

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.

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			Prepared by	Checked by	Approved by
		Name	Isabel Keppel	Ann Cousins	Wayne Dyer
		Signature	<i>I. Keppel</i>		
		Filename			
		Description			
			Prepared by	Checked by	Approved by
		Name			
		Signature			
		Filename			
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		Name			
		Signature			

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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 pre-dates 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.

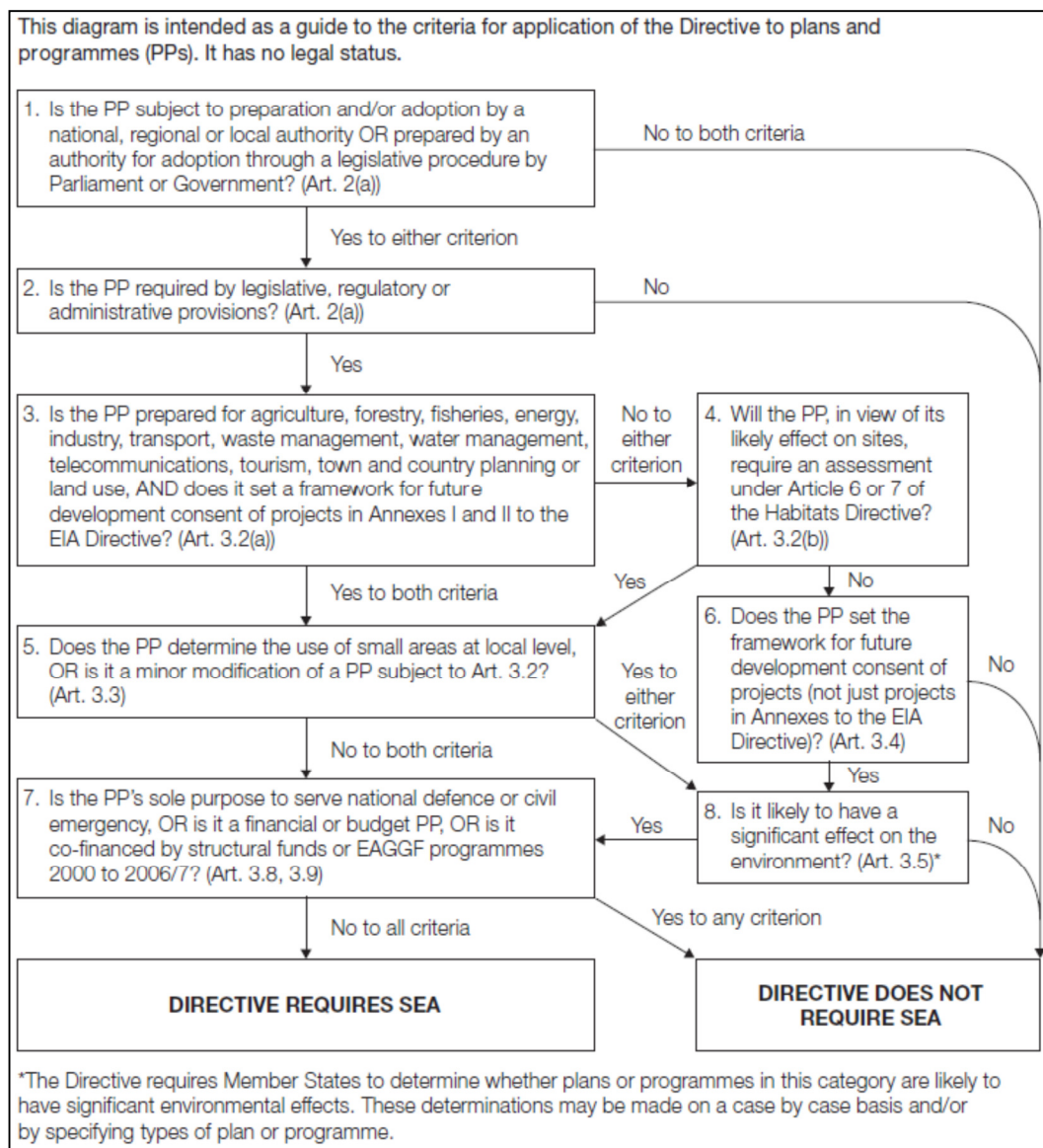
The ODPM practical guidance³ provides a checklist approach based on the SEA Regulations to help determine whether SEA is required. This screening report has been used as the basis on which to assess the need for SEA as set out below.

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.