Weston are also raised
- Sensible balance between different housing types needs to be resumed
- More direct ways to contact Landlords would be useful
- Landlords must be made responsible for property standards
- Less issues presented by Halls of Residence where they can be managed and other controls
- Rapid increase in HMOs is noted
- Many residents feel that greater control and professional management of HMOs is essential
- Estate agents “to let” signs are used as free advertising and should be restricted
- Residential parking permits would help

One household in Lorne road, Westmoreland have requested that this street be exempted from the Article 4 Direction. The reasons cited were:

- 88% of the street is HMOs meaning that the remaining owner occupiers will find it extremely difficult to sell their house in future when it can no longer be converted into an HMO
- Very few people would want to purchase on this road as a family home meaning that the remaining family homes will be devalued
- Support Article 4 Direction but only should apply to areas that still have a mix of housing to prevent future HMO saturation

The key issues raised by respondents in **objection** to the Article 4 Direction are summarised below.

Objector	Summary Response
National Landlord Association	<ul style="list-style-type: none"> • Article 4 Direction should be the option of last resort • Believe that the creation of a small HMO is not a material change of use compared to a family house (citing appeals) • Limiting the number of HMOs will have a negative impact on accommodation for young people on low incomes • They cite a whole raft of existing statutory powers that can be used to control anti-social behaviour • Considerable need for rental accommodation in Bath because of high demand for housing • Will have a distorting impact on housing market as properties in existing HMO use will be regarded as premium investment assets • The Council should engage further with local landlords

<p>Residential Landlords Association</p>	<ul style="list-style-type: none"> • Repeat that they have already submitted a document entitled “The Case Against Article 4 Directions” • As yet not one of the 35 local authorities who have made these directions have made any changes as a result of the confirmation procedures • They will scrutinise any relevant planning policy <p>The key reasons for opposition already cited in their paper are:</p> <ul style="list-style-type: none"> • HMOs play a vital role in providing housing for students and working people. Alternative living arrangements for these people should be considered in the absence of HMOs. • The impact of the Article 4 will be felt by local residents as properties will be worth less after the Direction is in place • Restricting HMO supply will force up rents • Resultant planning applications can trigger no fee and this is therefore expensive for Council’s to implement • Displacing HMOs to other areas will bring new problems • Existing powers for dealing with issues such as anti-social behaviour should be used first • The Article 4 is not enforceable in reality as there is often no real change of use between a family house and an HMO
<p>Mr N Smith</p>	<ul style="list-style-type: none"> • Opposed on the basis of cost to the Council of implementation • Considers there is no evidence of harm caused by HMOs that has been presented by the Council to justify the approach • Believes that the Feasibility report is biased and written with a pre-supposed outcome • B&NES is targeting the most disadvantaged (lower paid workers, singles on housing benefit, asylum seekers) who are likely to be displaced further from the city centre thereby increasing the social divide • Planning policy is a blunt instrument to deal with the issues - enforcement and action around community cohesion is recommended instead • HMOs are not the main cause of anti-social behaviour • The B&NES Accreditation licencing scheme should be enhanced instead
<p>Mr A. Masters – Bath University Student</p>	<p>On balance considers other measures to control anti-social behaviour should be employed rather than Article 4 Direction with Policy and Additional Licencing.</p> <p>Suggests further monitoring and more on campus student accommodation and later re-evaluate the need for an Article 4 Direction.</p>

<p>University of Bath Student's Union and Bath Spa University Student's Union</p>	<ul style="list-style-type: none"> • Both are opposed to an Article 4 Direction for HMOs in Bath – many of membership are reliant on HMOs in order to live in Bath • There is no sustained argument as to why people living in HMOs are any worse than those in regular houses • There has been no proof that high concentrations of HMOs are a problem apart from rising house prices • Assert that the Article 4 Direction is not justified • Planning controls will not address the problems associated with inefficient management of HMOs • An Article 4 Direction will restrict the ability of the Housing Market to respond to local needs • Believe that all other options have not been tried • Equalities impact assessment shows that some groups are more adversely affected this contravenes B&NES equal opportunities policy • Financial implications of implementing the Article 4 Direction and associated policy are highlighted as being very costly • Objections raised by the Bath Chamber of Commerce to the introduction of an Article 4 Direction are highlighted • Conflicts with the Council's strategy of increasing graduate retention • Practical issues with implementation in relation to transport need further consideration. Students rely on public transport access to dedicated services to the Universities is important in deciding where to live. There is already a bottleneck at the city centre at peak times and further dispersal of HMOs will exacerbate this problem. Travelling home at night is also a consideration and students prefer to be on the main bus routes.
<p>Cllr Nicholas Coombes</p>	<ul style="list-style-type: none"> • In principle objection that restriction in converting between family house and a small HMO implies that the latter is less desirable, not all HMOs cause issues. • Restricting the supply of HMOs will allow existing HMOs to fall in quality. This is counter-productive in terms of improving areas with concentrations of HMOs. • It is not retrospective so it will not lead to improvements or reduction in concentrations of HMOs in areas with existing high HMO concentrations

A full schedule of all of the comments made is available in a background paper to this report.

B&NES Council

**HMOs in Bath: Early proposals
for Housing Licencing and
Planning Controls**

Report of Workshop Proceedings

4.5

Issue | 6 August 2012

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 218116-00

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Appendices

Appendix A

Introductory and closing presentations

Appendix B

Additional Licencing proposals and evidence presentation

Appendix C

Planning Policy proposals presentation

1 Introduction

A stakeholder workshop was held on 19th July with following objectives:

- To inform stakeholders of research undertaken to date on options and proposals for HMO licencing and planning controls in Bath.
- To share the emerging evidence base, approaches taken by other local authorities and gather feedback
- To clarify aspects of licencing and planning policy formulation where stakeholders have the opportunity to influence, and gather feedback.

The following attendees were present:

Name	Role	Organisation
Diarmid Henry	Environmental Health	B&NES Council
Alex Pool	Education Officer	University of Bath SU
Ann Hitchins	Student Housing Manager	Bath Spa University
Richard Daone	Planning Policy	B&NES Council
Natasha		Knights of Bath
John Isserlis	Julian Trust	Homelessness Partnership
Graham Sabourn	Housing	B&NES Council
Stacy Pritchard	Community Projects Officer	Student Community Partnership
Janet Redfern	Secretary	National Landlords Association
James Page	Estates Manager	Bath Spa University
Carol Lacey	Advice & Support Manager	University of Bath SU
Cleo Newcombe-Jones	Planning Policy	B&NES Council
Cllr Tim Ball	Housing & Planning Cabinet Member	B&NES Council
Rosie Simcox		Roman City Letting Agency
Dani Glazzard	Welfare & Representation Assistant	Bath Spa SU
Tim Rawlings	Waste Services	B&NES Council
Kirstie Clifton	Planning consultant	University of Bath
Jeremy Manners	Housing	B&NES Council
Cllr June Player	Westmoreland Ward	B&NES Council
Liane Hanks		Knights of Bath
Emma Weskin	Vice President Welfare & Campaigns	Bath Spa SU
Polly Suttle	Housing	University of Bath
Ann Cousins	Senior Consultant	Arup
Wayne Dyer	Associate Director	Arup

Apologies were given from: Cllr Will Sandry; Jacqui Derbyshire – NLA; Debbie Kearin – Bath Spa University; Del Davies –University of Bath; Chris Clements –

University of Bath Student's Union; Peter Hall – Trustease Estate Agents; Martyn Whalley – University of Bath; Mark Rose – Planning Consultant representing the University of Bath; Carolyn Puddicombe – Bath Spa University.

A copy of this stakeholder workshop report will be circulated to all those who attended the workshop and who gave apologies in the first instance. At a later date this report will also be published on the Council's website as part of the evidence base for the policy approaches.

2 Report of Workshop

2.1 Overview

An overview was given of the process and decisions made so far, and the key areas where stakeholders were invited to comment today. Further detail can be seen in the slides at **Appendix A**.

2.2 Licensing Proposals

Presentation

Jeremy Manners gave an introduction into the proposals for the licensing scheme:

- To cover all HMOs, except Section 257 properties (HMOs divided into self-contained flats);
- To cover the three wards of Oldfield Park, Westmoreland and Widcombe;
- To have additional conditions on waste and recycling provision, upkeep of gardens, energy efficiency, need for planning permission, all amenities under one roof, tenant agreement.

He also presented background evidence for these proposals from the B&NES House Condition Survey, surveys with tenants, data from a variety of existing council services, including experience of the existing mandatory licensing scheme. Further detail can be seen in the presentation included as **Appendix B**.

Discussion

In four small groups the attendees discussed the evidence and proposals presented in relation to two questions. The main points from these discussions are summarised below.

1. Do you think the evidence is what people will expect?

There was some concern that the survey responses from tenants represented a small sample, which may undermine its validity for some. However, most agreed that even if you got more evidence it would not prove anything different from what you have already found. The evidence suggested that many HMO residents are dissatisfied with the management of their properties. Some thought that would be useful to have more detail on the reasons for this to inform and justify the scope of additional conditions incorporated within the licences.

There was some surprise that there were high incidences of fuel poverty in the three wards. There was also some surprise that conditions generally were as bad as they are. The introduction of additional licencing was broadly supported.

A suggestion was made to ask letting agents how many HMOs they have on their books to help inform LA knowledge of HMO numbers.

2. Are we looking at targeting the right areas and right properties?

There was a general consensus that the wards selected look appropriate. Many groups suggested that there could well be a case for rolling this out to other wards in due course, example wards where this might be rolled out mentioned included Kingsmead, Abbey, Newbridge and Twerton wards. One group raised the concern that bad landlords might move outside the wards where there is additional licencing into less regulated wards.

Suggestions were made that in consultation and implementation it would be useful to either include whole streets where ward boundaries divide them, or, particularly in the case of long streets, to include numbers xx – xx to define which parts of the street are affected.

No concerns were raised with regard to the exclusion of Section 257 HMOs.

3. We are proposing to consult on payment of fees, how the scheme will be rolled out and when, existing and new conditions and standards. Is there anything we've missed?

A few points were raised on specific conditions:

- There was support for the fact that this picks up on the unregulated conversion of garages into additional bedsits in the conditions and planning permission issues, as it is not currently possible to regulate.
- There was a suggestion that the licence conditions and planning controls should include requirements for hard-standing for waste receptacles or requirement for storage inside or in back garden. However, there was also a desire to encourage green front gardens to be retained.
- There was a question about what the energy efficiency standards would be and how far these would go.
- There was a comment made that there needs to be an awareness that there are limitations on what you can make tenants do (in terms of the tenant agreement).
- It will be important that if you can make landlords provide tools for gardens, they must be in good working order.
- It will be important to link to other corporate teams and projects e.g. waste management.
- There was an acceptance that landlords would recoup the costs incurred by the Council in the regulation of the scheme, and some concern that they would be passed on unfairly to tenants. Some suggested that this may be less of an issue if licencing payments were made annually (as it would be a smaller amount). It was acknowledged that upfront payment could be better for Council admin, but landlords may prefer to spread the payments.
- A comment was made that the scheme should be rolled out to all three wards at once – as otherwise it could be confusing.
- It was felt that the new standards should be the focus of the licencing consultation – the details of these will be important.

- Clarity will be needed on the role of the voluntary accreditation scheme for the rest of the city.
- There was a general comment that more help, advice and updates to landlords and agents on legislation and standards to keep them informed, will be required.

2.3 Planning Policy Proposals

Presentation

Ann Cousins gave a presentation on the planning policy proposals. She examined approaches that had been used by other local authorities, and examples of how these would look if applied in Bath. She set out some additional evidence in relation to the preferred threshold approach in Bath. The proposed policy approach was set out as follows:

- **Stage 1: Neighbourhood Assessment** *An area based approach looking at HMO density at the Census Output Area level with a threshold of over 20%.* This Stage 1 assessment would allow many areas to be screened out and not require a second stage assessment, in the “green” areas shown on the map, although the Article 4 Direction would apply, planning permission would almost certainly be granted for a change of use from a family house to a small HMO.
- **Stage 2: Local Assessment** *A 20% threshold within a 100m buffer around an individual application property.* Where the property is in a “yellow -orange – red” the Stage 1 assessment would flag up that planning permission is unlikely to be granted for a change of use from a family house to a small HMO. A more sensitive Stage 2 assessment would then be triggered, in some cases where there was not a local concentration of HMOs (under 20% within 100m buffer) permission may still be granted, but in most cases permission would not be granted.

Maps showing the impact of these thresholds geographically were also shown. The presentation slides providing further detail can be found in **Appendix C**.

Discussion

1. Do you agree with the proposed approach?

Whilst there were some comments that the two stage approach could be complicated to understand, there was a general consensus that the two staged approach was helpful, as stage 1 provides landlords/developers/prospective property purchasers with some certainty as to the likelihood of planning approval.

One group favoured the idea of a 50m buffer over a 100m buffer for the Stage 2 assessment.

2. Do you agree with the 20% threshold?

Many agreed with the 20% threshold, but there was some concern that this threshold may be too low:

- As evidence improves it was considered that most of wards of Oldfield, Widcombe and Westmoreland would be above the 20% threshold
- Concerns that restricting the level of HMO concentrations could lead to the dispersal of the HMO and student population away from the primary bus routes and services and amenities.
- Where else would HMOs go in Bath? London Road, Twerton and Newbridge and Odd Down mentioned.
- A question was raised as to how well could the displacement effect be monitored as most of the good data from additional licencing will be in the 3 wards only
- 20% is too low – but 30% seems too high. Do we need to set the threshold at 25%? No right answer as residents will want the lower figure and the Universities and landlords will favour the higher figure.
- One group felt the compromise would be a balance between radius and threshold to be fair, i.e. smaller (50m) buffer radius and smaller threshold (20%) or larger (100m) buffer radius and larger threshold (30%).

3. Do you think that there should be any other criteria (e.g. exemptions, waste, parking)?

Most groups agreed that there should be very limited additional policy criteria, to keep the assessment as simple as possible. Other mechanisms are in place to deal with many of the key issues (including licencing). In particular, parking was seen an issue that could be dealt with through future residents' parking schemes. There was however some support for simple design guidelines for HMOs in the SPD.

There were also some suggestions in relation to area exemptions:

- Could there be some positive exemptions from the policy specified. For example properties on the principal public transport corridors or in streets e.g. adjacent to the RUH.
- Positive exemptions for derelict and or empty properties? Whilst the sentiment was generally supported, there were fears that this could be misused.
- A discussion was had as to whether supported housing schemes could be exempted, but no conclusion was reached.
- A possible exemption for premises above retail to bring back into use as homes was discussed.

4. Other Issues

- Some members of group felt students will be penalised, although others were concerned that the lowest income HMO dwellers could be worst affected.
- Public transport improvements were seen to be necessary in order to disperse HMOs across the city, and there were questions as to which should come first supply or demand. Without improvements to public transport, displacement could increase car travel to the Universities, undermining travel plans.
- A question was raised as to whether there will be more conversions to smaller flats.
- Purpose Built accommodation on major public transport corridors should be encouraged e.g. Twerton Mill. This could need to be picked up in future site allocations plans such as the Placemaking Plan.

3 Proposed Next Steps

3.1 Licensing

No changes are expected to the licensing proposals as set out in 2.2 in the short term. However, responses from the workshop will be used to help guide the formal public consultation and inform future initiatives.

3.2 Planning Policy

It is proposed that the two staged approach is retained, but that a higher 25% threshold should also be considered, rather than 20%, to reflect the housing stock in Bath, and allow some limited room for growth of HMO numbers.

The policy will be kept as simple as possible, and other issues, such as parking, waste, gardens, will be dealt with by other mechanisms.

3.3 Consultation

A joint consultation on Additional Licencing and an HMO Supplementary Planning Document outlining is planned. Key dates are outlined below:

Consultation Activity	Date
Additional Licencing public consultation (min 10 weeks) e-survey	Sept – Nov 2012
Cabinet approval for draft HMO Supplementary Planning Document	Oct 2012
HMO SPD public consultation (6 weeks) e-survey	Oct – Nov 2012
Joint planning and housing “public drop-in events” in 5 locations in Bath and 1:1 meetings	17th-31st Oct 2012 (drop-ins)
Cabinet considers both schemes	13 March 2013
Intention to “make” city-wide Article 4 Direction	1st July 2013
Min 3 months’ notice period to implement Additional Licencing (if decision to proceed)	Summer 2013

3.4 Conclusion

The Council would like to thank the stakeholders who attended this workshop and looks forward to working with them further in particular during the public consultation period.

Any further comments on the proposed approaches particularly from those stakeholders who gave their apologies are most welcome. Contact details for each topic are show below:

Additional Licencing	Jeremy Manners	Housing Services	jeremy_manners@bathnes.gov.uk	01225 396276
Planning Policy	Cleo Newcombe-Jones	Planning Services	cleo_newcombe-jones@bathnes.gov.uk	01225 477617

Appendix A

Introductory and closing presentations

Stakeholder workshop

Houses in Multiple Occupation in Bath

Early Proposals for Housing Licensing & Planning Controls

19th July 2012

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Aims of the workshop

- » Intentions of the Council have been made clear
- » However, all decisions still subject to public consultation
- » **Detail of SPD and Additional Licencing proposals are the focus of this workshop**

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March 2012 Cabinet resolution

- » Give notice of intention to implement **Article 4** and undertake regulatory consultation
- » Prepare a **Supplementary Planning Document** to enable implementation (draft to be agreed by Cabinet pre-consultation)
- » Gather **evidence for Additional Licencing** and if conditions can be met, undertake **10 week consultation** to inform scheme design.

Return to Cabinet for:

- » Consideration of consultation responses to Article 4 before deciding whether to confirm, abandon or amend.
- » Adopt SPD
- » A decision to implement Additional Licencing scheme

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Article 4 Direction

Article 4 Direction: Intention to implement **City-wide** from 1st July 2013

- » If "made" triggers the need to submit a planning application to change use from a family home (C3) to 3-6 unrelated people living together (C4). No planning permission currently required.
- » Not retrospective
- » 6+ people already requires planning permission
- » No fee can be charged for the application
- » **Detailed policy approach needed to implement and to identify where the policy will "bite"**

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HMO Supplementary Planning Document

- » Supplements B&NES Local Plan HMO Policy HG.12
- » Provides a **simple approach** that can be understood by Applicants and Residents
- » Details **process** and **criteria** to be used by the Local Planning Authority to **determine applications**
- » Identifies any **data source** to be used

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Additional Licencing

- » HA04 s56 - power to designate areas, or the whole of the area, within their district, as subject to additional licencing in respect of some or all of the HMOs in its area that are not already subject to mandatory licencing.

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The Agenda

Additional Licencing: 9.50 – 10.45

Coffee Break 10.45 - 11

Planning Proposals: 11 – 12

Joining up: 12 – 12.30

Lunch 12.30

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Joint approach

- i. **Shared evidence base**
- ii. **Joint consultation**
- iii. **Planning controls alone could impact on housing quality**
- iv. **Housing Licencing is retrospective whereas Planning Controls are not**
- v. **Coordinated implementation**
- vi. **Pooling resources**

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Stages	Key dates
Article 4 Direction: intention to implement city-wide	31 st May – 20 th July 2012
Stakeholder workshop on early proposals	19 th July 2012
Additional Licencing public consultation (min 10 weeks) e-survey	Sept – Nov 2012
Cabinet approval for draft HMO Supplementary Planning Document	Oct 2012
HMO SPD public consultation (6 weeks) e-survey	Oct – Nov 2012
Joint planning and housing "public drop-in events" in 5 locations in Bath and 1:1 meetings	17th-31st Oct 2012 (drop-ins)
Cabinet considers both schemes	13 March 2013
Intention to "make" city-wide Article 4 Direction	1 st July 2013
Min 3 months notice period to implement Additional Licencing (if decision to proceed)	

Appendix B

Additional Licencing proposals and evidence presentation

Proposals for additional licensing

**Jeremy Manners
Housing Services
19th July 2012**

- 1. Proposals**
- 2. Evidence**
- 3. Discussion**

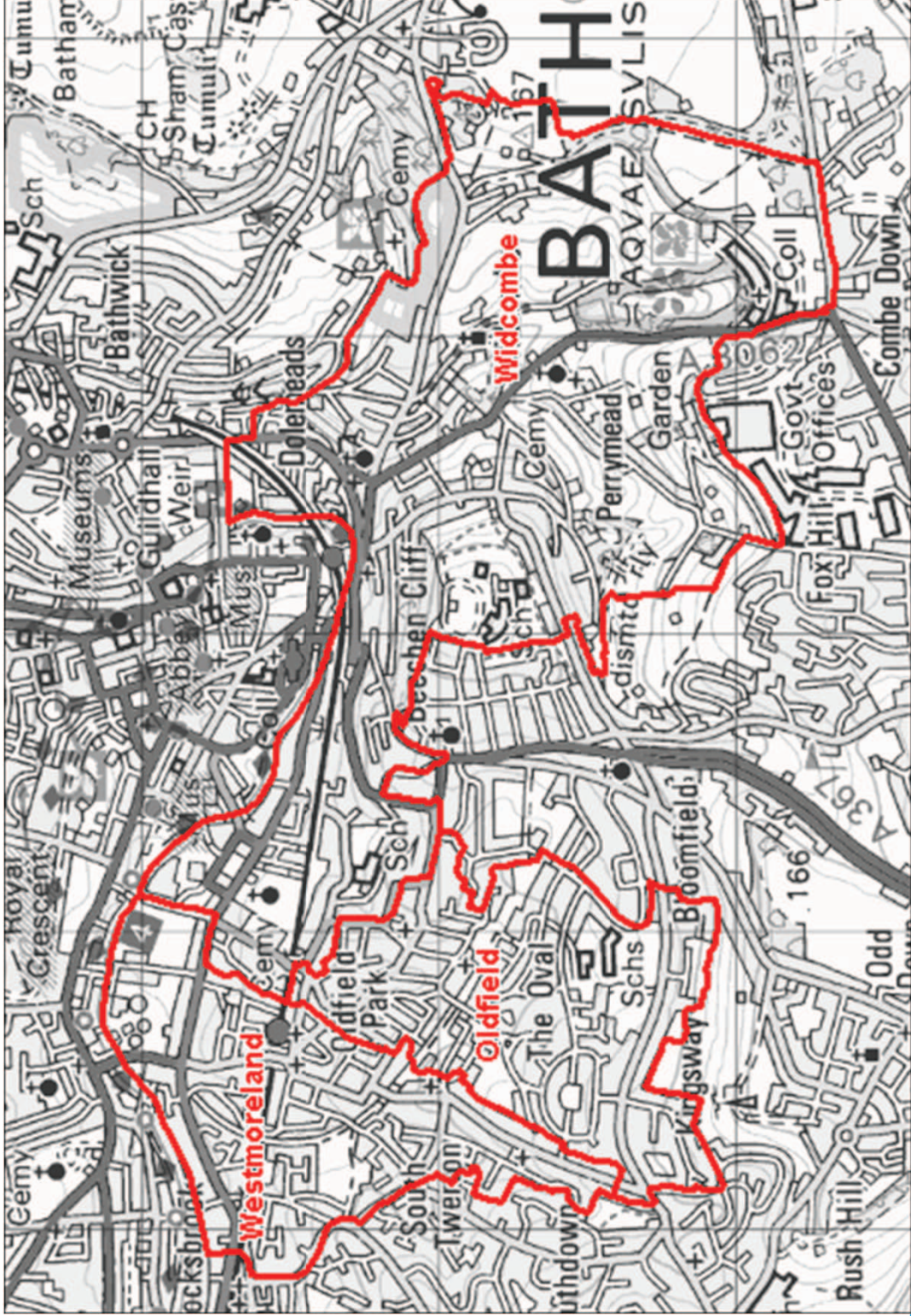
Scheme proposal

Proposed areas

- » **Westmoreland**
- » **Oldfield**
- » **Widcombe**

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Proposed areas



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Proposed HMOs

All HMOs excluding s257

- » **HMO** = a dwelling with 2 or more households made up of 3 or more people.
- » **Section 257 HMO** = building converted entirely into self contained flats where the conversion does not meet the 1991 Building Regs and less than 2/3 of the flats are owner occupied
- » **Mandatory Licensing** = HMO with 3 or more floors & 5 or more people sharing facilities

Numbers of HMOs in proposed scheme

**Oldfield, Westmoreland and Widcombe are
the 3 wards with the highest number of HMOs
with shared facilities**

Est. 700-1,400 HMOs

Proposed scheme design

- » **Similar process to the mandatory scheme**
- » **Similar fees, standards, conditions and application process**

With new conditions on:

- » **Waste and recycling provision, upkeep of gardens, energy efficiency, need for planning permission, all amenities under one roof, tenant agreement**

Evidence base

» 18% of dwellings are privately rented

HMOs make up:

» 6,040 dwellings

» 4,150 buildings

» 3,580 'house' HMOs

(B&NES House conditions survey, 2012)

What's positive

- » Provide essential accommodation for many people
- » non-decency lower than other PRS
- » 1,814 properties in the Accreditation scheme (majority HMOs).
- » 25% accredited properties improved through informal/formal works

HMO residents have told us that:

- » Mainly one person per room
- » most have suitable toilet/bathroom facilities
- » majority do not need a key to unlock their front door from the inside
- » 95% have working smoke alarm(s)
- » 69% told about refuse/recycling collection days when they moved in.
- » 69% satisfied with their home
- » 62% satisfied with the management of their home

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However...

Fuel poverty

- » 13.5% of households in the private rented sector in B&NES are in fuel poverty.
- » Oldfield & Widcombe >21% of private sector dwellings have a household in fuel poverty
- » Westmoreland 16% to 19% of private sector dwellings have a household in fuel poverty.

Experience of mandatory licensing

- » 364 current licences
- » 487 new licences and 134 renewals issued (total 621, May '12)
- » 246 HMOs served with informal/formal requests for work
- » >89% of new licences issued with schedules of work to bring them up to the licensing standard.
 - » 85% required fire precautions,
 - » 63% required improvements to kitchen facilities,
 - » 31% required improvements to bathroom facilities,
 - » 23% required heating improvements
 - » 24% required improvements to toilet facilities

Service requests

- » **Housing Services**
 - » 300-400 service requests pa re. property conditions
- » **Council**
 - » 428 (ave) service requests pa related directly to the domestic use of HMOs.
- » **Council Connect enquiries**
 - » domestic waste complaints - linked to HMOs
 - » requests for street sweeping - linked to HMOs
- » **Avon Fire and Rescue Services (fire incidents)**
 - » likelihood of fire in a HMO in B&NES is nearly twice as likely as in a single household property

What are HMOs residents telling us?

- » majority 2 or 3 storeys and 4 to 7 occupants
- » 95% lived in their current home max. 2 years, 68% less than 1 year
- » 25% not told about refuse and recycling collection days when they moved in
- » 40% not given EPC
- » 25% not given gas safety certificate

On fire safety

- » 1/5 need a key to open front door from inside
- » 1/4 do not have fire blanket in kitchen
- » 1/4 just battery operated alarms (45% failure rate)
- » 2/3 not advised to check SA weekly
- » 2/3 not shown how to check their SA
- » 1/2 not told what to do if problem with the SA.

- » Fire incidents in HMOs are increasing (AFRS)

On gardens and outside space

- » In the 57% of cases where the landlord does not maintain the garden/yard, 65% were not provided with equipment to maintain their garden themselves.

Management and satisfaction

- » 23% not provided with 24hr contact details
- » 18% dissatisfied with their home
- » 25% dissatisfied with the management of their home
- » Less than half advised by their landlords to be courteous to neighbours.

What are local residents saying?

Main concerns with HMOs are: waste, gardens and the visual appearance



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Residents views on HMOs

- » “ ...most have un kept gardens/overgrown hedges...most look un kept, poor appearance needing painting...one has food waste/boxes by the front door, not getting put in the nearby rubbish bin.”
- » “ ...there is a general unwillingness for landlords and letting agencies in general to deal with issues...”
- » “ ...we are all fed up, lack of parking, anti-social behaviour, rubbish, properties in need of repair”
- » [Regarding rubbish in the front garden] “This is a health hazard, attract rats and seagulls [and] is an unsightly mess.”
- » “Landlords must take more responsibility for the upkeep of gardens, windows, external maintenance...” “Landlords must ensure that local rules on storage of dustbins are enforced and that recycling rules are followed.”
- » “ ...rundown appearance, ranging from broken guttering/downpipes, peeling paintwork, dirty windows and curtains, poor paving and general neglect. The lack of care by landlords and tenants means we are all dragged down and the area is beginning to look like slums.”

Summary of evidence

- » Concerns with fuel poverty
- » Big improvements through mandatory licensing
- » Increased risk of fire
- » Inappropriate fire precautions
- » Links to domestic waste complaints and need for street sweeping
- » Significant council resources
- » Limited information provided to tenants
- » Many gardens not adequately maintained
- » Tenant dissatisfaction
- » Concerned residents

Discussion

Q1. Do you think the evidence is what people will expect and, are we looking at targeting the right areas and the right properties?

Q2. We are proposing to consult on payment of fees; how the scheme may be rolled out and when; existing and new conditions and standards.

Is there anything we've missed?

Q3. What do you think will be the 3 most important issues to people?


Appendix C

Planning Policy proposals presentation

19th July 2012


Houses in Multiple Occupation Planning Controls for Bath

Workshop




Running Order

1. Introduction
2. Evidence from Elsewhere
3. Additional Evidence from Bath
4. Proposed Approach
5. Discussion




Evidence From Elsewhere: Oxford

- Threshold: 20%
- Approach: 100m Street by Street



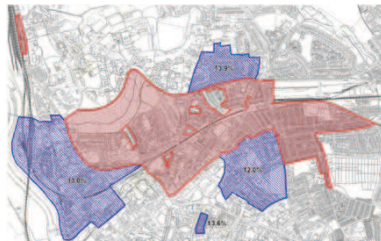

Key Learnings for Bath:

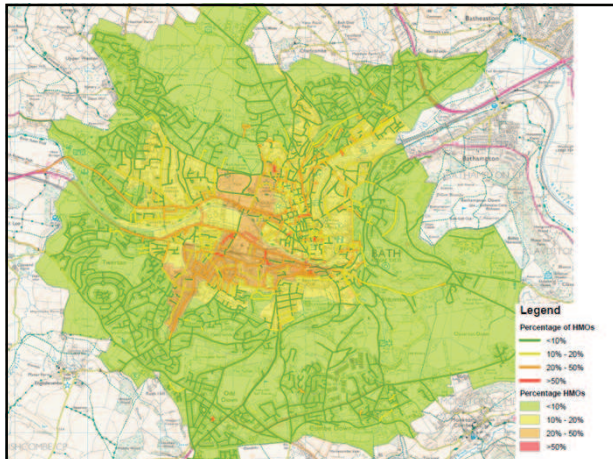
- Complicated to apply this approach with systems in place (UNIFORM)
- No consideration of rear lanes



Evidence From Elsewhere: Exeter

- Blanket Approach
- 20% Threshold
- Individual streets excluded (over 50%)
- Data used: Student Council Tax Exemptions



Evidence From Elsewhere: York

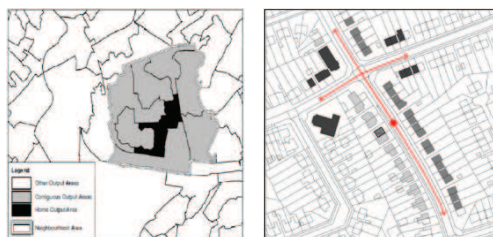
Two staged Approach

Stage	Approach	Threshold
1	Contiguous Output Areas	20%
2	100m Street by Street	10%

Data sets used: council tax records, licenced HMOs, Properties with C4 or sui generis HMO planning consent and properties known to be HMOs.



Evidence From Elsewhere: York



Evidence From Elsewhere: York Learnings for Bath

	Positive	Negative
Two Staged Approach	More resource intensive street by street approach only required in some instances Deals with issues at two neighbourhood levels	Complicated for potential applicants to understand?
Contiguous COAs		Too big to a 'home-patch', too small to be a 'neighbourhood'?
		Complicated for a simple stage?

"Home patch" cluster of dwellings with shared identity (pop. 20-200)
 "Neighbourhood" Mainly residential area with distinctive area (pop. 2,000-10,000)
 Source: Barton, Grant and Guise, *Shaping Neighbourhoods: A guide for health, sustainability and vitality*, 2003

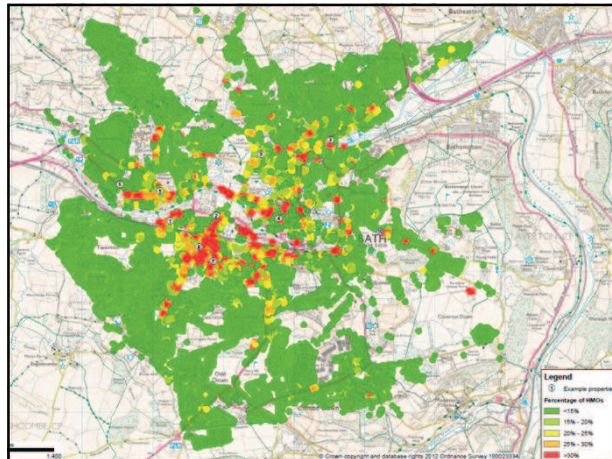


Evidence From Elsewhere: Welwyn & Hatfield

- 50m radius from property
- 20% threshold

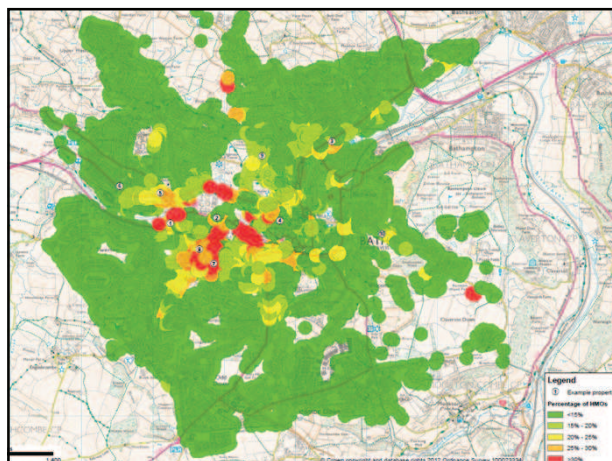
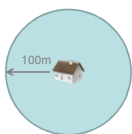


- Data sets include: licensed Houses in Multiple Occupation; Council Tax records for student exemption; own database of Houses in Multiple Occupation.



Evidence From Elsewhere: Canterbury

- 100m radius from property
- 20% threshold



Options Available for Bath:

Neighbourhood Approaches

	Approach	Used Elsewhere?	Appropriate for Bath?
Option 1	Whole area / lower super output level	Exeter	Too blunt?
Option 2	Street removal	Exeter	Streets too small a unit
Option 3	Contiguous census output areas (COAs)	York	Neither a neighbourhood, nor a home patch
Option 4	Single census output areas (COAs)		✓

Options Available for Bath:

Local Approaches

	Approach	Used Elsewhere?	Appropriate for Bath?
Option 1	Street by Street	York / Oxford	Too complicated to implement
Option 2	50m buffer	Welwyn & Hatfield	Too many outliers?
Option 3	200m buffer	Sheffield	Too broad brush
Option 4	100m buffer	Canterbury	✓

Evidence for Threshold (Bath)

Key Facts and Figures

Private rented properties in B&NES (probably higher with City of Bath?)	18%
Private rented sector that are HMOs	50%
Student population	18%
Student population not in halls	13%

Considerations for Threshold (Bath)

- Change in student numbers (2011 - 2012)

Institution	2011 Applications	2012 Applications	% Change
University of Bath	18,412	19,127	3.9%
Bath Spa University	14,005	11,633	-16.9%
City of Bath College	22	23	4.5%
Total Bath HEIs	32,439	30,783	-5.1%

Applications in November (early in the cycle)

- Potential improvement in data on HMOs with introduction of additional licensing

Evidence for Threshold (Elsewhere)

City	Threshold	Distance
Manchester	10%	100m radius
Nottingham	25%	Contiguous COAs
Canterbury	20%	100m radius
Exeter	20 - 50%	Whole A4D area
Welwyn & Hatfield	20%	50m radius
York	20%	Contiguous COAs
	10%	Street by Street
Oxford	20%	Street by Street

Bath & North East Somerset Council

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ARUP

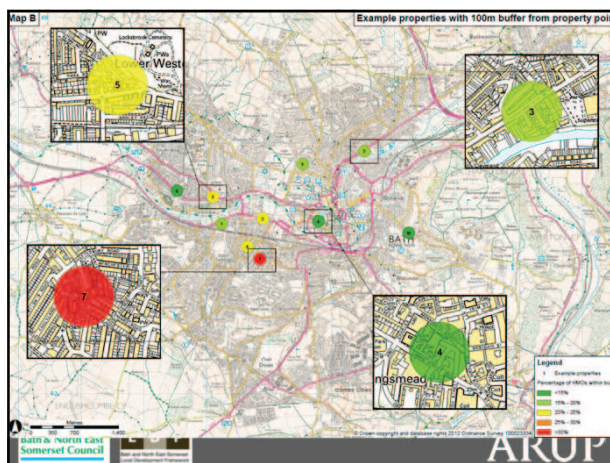
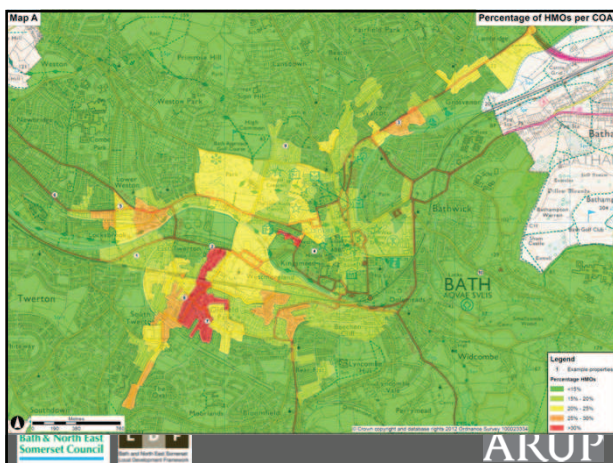
Preferred Approach for Bath

- **Step 1:** Properties within 50m of a Census Output Area above 20% density should be considered in more detail. A map would be developed to show this area, which would be updated automatically on a quarterly basis .
- **Step 2:** 100m radius; 20% threshold
- **Data Sources:** B&NES Housing data on HMOs only (i.e. from accreditation, licensing, complaints). This should help provide consistency. Updated on a quarterly basis.

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ARUP



Questions for Discussion

- Do you agree with having a two staged approach?
- Do you agree with the Census Output Area Approach?
- Do you agree with the 100m radius?
- Do you agree with the 20% threshold?

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Equality Impact Assessment / Equality Analysis

Title of service or policy	Supplementary Planning Document on HMOs (including a threshold approach)
Name of directorate and service	Directorate: Service Delivery Service: Planning and Accommodation Services
Name and role of officers completing the EIA	Planning consultants (Arup) on behalf of Cleo Newcombe-Jones, Planning Policy Officer
Date of assessment	13 th August 2012

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality Impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

1. Identify the aims of the policy or service and how it is implemented.	
Key questions	Answers / Notes
<p>1.1 Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	<p>Implementation of the following:</p> <p>Preparation, consultation and adoption of a Supplementary Planning Document (SPD) setting out the Council's approach to the distribution and dispersal of Houses of Multiple Occupation across the City. The SPD does this by setting out criteria for assessing planning applications required by an Article 4 Direction for the conversion from Family Homes (Use Class C3) to Houses of Multiple Occupation (Use Classes C4 of Sui generis). This policy accompanies saved policy HG12 from the Local Plan.</p> <p>The responsibility for implementing the SPD is with the Planning Policy team. The Development Management team will be responsible for using the SPD to determine planning applications made.</p> <p>The intended outcomes include:</p> <ul style="list-style-type: none"> • Response to local residents' concerns regarding over-concentration of HMOs in some areas of the City, both in terms of existing and potential future problems.

		<ul style="list-style-type: none"> • Dispersal of HMOs rather than concentration in certain areas of the City leading to more choice in areas to rent privately across Bath • Should lead to more balanced communities, meaning a wider mix of residents in many areas. • A dispersal of HMOs across the city may lead to more affordable private rented sector accommodation in some areas. This combination may make it easier to attract new employees to the area.
<p>1.2 Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement?. • How much room for review is there? 	<p>Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people not from the same family living together. High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties.</p> <p>This is being taken forward alongside additional licensing requirements for HMOs that are due to be implemented in the Oldfield Park, Westmoreland and Widcombe wards.</p> <p>A change in the law in 1st October 2010, which stated that all change of use from a C3 dwelling (a family home) to a C4 HMO is classed as permitted development and will not require planning permission. The introduction of an Article 4 Direction would mean that express planning permission would be required for a material change of use.</p> <p>Arup have conducted a feasibility study to consider, in particular, whether an Article 4 Direction and an accompanying Supplementary Planning Document would be suitable tools to assist in the control of conversion of dwelling houses (i.e. family homes) to HMOs in the City of Bath. Other measures that could be implemented to help create sustainable, balanced communities, including the use of licensing, were also reviewed in this feasibility study.</p> <p>The Council gave notice of its intention to implement an Article 4 Direction in May 2012, and carried out a six week consultation. Feedback has been generally very supportive of the approach.</p>	<p>Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people not from the same family living together. High densities of HMOs are often associated with issues such as noise disturbances, litter and parking difficulties.</p> <p>This is being taken forward alongside additional licensing requirements for HMOs that are due to be implemented in the Oldfield Park, Westmoreland and Widcombe wards.</p> <p>A change in the law in 1st October 2010, which stated that all change of use from a C3 dwelling (a family home) to a C4 HMO is classed as permitted development and will not require planning permission. The introduction of an Article 4 Direction would mean that express planning permission would be required for a material change of use.</p> <p>Arup have conducted a feasibility study to consider, in particular, whether an Article 4 Direction and an accompanying Supplementary Planning Document would be suitable tools to assist in the control of conversion of dwelling houses (i.e. family homes) to HMOs in the City of Bath. Other measures that could be implemented to help create sustainable, balanced communities, including the use of licensing, were also reviewed in this feasibility study.</p> <p>The Council gave notice of its intention to implement an Article 4 Direction in May 2012, and carried out a six week consultation. Feedback has been generally very supportive of the approach.</p>

		<p>The proposed policy approach for the SPD is set out as follows:</p> <ul style="list-style-type: none"> <p>Stage 1: Neighbourhood Assessment An area based approach looking at HMO density at the Census Output Area level with a threshold of over 25%. This Stage 1 assessment would allow many areas to be screened out and not require a second stage assessment, in the “non-red” areas shown on the map, although the Article 4 Direction would apply, planning permission would almost certainly be granted for a change of use from a family house to a small HMO.</p> <p>Stage 2: Local Assessment A 25% threshold within a 100m buffer around an individual application property. Where the property is in a red area the Stage 1 assessment would flag up that planning permission is unlikely to be granted for a change of use from a family house to a small HMO. A more sensitive Stage 2 assessment would then be triggered, in some cases where there was not a local concentration of HMOs (under 25% within 100m buffer) permission may still be granted, but in most cases permission would not be granted.</p> <p>It is proposed that that maps showing HMO density would be updated automatically on a quarterly basis to reflect any change in density. It is proposed to use the housing database (i.e. licensed HMOs and any others that the Council had been made aware of).</p> <p>Following consultation in July 2012, it is proposed that a higher 25% threshold be proposed, rather than 20%.originally suggested. This reflects the housing stock and existing infrastructure in Bath, and allows some limited room for growth of HMO numbers in areas currently not adversely affected.</p> <p>There is room for review with further consultation planned and monitoring of the implementation of the A4D and SPD.</p>
<p>1.3 Do the aims of this policy link to or conflict with any other policies of the Council?</p>		<p>The proposed SPD fits with the saved Local Plan Policy HG12 which regulates larger HMO conversions. It also fits with the overarching objective for balanced communities as detailed in the emerging Core Strategy and the Housing and Well Being Strategy.</p>

Comment [acl]: Insert policy wording once agreed

		<p>The benefits of this option are highlighted in Section 1.1. Several challenges have been identified including that it:</p> <ul style="list-style-type: none"> • May push rental prices up in some areas (particularly Oldfield Park, Westmoreland and Widcombe areas), potentially leading to inequality in terms of where HMO residents can afford to live. • May mean HMO residents in new areas feel isolated if there is a lack of public transport and they lack personal transport. • Students living over a wider area may mean that some areas, at least initially, are not well served by public transport. This may lead to an increase in those wanting to use private modes to access University campuses. • There may be an increase in students seeking welfare advice if students have problems with affording their rent in their preferred area / a social divide in new or existing areas • May lead to “de-studentification”, and not return to family housing as local residents might hope. This may lead to local owner-occupier residents seeing a drop in value of their homes in areas where high concentrations of HMOs already exist. Where existing densities are really high, it may also become difficult to sell homes if they want to move. • If the SPD leads to a perception that HMOs are not welcome in Bath, then this may lead to a shortage in affordable private rented property. This may make it harder for employers to attract lower paid employees, particularly those at the start of their careers, including new graduates.
<p>2. Consideration of available data, research and information</p>		

<p>Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:</p> <ul style="list-style-type: none"> ● Demographic data and other statistics, including census findings ● Recent research findings (local and national) ● Results from consultation or engagement you have undertaken ● Service user monitoring data (including ethnicity, gender, disability, religion/belief, sexual orientation and age) ● Information from relevant groups or agencies, for example trade unions and voluntary/community organisations ● Analysis of records of enquiries about your service, or complaints or compliments about them ● Recommendations of external inspections or audit reports 	
	<p>Data, research and information that you can refer to</p>
2.1	<p>Wide range of service deliverers including public, private and voluntary sectors and the Universities which mirrors the equality profile of Bath and North East Somerset.</p>
2.2	<p>Planning policy team have received corporate equalities training and EQIA training. A number of the service deliverers within the Council will have received corporate equalities training.</p>
2.3	<p>Through equalities mapping and population profile analysis (BANES Equality Profile 2009) we now know more about the wider groups of user who will benefit from any improvements.</p> <p>Data is available from the Higher Education Statistics Agency, on the gender, age and socio-economic profile of students at the Higher Education Institutions in Bath http://www.hesa.ac.uk/index.php?option=com_content&task=view&id=2060&Itemid=141</p> <p>The BANES Residential Review 2007 provides data across the BANES wards on items such as population age profile, tenure profile, affordable housing profile and location of accredited properties.</p>

2.4	<p>What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?</p>	<p>Surveys of tenants has provided some data</p> <p>Gaps</p> <ul style="list-style-type: none"> Concern that survey data from tenants reflects a small sample, but agreement at the consultation workshop that further data from tenants wouldn't provide new insights. The total number of HMOs in the City based on existing data is considered to be an underestimate of the real level of provision. Data on the profile of landlords/HMO developers is lacking. Data on the profile of HMO residents other than students is lacking.
2.5	<p>What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?</p>	<p>As part of the feasibility study a workshop was held on 24th October 2011 in the Guildhall, Bath to scope stakeholders views on the issues. The aims of the workshop were:</p> <ul style="list-style-type: none"> to bring stakeholders together to share and understand different perspectives related to HMOs in Bath; to share the data related to both need for HMOs and impacts of HMOs; and to test potential interventions that might help to create balance and sustainable communities <p>The results included analysis of the benefits and challenges of implementing an Article 4 Direction. It was agreed that should an Article 4 Direction be implemented it should adopt a city wide approach and include a threshold approach.</p> <p>A second stakeholder workshop was held on 19th July 2012 with the following objectives:</p>

Comment [ac2]: Anything in here on the A4D consultation, or should that be considered a separate policy?

		<ul style="list-style-type: none"> • To inform stakeholders of research undertaken to date on options and proposals for HMO licensing and planning controls in Bath. • To share the emerging evidence base, approaches taken by other local authorities and gather feedback • To clarify aspects of licensing and planning policy formulation where stakeholders have the opportunity to influence, and gather feedback. <p>There was a general consensus that the two staged assessment approach proposed for planning applications was helpful, as stage 1 provides landlords/developers/prospective property purchasers with some certainty as to the likelihood of planning approval. Many agreed with the 20% threshold, but there was some concern that this threshold may be too low. Most groups agreed that there should be very limited additional policy criteria, to keep the assessment as simple as possible.</p> <p>A wide range of stakeholders were represented at the workshops, including:</p> <ul style="list-style-type: none"> • Ward Councillors from across Bath • Planning Officers, B&NES Council • Housing, Transport, Research, Community and Economic Development Officers, B&NES Council • University of Bath • Bath Spa University • Royal United Hospital • Bath Spa University Students <input type="checkbox"/> Union • University of Bath Students <input type="checkbox"/> Union • HMO Landlords • HMO Developers • Estate Agents
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		<ul style="list-style-type: none"> Local Residents Avon and Somerset Police
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	<p>A full consultation process is planned with respect to the SPD, over 6 weeks. It is proposed that this runs alongside the consultation on HMO licensing to provide clarity on the issues and overlaps. The consultation would target all groups of user who would be affected by the proposals. It is proposed that there will be a series of 5 drop-in sessions targeted at particular areas, as well as the online consultation.</p>
3. Assessment of impact: 'Equality analysis'		
	Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:	
	<ul style="list-style-type: none"> Meets any particular needs of equalities groups or helps promote equality in some way. Could have a negative or adverse impact for any of the equalities groups 	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
3.1	Gender – identify the impact/potential impact of the policy on women and men. (Are there any issues regarding pregnancy and maternity?)	<p>The SPD will potentially lead to a more dispersed pattern of HMOs in the City with students in particular living in a wider range of neighbourhoods than currently experienced. The intention of the SPD is to encourage and maintain balanced and mixed communities that support the needs of all groups in society. It should also provide greater choice in terms of areas to live.</p> <p>Potential negative impacts of a more dispersed set of students or young professionals over a larger area could lead to feelings of isolation for young women who are forced to live further out and may feel unsafe travelling at night.</p>

		<p>Promoting a more balanced community, helping to make all feel welcome.</p> <p>NB this positive impacts will apply to all the groups considered below.</p>	<p>NB this will apply to all the groups considered below</p> <p>Action <i>Ensure the provision of good public transport and amenity in all areas where there is likely to be a high proportion of HMOs.</i></p>
3.2	Transgender – – identify the impact/potential impact of the policy on transgender people	<p>The proposals are very unlikely to create an impact on individuals because of their sexual orientation. However, should someone consider that this is in fact the case we will consider the points made</p>	<p>The completion of licence application forms and planning applications can be difficult for those with certain impairments. There can also be communication difficulties if legal action is taken for noncompliance with the HMO licence provisions.</p> <p>Action <i>Guidance to be offered to applicants to complete the planning application process.</i></p>
3.3	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<p>As in 3.1 above; and</p>	<p>May push up rental prices in some areas (particularly Oldfield Park, Westmoreland and Widcombe area) often affecting those on lower incomes, and students, who tender to be younger people.</p> <p>Action <i>Future provision of purpose built</i></p>
3.4	Age – identify the impact/potential impact of the policy on different age groups	<p>As in 3.1 above and</p> <p>Current issues associated with HMOs include isolation/ feelings of vulnerability among the elderly, the proposal should lead to more balanced communities as there is a greater choice in areas to live.</p>	

		<p>Family housing in areas of high density of HMOs are likely to become more attractive, leading to more balanced communities</p> <p>More choice of high quality HMOs across the city will make it easier to attract young professionals/lower paid employees to Bath.</p>	<p><i>accommodation on transport corridors in site allocations plans such as the Placemaking Plan.</i></p> <p>May lead to students and young people living in peripheral areas of the City possibly leading to feelings of isolation for young people that are forced to live further out.</p> <p>Action <i>Ensure the provision of good public transport and amenity in all areas where there is likely to be a high proportion of HMOs.</i></p>
3.5	Race – identify the impact/potential impact on different black and minority ethnic groups	As in 3.1 above	<p>Wards with highest proportion of BME populations Bathwick with 16% and Abbey with 15%, also have high proportions of HMOs, so these groups may be adversely affected by the potential inflated rental prices that arise out of the proposals.</p> <p>Action <i>Ensure other areas where people may end up living have good levels of public transport and amenity.</i></p> <p>Examples of potential negative or adverse impact and what steps have been or could be taken to address this</p>
3.6	Sexual orientation - identify the impact/potential impact of the policy on	<p>Examples of what the service has done to promote equality</p> <p>The proposals are very unlikely to create an impact on individuals because of their sexual orientation. However, should someone consider that this is in fact the case we will consider the points made.</p>	

	lesbians, gay, bisexual & heterosexual people			
3.7	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	As in 3.1 above and	None identified	
3.8	Socio-economically disadvantaged – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances	As in 3.1 above Family housing in areas of high density of HMOs are likely to become more affordable, meaning it could become easier for new entrants to the housing market	May push up rental prices in some areas (particularly Oldfield Park, Westmorel and Widcombe area) that will affect those with lower salaries. Action <i>Ensure other areas where people may end up living, have good levels of public transport and amenity</i>	
3.9	Rural communities – identify the impact / potential impact on people living in rural communities	Potentially increasing the choice in areas to live within the city, e.g. young people living at home in rural areas, may be able to move out, as HMOs are dispersed across the city	Potential for feeling that HMOs are unwelcome within the City and for greater numbers of HMOs to appear outside the city in more rural areas. Action <i>On going monitoring of impact of SPD, as set out within the document.</i>	

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Ensure the consultation on the SPD is accompanied by appropriate guidance and that additional support is available for equalities groups.	Ensure equalities is included in the plan for the formal consultation on the SPD	Preparation of appropriate guidance in time for the consultation.	Planning Policy Team	In time for consultation
HMO occupants forced to live in other areas, due to rising prices in central locations.	Ensure good levels of amenity and public transport in the alternative areas where people may end up living	Review in conjunction with local transport policy and proposals. Review accessibility of wards within Bath where HMO housing are likely to grow as a proportion of housing stock. Planning policy team to monitor	Planning Policy Team	Ongoing
Potential feelings of isolation for students and other HMO	Information provision, e.g. on transport access, local	Included within student information and housing packs	Student Community	To coincide with students

residents who live in less accessible areas	amenities, safety measures, and support helplines		Liaison Officer	arriving at University and during housing week
Potential for feeling that HMOs are unwelcome within the city and for greater numbers of HMOs to appear outside the city in more rural areas.	Monitoring of impacts of SPD and Article 4 Direction	Annual monitoring reports	Planning Policy Team	Post-implementation

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:

Date:

(Divisional Director or nominated senior officer)

Bath & North East Somerset Council
**HMO Supplementary Planning
Document**

Sustainability Appraisal Screening
Report

4.5

Draft 1 | 10 August 2012

Draft

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 218116-00

Document Verification

ARUP

Job title		HMO Supplementary Planning Document		Job number	
				218116-00	
Document title		Sustainability Appraisal Screening Report		File reference	
Document ref		4.5			
Revision	Date	Filename			
Draft 1	10 Aug 2012	Description	First draft		
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		Name	Isabel Keppel	Ann Cousins	Wayne Dyer
		Signature	<i>I. Keppel</i>		
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
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		Name			
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		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			

Issue Document Verification with Document



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4 Conclusion and statement of reasons	6

Draft

1 Introduction

This report has been produced to determine the need for Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 for the proposed Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD).

2 Planning Context

This Supplementary Planning Document (SPD) accompanies saved policy HG12 from the Local Plan and sets out Bath & North East Somerset Council's approach to the distribution and dispersal of Houses of Multiple Occupation.

It aims to encourage a sustainable community in Bath, by achieving an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas.

The SPD does this by setting out criteria for assessing planning applications required by an Article 4 Direction for the conversion from Family Homes (Use Class C3) to Houses of Multiple Occupation (Use Classes C4 of Sui generis).

In principle, supplementary planning documents should not be subject to the SEA Directive or require sustainability appraisal because they do not normally introduce new policies or proposals or modify planning documents which have already been subject to sustainability appraisal. However, as the Local Plan predates the 2004 Act and the 2001 SEA Directive, it is necessary to conduct a screening report to determine the extent to which the policy has environmental effects.

3 Screening

Previously all development plan documents (DPDs) and SPDs were subject to Sustainability Appraisal (SA). Sustainability Appraisals incorporated the requirement for SEA¹ but when these regulations were amended in 2009², the requirement for SA for SPDs was removed. However, SPDs are still subject to the requirements set out by the SEA.

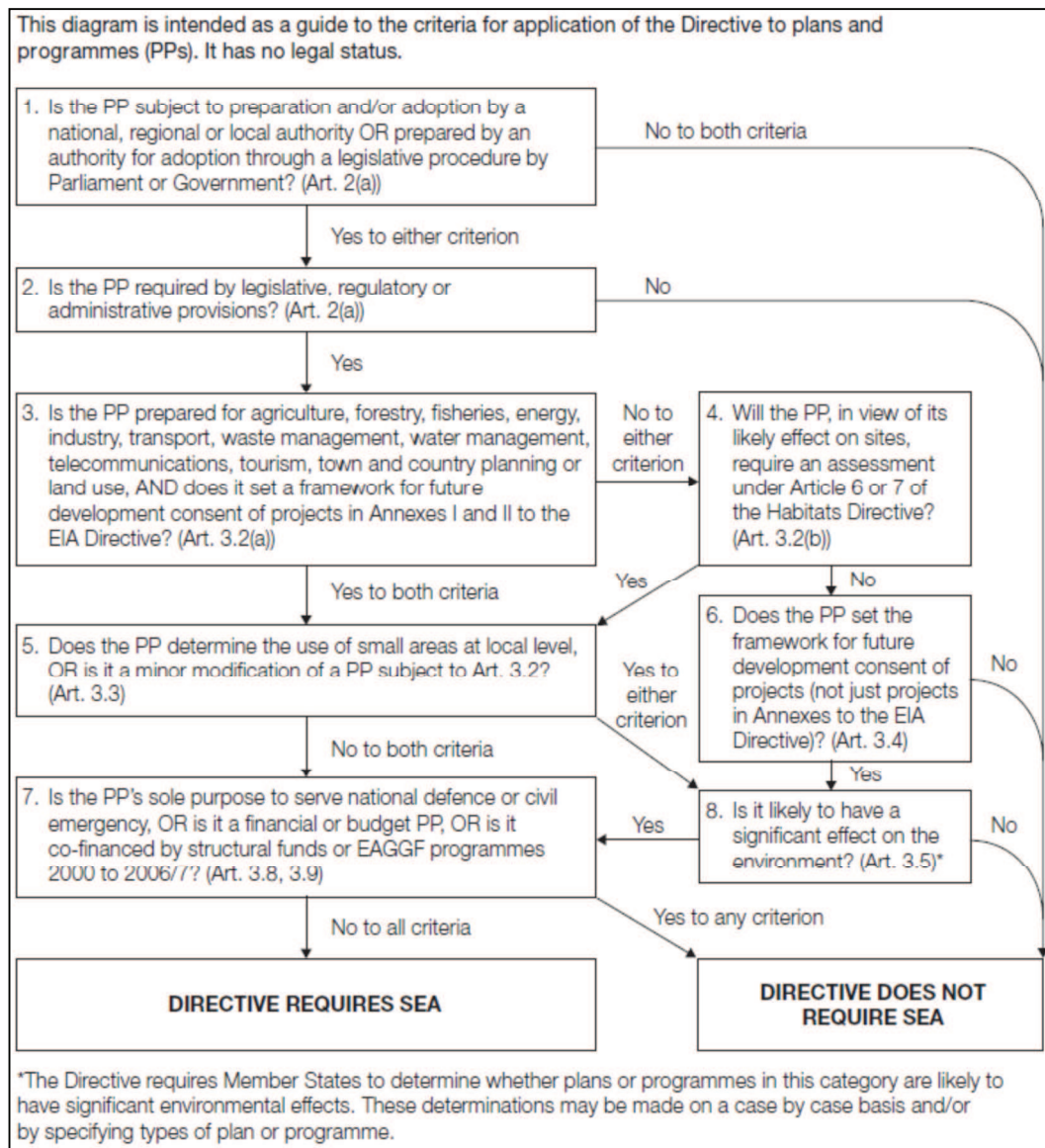
The ODPM practical guidance³ provides a checklist approach based on the SEA Regulations to help determine whether SEA is required. This screening report has been used as the basis on which to assess the need for SEA as set out below.

¹ The Town and Country Planning (Local Development) (England) Regulations 2004

² The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

³ INSERT REF

Figure 1: Establishing the need for an SA / SEA



3.1.1 Screening Assessment

This section sets out screening assessment using the Practical Guidance for SEA (ODPM) and Annex II of the SEA Directive.

Table 1 Determining the Likely Significant Effects using SEA Directive Annex II (referred to in Article 3(5))

Stage	Answer	Justification
1. Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared by an	Yes	The SPD is to be adopted by Bath & North East Council, subject to consultation.

Stage	Answer	Justification
authority for adoption through a legislative procedure by Parliament of Government? (Article 2(a))		
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	It is considered that the SPD is required to provide clarity to the provisions set out in Saved Policy HG.2, following the introduction of an Article 4 Direction in Bath to control the concentration of HMOs in certain areas.
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	No	The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.
4. Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b))	No	This SPD is not likely to have an effect, particularly given that it will have little influence over external works and therefore is unlikely to have an impact on habitats.
5. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	Yes	This SPD does not have Development Plan status, but it will be accorded significant weight as a material planning consideration in the determination of planning applications. This document does this by setting out key decision making criteria for determining the following planning applications: <ul style="list-style-type: none"> • Applications of a change of use from a C3 (dwelling house) to C4 HMO where permitted development rights have been withdrawn via an Article 4 Direction (see map 1 below); • Applications for change of use to HMOs for more than 6 people; and • Applications for new purpose built HMOs.
6. Is it likely to have a significant effect on the environment? (Article 3.5)	No	See Table 2 below to understand the determination of likely significant effects.

Table 2 Determining the Likely Significant Effects using SEA Directive Annex II (referred to in Article 3(5))

The characteristics of plans and programmes, having regard, in particular, to:	Is there a significant environmental impact?	Justification
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The SPD does not provide a framework for other plans and strategies.
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	No	The SPD does not have development plan status and forms the lowest tier of the LDF. It will therefore not influence other plans or programmes, but it will be afforded significant weight as a material planning consideration in the determination of planning applications.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The SPD aims to support sustainable development through controlling the concentration of HMOs to enable balanced and mixed communities. Through this, it also aims to address potential negative environmental issues associated with HMOs such as condition of the property, rubbish accumulation, noise issues and parking pressures. It is anticipated that this may have a positive impact in the local area to which the policy is applied. However, the SPD does not provide a specific environmental policy in its own right. The SPD has also been subject to an Equalities Impact Assessment which has promoted sustainable development.
1d) Environmental problems relevant to the plan or programme	No	The policy will restrict the change of use of properties to HMOs within the B&NES area. It is not envisaged that restricting the subdivision of residential properties will cause environmental problems, in fact, it is likely to have a positive effect on managing existing environmental concerns in areas of higher HMO concentration.. The SPD will seeks to ensure that change of use will not have a detrimental impact on the residential amenity of an area..
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	No	The SPD is not considered relevant to this criterion.
2a) The probability, duration, frequency and reversibility of the effects	No	The anticipated effects of the document are anticipated to be positive through the provision of a mixed and balanced community as well as

The characteristics of plans and programmes, having regard, in particular, to:	Is there a significant environmental impact?	Justification
		the mitigation of potential negative environmental effects associated with HMOs. The duration of effects is hard to define given that once planning permission has been granted to use class C4, change of use to C3 is permitted development
2b) The cumulative nature of the effects	No	The cumulative effects of the SPD are likely to be positive although only on a local neighbourhood scale.
2c) The trans-boundary nature of the effects	No	The SPD is not anticipated to have trans-boundary effects as the policy will be localised within specific areas of Bath in its application.
2d) The risks to human health or the No There are no significant effects to human environment (e.g. due to accidents)	No	There are no significant effects to the human environment (e.g. due to accidents) or to human health identified. The SPD should help to ensure mixed and balanced communities which aim to mitigate detrimental effects to the local community and amenities. Additional licensing is also being applied in certain wards which will lead to higher residential standards in HMOs with positive effects on human health.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The SPD covers the proposed Article 4 Direction area of the city of Bath, although HMOs are mainly located within certain wards. The guidance set out by the SPD will have the greatest effect at the local street or neighbourhood level. The effect is anticipated to be limited at a larger scale.
2f) The value and vulnerability of the area likely to be affected due to: I. special natural characteristics or cultural heritage, II. exceeded environmental quality standards or limit values III. intensive land-use	No	The SPD proposes to control the concentration of HMOs through the setting of a threshold above which conversions to HMO's will be refused.. The application of this policy should ensure that mixed and balanced neighbourhoods are maintained. The real and perceived detrimental impacts associated with HMO accommodation (noise, waste management and parking) will also be mitigated. . The SPD is considered to not have effects on natural characteristics, cultural heritage, environmental quality standards or intensive land-use.
2g) The effects on areas or landscapes which have a recognised national, Community or international protection status	No	The SPD will help support Bath's status as a World Heritage Site by controlling the concentration of HMOs in residential neighbourhoods and managing the environmental degradation of these neighbourhoods. ..

4 Conclusion and statement of reasons

The proposed HMO SPD accompanies saved policy HG12 from the Local Plan and sets out Bath & North East Somerset Council's approach to the distribution and dispersal of Houses of Multiple Occupation.

The anticipated effects of the document are anticipated to be positive through the provision of a mixed and balanced community as well as the mitigation of potential negative effects associated with HMOs.

The SPD does this by setting out criteria for assessing planning applications required by an Article 4 Direction for the conversion from Family Homes (Use Class C3) to Houses of Multiple Occupation (Use Classes C4 of Sui generis).

Overall, it is considered that the HMO SPD will not give rise to significant environmental effects. It is therefore proposed that a **Strategic Environmental Assessment is not required** for the proposed Houses in Multiple Occupation Supplementary Planning Document.

This document is draft and subject to consultation with the three statutory consultees identified through the SEA regulations (listed below), plus inter-Council departments.

- Environment Agency;
- English Heritage; and
- Natural England.

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Bath & North East Somerset Council	
MEETING: PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT & SCRUTINY PANEL	
MEETING DATE:	8th October 2012
TITLE:	WORKPLAN FOR 2012/13
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 – Panel Workplan	

1 THE ISSUE

- 1.1 This report presents the latest workplan for the Panel (Appendix 1).
- 1.2 The Panel is required to set out its thoughts/plans for their future workload, in order to feed into cross-Panel discussions between Chairs and Vice-chairs - to ensure there is no duplication, and to share resources appropriately where required.

2 RECOMMENDATION

- 2.1 The Panel is recommended to
 - (a) consider the range of items that could be part of their Workplan for 2012/13

3 FINANCIAL IMPLICATIONS

- 3.1 All workplan items, including issues identified for in-depth reviews and investigations, will be managed within the budget and resources available to the Panel (including the designated Policy Development and Scrutiny Team and Panel budgets, as well as resources provided by Cabinet Members/Directorates).

4 THE REPORT

4.1 The purpose of the workplan is to ensure that the Panel's work is properly focused on its agreed key areas, within the Panel's remit. It enables planning over the short-to-medium term (ie: 12 – 24 months) so there is appropriate and timely involvement of the Panel in:

- a) Holding the executive (Cabinet) to account
- b) Policy review
- c) Policy development
- d) External scrutiny.

4.2 The workplan helps the Panel

- a) prioritise the wide range of possible work activities they could engage in
- b) retain flexibility to respond to changing circumstances, and issues arising,
- c) ensure that Councillors and officers can plan for and access appropriate resources needed to carry out the work
- d) engage the public and interested organisations, helping them to find out about the Panel's activities, and encouraging their suggestions and involvement.

4.3 The Panel should take into account all suggestions for work plan items in its discussions, and assess these for inclusion into the workplan. Councillors may find it helpful to consider the following criteria to identify items for inclusion in the workplan, or for ruling out items, during their deliberations:-

- (1) public interest/involvement
- (2) time (deadlines and available Panel meeting time)
- (3) resources (Councillor, officer and financial)
- (4) regular items/"must do" requirements (eg: statutory, budget scrutiny, etc)?
- (5) connection to corporate priorities, or vision or values
- (6) has the work already been done/is underway elsewhere?
- (7) does it need to be considered at a formal Panel meeting, or by a different approach?

The key question for the Panel to ask itself is - can we "add value", or make a difference through our involvement?

- 4.4 There are a wide range of people and sources of potential work plan items that Panel members can use. The Panel can also use several different ways of working to deal with the items on the workplan. Some issues may be sufficiently substantial to require a more in-depth form of investigation.
- 4.5 Suggestions for more in-depth types of investigations, such as a project/review or a scrutiny inquiry day, may benefit from being presented to the Panel in more detail.
- 4.6 When considering the workplan on a meeting-by-meeting level, Councillors should also bear in mind the management of the meetings - the issues to be addressed will partially determine the timetabling and format of the meetings, and whether, for example, any contributors or additional information is required.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

- 6.1 Equalities will be considered during the selection of items for the workplan, and in particular, when discussing individual agenda items at future meetings.

7 CONSULTATION

- 7.1 The Workplan is reviewed and updated regularly in public at each Panel meeting. Any Councillor, or other local organisation or resident, can suggest items for the Panel to consider via the Chair (both during Panel meeting debates, or outside of Panel meetings).

8 ADVICE SOUGHT

- 8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Michaela Gay, Democratic Services Officer. Tel 01225 394411
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Planning, Transport and Environment Policy Development & Scrutiny Panel Workplan

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
26th July 2011	Bath Transport Package	GC	Peter Dawson	Report		
	Green Spaces Strategy Update	GC	Graham Evans	Report		
	Community Infrastructure Levy / Section 106	GC	Simon de Beer	Report		
	Food Waste Recycling Collections Update	GC	Carol Maclellan	Briefing		
	Cabinet Member Response to Commercial Waste Collection Single Inquiry Day	GC	Lauren Rushen	Report		
	Sustainable Growth Agenda (inc Housing)	JB	John Betty	Report		
	Cabinet Member Update			Verbal		
13th Sept 2011						
	Bath Parking Strategy	GC	Adrian Clarke	Report	Panel on 26/7/11	
	Integrated Transport Authority	GC	Peter Dawson	Presentation		
	Subsidised Bus Services	GC	Andy Strong	Briefing		
	Draft Core Strategy	GC	David Trigwell / Simon de Beer	Report	Panel on 26/7/11	
	Emerging Provision Strategy for Public Toilets	GC	Matthew Smith / Kate Hobson	Report		
	Cabinet Member Update					

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
8th Nov 2011	Cabinet Member Update					
	Community Infrastructure Levy / Section 106 Update	GC	Simon de Beer	Verbal	Panel on 26/7/11	
	Gypsies & Travellers Plan: Issue & Options Consultation & "Call for Sites"	GC	Simon de Beer	Report		
	Local Sustainable Transport Fund	GC	Adrian Clarke	Presentation		
6th Dec 2011	Article 4 Direction (Student Housing – HMO)	GC	Simon de Beer	Report		
	Medium Term Service and Resource Plans	GC	Glen Chipp	Report		
17th Jan 2012	Cabinet Member Update					
	Planning & Transport Development – Service Action Plan	GC	David Trigwell	Report		
	Environmental Services – Service Action Plan	GC	Matthew Smith	Report		
	Introducing 20mph Speed Limits	GC	Adrian Clarke	Report	Panel on 26/7/11	
	Climate Change Strategy	AP	Jane Wildblood	Presentation	Panel on 26/7/11	

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
13th March 2012						
	Cabinet Member Update					
	Community Infrastructure Levy / Section 106 Update	GC	Simon de Beer / David Trigwell	Verbal Update		
	Waste Strategy Review and Action Plan	GC	Carol Maclellan	Verbal Update		
	Neighbourhood Planning Protocol: Options for consultation	GC	Simon de Beer	Report		
	MOD sites Concept Statements	JB / GC	David Bone / Simon de Beer	Report		
	Travel Smart Cards	GC	Peter Dawson	Presentation		
15th May 2012						
	Cabinet Member Update					
	Procedure and Criteria for the Designation and Review of Local Wildlife Sites	GC	Lucy Corner	Report		
	Core Strategy Update	GC	David Trigwell	Presentation		
	Sustainable Construction & Retrofitting Supplementary Planning Document (SPD)	GC	Cleo Newcombe-Jones	Report		
	Gypsy & Traveller Sites Plan	GC	Simon de Beer	Report		
	MOD sites Concept Statements	JB / GC	David Bone / Simon de Beer / Stephen George	Report		

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
26th July 2012						
	Cabinet Member Update					
	Travel to Work Review – Terms of Reference	GC	Donna Vercoe	Report		
	Allotments Management Plan	GC	John Crowther / Graham Evans	Report		
	Parking Charges Update	GC	Matthew Smith	Report		21/2/12 Agenda Plg
	Transport Strategy	GC	Adrian Clarke	Presentation	Panel on 13/9/11	
	London Road Congestion	GC	Peter Dawson	Presentation		28/9/11 Agenda Plg
	MOD sites Concept Statements	JB / GC	David Bone / Simon de Beer / Stephen George	Verbal Update		
23rd August 2012						
	Gypsy & Traveller Sites Plan: Pre-Consultation Results	GC	Simon de Beer	Report		
	Core Strategy Update	GC	David Trigwell	Report		
	Neighbourhood Planning Protocol	GC	Simon de Beer	Report		
	Green Infrastructure Strategy	GC	Simon de Beer	Report		

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
11th Sept 2012						
	Cabinet Member Update					
	Gypsy & Traveller Sites Plan	GC	Simon de Beer	Verbal Update		
	MOD sites Concept Statements	GC	David Bone / Simon de Beer / Stephen George	Report	Panel on 26/7/12	
	World Heritage Site Supplementary Plan	GC	Simon de Beer	Report		
	20mph Speed Limits Update	GC	Nick Jeanes	Briefing	Panel on 15/5/12	
8th Oct 2012						
	Cabinet Member Update					
	Community Infrastructure Levy & Review of the Planning Obligations Supplementary Plan	GC	Simon de Beer / David Trigwell	Verbal Update		
	Sustainable Construction & Retrofitting Supplementary Planning Document (SPD)	GC	Cleo Newcombe-Jones	Verbal Update		
	Article 4 Direction & Supplementary Policy	GC	David Trigwell	Report		
	Transport Strategy	GC	Peter Dawson	Presentation		
	Parking Strategy	GC	Adrian Clarke	Presentation		

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
13th Nov 2012						
	Cabinet Member Update					
	Core Strategy Update	GC	David Trigwell	Report		
	Gypsy & Traveller Sites Plan: Draft Plan	GC	Simon de Beer	Report		
	Medium Term Service & Resource Plans	GC	Glen Chipp	Report		
	Bus Tendering Process	GC	Andy Strong	Report		
	Placemaking Plan	GC	Simon de Beer	Report		
	Allotments Management Plan	GC	John Crowther / Graham Evans	Report		
	Commercial Waste Collection Single Inquiry Day - Update	GC	Carol Maclellan	Report	Panel on 26/7/11	
15th Jan 2013						
	Cabinet Member Update					
	Highways Agency – Council involvement on speed limits					
	20mph Speed Limit Update					
	Urban Gulls					
13th March						
	Cabinet Member Update					

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
15th May						
	Cabinet Member Update					
Future items						

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