

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cllr Tim Ball, Cabinet Member for Planning and Licensing	
MEETING/ DECISION DATE:	On or after 20th February 2023	EXECUTIVE FORWARD PLAN REFERENCE: E3439
TITLE:	Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) Minor Update	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Houses in Multiple Occupation Supplementary Planning Document – February 2023		

1 THE ISSUE

- 1.1 Adoption of the Local Plan Partial Update (LPPU) on 19th January 2023 means that Placemaking Plan Policy H2 is now superseded by LPPU Policy H2. The Houses in Multiple Occupation Supplementary Planning Document (SPD) already states that once the LPPU is adopted it will supplement LPPU policy H2. However, minor editorial changes are needed to the Houses in Multiple Occupation SPD to remove references to the superseded Placemaking Plan policy. These are set out in the updated SPD attached as Appendix 1.

2 RECOMMENDATION

The Cabinet Member is asked to agree that:

- 2.1 The updated Houses in Multiple Occupation (HMO) Supplementary Planning Document (Appendix A) is adopted.
- 2.2 The Head of Planning, in consultation with the Cabinet Member for Planning and Licencing, has delegated authority to make any further editorial amendments to the document prior to publishing the updated adopted SPD.

3 THE REPORT

Background

- 3.1 The HMO SPD was adopted in January 2022. At the time of adoption, the relevant policy in the Development Plan to which the HMO SPD related was Placemaking Plan policy H2. At this time, the LPPU was in draft form, and had not yet been through Examination. The HMO SPD adopted in January 2022 makes reference to the SPD supplementing policy H2 of the LPPU once the LPPU is adopted.
- 3.2 The LPPU has now been adopted by full Council on 19th January 2023. Following the adoption of the LPPU, the HMO SPD no longer supplements superseded Placemaking Plan policy H2. It will instead supplement adopted LPPU policy H2.
- 3.3 The HMO SPD has therefore been updated to remove all references to the superseded Placemaking Plan policy. This single member decision relates to the minor editorial amendments required to ensure that it is clear the HMO SPD supplements policy H2 in the LPPU.

Proposed editorial changes to the SPD

- 3.4 The proposed editorial changes to the SPD are set out in the table below.
- 3.5 Text to be removed is marked using a ~~strike through~~. Text to be added is marked using **bold**.

Page / Section	Proposed editorial amendment
Front Page	January February 2022 2023
Page 3	This Supplementary Planning Document (SPD) supplements Placemaking Plan policy H2, and at the point of its adoption, Local Plan Partial Update (LPPU) policy H2,

Section 1.1 Purpose	by setting out Bath & North East Somerset Council's approach to the distribution and dispersal of Houses in Multiple Occupation (HMOs).
Page 3 Section 1.1 Purpose	<ul style="list-style-type: none"> provision of additional guidance relating to updates to policy H2 set out within the Local Plan Partial Update Draft Plan.
Page 3 Section 1.2 Scope	Remove footnote 1: Until the LPPU is adopted, the criteria shall apply only to applications for change of use as set out in Placemaking Plan policy H2.
Page 3 Section 1.3 Policy Context	<p>Placemaking Plan Local Plan Partial Update policy H2 sets out criteria to be considered when assessing planning applications for the change of use of a residential dwelling, or any other use, to a HMO, the intensification of an existing HMO, and provision of a new build HMO. The wording of policy H2 is set out on page 4. At the point at which this SPD is adopted, relevant elements of the approach set out in the SPD shall be applied to Placemaking Plan policy H2.</p> <p>Policy H2 shall be updated as part of the Local Plan Partial Update, to increase the scope of applications assessed by the criteria (see draft wording on page 4). At the point at which Local Plan Partial Update policy H2 is adopted, the approach set out in this SPD shall be applied to all applications listed in the updated policy.</p> <p>Also of key relevance are Core Strategy Policies CP10 (Housing Mix), B1 (Bath Spatial Strategy), and CP1 (retrofitting existing buildings).</p>
Page 4	<p>Removal of Placemaking Plan Policy H2 wording:</p> <p>Placemaking Plan Policy H2</p> <p>POLICY H2: Houses in Multiple Occupation</p> <p>District-wide a change of use from residential (C3) to a large HMO (Sui Generis use class) will require planning permission. In Bath, a change of use from residential to a small HMO (C4) will also require planning permission as there is a City-wide Article 4 Direction in place. The following criteria will be considered when determining these applications:</p> <p>i If the site is within Bath, and within an area with an high concentration of existing HMO (as defined in the Houses in</p>

	<p>Multiple Occupation in Bath Supplementary Planning Document, or successor document), further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community;</p> <p>ii The HMO use is incompatible with the character and amenity of established adjacent uses;</p> <p>iii The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;</p> <p>iv The HMO use creates a severe transport impact;</p> <p>v The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;</p> <p>vi The development prejudices the continued commercial use of ground/ lower floors.</p>
Page 4	<p>Draft Local Plan Partial Update Policy H2</p> <p>vi. The HMO property does not achieve an Energy Performance Certificate 'C' rating; unless one or more of the following exemptions applies:</p> <p>a) The cost of making the cheapest recommended improvement would exceed £10,000 (including VAT).</p> <p>b) Where all relevant energy efficiency improvements for the property have been made (or there are none that can be made) and the property remains below EPC C.</p> <p>c) Where the proposed energy efficiency measures are not appropriate for the property due to potential negative impact on fabric or structure.</p> <p>d) Where the minimum energy performance requirements would unacceptably harm the heritage significance of a heritage asset.</p>
Page 6	Change footnote 2 to footnote 1
Page 8	<p>Remove footnote 3:</p> <p>3 Until the LPPU is adopted, the criteria shall apply only to applications for change of use set out in Placemaking Plan policy H2</p>

Page 10	Change footnote 4 to footnote 2
Page 13 Section 5.1	<p>5.1 Policy H2 update</p> <p>Policy H2 in the Placemaking Plan shall be updated as part of the Local Plan Partial Update to provides a number of policy requirements focused on securing a good standard of accommodation for HMO occupiers, including a requirement for all new and intensified HMOs to meet Energy Performance Certificate 'C'.</p> <p>Policy CP1 (retrofitting existing buildings) shall also be updated as part of the in the Local Plan Partial Update also to refers to the requirement for HMOs to meet Energy Performance Certificate 'C'.</p>
Page 14	<p>Change footnote 5 to footnote 3</p> <p>Change footnote 6 to footnote 4</p>

4 STATUTORY AND POLICY CONSIDERATIONS

- 4.1 The proposed amendments to the HMO SPD are editorial changes only. There are not considered to be any statutory or policy considerations relating to these editorial amendments.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The review and preparation of minor editorial updates to the HMO SPD has been undertaken by the Planning Policy Team and the costs of its preparation have been covered within the existing salary budget and the Council's Local Development Framework budget. The review of the SPD is not anticipated to increase resource requirements in relation to the determination of planning applications.

6 RISK MANAGEMENT

- 6.1 The proposed amendments to the HMO SPD are editorial changes only, and are therefore, considered to be low risk having regard to the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 Pursuant to the public sector equality duty, an Equality Impact Assessment (EqIA) was carried out for the version of the HMO SPD adopted in January 2022.

The proposed amendments to the HMO SPD are editorial changes only, and are not therefore considered to require an update to this EQIA, which is still relevant.

8 CLIMATE CHANGE

- 8.1 The version of the HMO SPD that was adopted in January 2022 provides guidance to support policies requiring all new and intensified HMOs to meet Energy Performance Certificate 'C' or above, in line with the Council's declaration of a climate emergency. The proposed amendments to the HMO SPD are editorial changes only, and do not affect this content of the SPD.

9 STRATEGIC ENVIRONMENTAL ASSESSMENT SCREENING

- 9.1 A Strategic Environmental Assessment (SEA) Screening Report was produced in relation to the version of the HMO SPD adopted in January 2022, to determine the need for a SEA in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). Based on the information set out in the screening report, it was considered that the HMO SPD would not give rise to significant environmental effects. It was therefore proposed that a SEA was not required for the HMO SPD. The proposed amendments to the HMO SPD are editorial changes only, and it is not therefore considered necessary to carry out another SEA Screening Report at this time.

10 OTHER OPTIONS CONSIDERED

- 10.1 No other options have been considered in updating the text within the HMO SPD.

11 CONSULTATION

- 11.1 Stakeholder engagement and statutory consultation under Regulation 12 (b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 was undertaken in relation to the preparation of the January 2022 version of the HMO SPD. The proposed amendments to the HMO SPD are editorial changes only, and it is therefore considered that no further public consultation is required.

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Background papers	Appendix 1 – Updated HMO SPD – February 2023
Please contact the report author if you need to access this report in an alternative format	

**Appendix 1 - Houses in Multiple Occupation Supplementary Planning Document,
February 2023**