
**DEVELOPMENT CONTROL POLICY GUIDANCE
NOTE 13**

**SUPPLEMENTARY
SUSTAINABILITY
APPRAISAL REPORT**

***CONSULTATION DRAFT SUPPLEMENTARY
PLANNING DOCUMENT (SPD)***

**CONVERSION OF BUILDINGS TO HOUSES IN
MULTIPLE OCCUPATION**

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Planning, Engineering and Transportation Division

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1.0 INTRODUCTION

Under the Planning and Compulsory Purchase Act 2004 (PCPA)¹, Sustainability Appraisal (SA) is mandatory for a range of Local Development Documents (LDDs), including Supplementary Planning Documents (SPDs). The purpose of SA is to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of planning documents.

This Scoping Report forms part of the first stage of the SA of Draft Development Control Guidance Note 13 – Conversion of Buildings to Houses in Multiple Occupation SPD. It should be read in conjunction with the Local Development Framework (LDF) Sustainability Appraisal Scoping Report for the Core Strategy, which establishes an overarching SA framework and is available from the Council's SA website page².

2.0 THE BURY UNITARY DEVELOPMENT PLAN

- 2.1 Policies contained within the Bury Unitary Development (UDP) have been 'saved' for a period of three years following the commencement of the PCPA (September, 2004). Current UDP policies continue to be the policies against which any new SPDs are linked, as required under regulation 13 (7) of the Town and Country Planning (Local Development) (England) Regulations, 2004.
- 2.2 The SPD to which this SA Scoping report is associated is designed to support saved UDP Policy H2/4. This Policy is used to assess planning applications for the conversion of self contained dwellings and other buildings to Houses in Multiple Occupation (HMO).
- 2.3 The Bury UDP, which was adopted in 1997, has not been subject to sustainability appraisal. ODPM³ advisory guidance (2005)⁴ states that 'where the SPD has been prepared on the basis of a saved plan, policy or policies which have not been subject to SA, the authority will need to carry out a SA of that policy or policies and report on these.' To satisfy this requirement one of the options subject to appraisal will be the "do nothing" or rely on the existing policy, which will enable appraisal of the existing policy to take place.

¹ S19 (5).

² <<http://www.bury.gov.uk/Environment/Planning/DevelopmentPlanning/LocalDevelopmentFramework/default.htm>>

³ The ODPM is now referred to as the 'Department for Communities and Local Government.'

⁴ ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents: Guide for regional Planning Bodies.

3.0 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 3.1 Bury MBC also considers it appropriate to utilise the SA process to assimilate the requirements of other legislation, plans and programmes into the various SA stages, for instance this includes the specific requirements of:

A - STRATEGIC ENVIRONMENTAL ASSESSMENT

- 3.2 Local authorities must also comply with the European Directive 2001/42/EEC and the Strategic Environmental Assessment (SEA) Regulations⁵. The SEA Regulations require a determination to be made on whether there are likely to be significant environmental effects as a result of the SPD. However, Regulation 5 (6) states that 'an environmental assessment need not be carried out for a plan or programme which determines the use of a small area at the local level or for minor modifications to an existing plan.' Guidance produced by the Office of the Deputy Prime Minister (2005) identifies that SPDs are most likely to fall within this category. With this in mind, we will undertake an SEA screening of SPD 13 during the SA process to determine whether it would have significant⁶ environmental effects. Although at this stage we anticipate that this SPD is unlikely to have significant effects.

B – APPROPRIATE ASSESSMENT

- 3.3 The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of European sites is a part of the planning process. The requirements for AA of plans and projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora otherwise known as the habitats directive.
- 3.4 Schedule 1 of the Conservation (Natural Habitats, &c) (Amendment) (England and Wales) Regulations 2006 (Habitat Regulations) inserts a new Part IVA into the Conservation (Habitats, &c.) Regulations 1994 and transposes into English law the requirement to carry out AA for land use plans.
- 3.5 European sites are Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Planning Policy Statement 9 (ODPM, 2005)⁷ Biodiversity and Geological Conservation advises that proposed sites awaiting approval, such as potential SPAs and candidate SACs should be treated in the same way as those already classified and approved.

⁵ Environmental Assessment of Plans and Programmes Regulations (2004).

⁶ Significance is determined by taking in account criteria specified in Schedule 1 of the SEA Regulations and ANNEX II of the Directive.

⁷ Please see: <http://www.communities.gov.uk/index.asp?id=1143832>

- 3.6 We have identified that there are no European sites within the Borough. However, there are sites located in adjacent or more distant authorities. These sites are the Rochdale Canal SAC⁸ (located 4km from the Borough), South Pennines SAC⁹ (13km) and the Peak district SPA¹⁰ (17km).
- 3.7 Having undertaken a screening of the SPD we have determined that an AA is not needed. We have made this determination for the following reasons:
- There will be no adverse effect on the integrity of European sites.
 - The SPD is addressing localised and specific issues associated with houses in multiple occupation within the borough rather than significant new development, which may place additional resource demands on a designated site i.e. water abstraction or pollution.
 - There are no European sites within the borough and the SPD is unlikely to adversely affect the conservation objectives of more distant European sites.

C – EQUALITY IMPACT ASSESSMENT

- 3.8 Equality Impact Assessments (EQIAs) involve a thorough and systematic analysis of policies which involve change(s) in policy direction. Its purpose is to avoid unintended discrimination or unwanted/unlawful negative differential impact. This is particularly the case where policies would potentially have negative impacts on individuals/groups of people because of their race, disability, religion or belief, gender, age, sexual orientation or caring responsibilities. Due to similar legislated requirements for sustainability appraisals, consultation and publicity procedures under planning legislation, Equity Standards for Local Government and legislation affecting diversity and equality issues, it is appropriate to merge these requirements into the sustainability process.
- 3.9 The stages required for EQIA have been absorbed into the SA process. For example, this SA scoping stage (or screening stage) considers which groups/organisations are likely to be affected by SPD 13. This includes:
- Developers, architects and those who submit planning applications for HMOs to Bury MBC's Planning Department; and
 - Groups likely to be affected include those who may occupy a HMO at some time in the future. It is difficult to be specific here. This may

⁸ Designated because the canal supports a protected species (floating water-plantain – *Luronium natans*)

⁹ Designated because the area supports habitats of value such as European dry heaths, blanket bogs, old sessile oak woods.

¹⁰ Designated because the area supports protected species (short eared owls (*Asio flammeus*), Merlin (*Falco columbarius*) and Golden Plover (*Pluvialis apricaria*)).

involve a variety of people of varying races, religions, ages, sexuality, types of disability, with varying responsibilities and people of either gender. The initial impact assessment conducted at Stage B will identify potential impacts (if any) that the implementation of SPD 13 may have.

- 3.10 Council guidance¹¹ states that all new policies need to have an initial impact assessment, in order to verify whether partial or full assessments need to be conducted. Stage B of the SA (see below) involves an initial impact assessment of the policy using the sustainability appraisal framework. If it is anticipated that major negative effects may arise as a result of Stage B of the SA process, this would be addressed through policy amendments in an attempt to mitigate these effects. Failing this, a partial impact assessment and full impact assessments may be required, which would be conducted as an external procedure to the SA process. Monitoring of EQIA will be done through the Council's Annual Monitoring Report and Annual Equalities Report.

4.0 STAGES IN THE SA PROCESS

- 4.1 The SEA Regulations prescribe the steps that must be undertaken during the environmental assessment of a plan. For instance, this includes deciding on the scope and level of detail to be included in the environment report and the consideration of alternatives. ODPM SA guidance on sustainability appraisal absorbs the requirements of the SEA directive¹² and expands the same rigorous process required by SEA to include social and economic impacts. The same guidance sets out the following stages to the SA process:
- Stage A: Setting the context and objectives, establishing the baseline and deciding on the scope.
 - Stage B: Developing and refining options and assessing effects.
 - Stage C: Preparing the Sustainability Appraisal Report.
 - Stage D: Consulting on the draft SPD and sustainability appraisal report.
 - Stage E: Monitoring the significant effects of implementing the SPD.
- 4.2 This Scoping Report covers Stage A, this involves the following tasks:
- Task A1: Identifying other relevant policies, plans and programmes, and sustainability objectives.
 - Task A2: Collecting baseline information.

¹¹ Equality Impact Assessment Toolkit, Bury MBC (2006).

¹² Although, para 1.6 of the ODPM guidance states that the purpose of the guide "is to provide information to assist users to comply with the SEA Directive. It is however not intended as a legal interpretation".

- Task A3: Identifying sustainability issues and problems.
- Task A4: Developing the SA Framework.
- Task A5: Consulting on the scope of the SA.

5.0 THE SCOPE OF THE SA

- 5.1 We have determined that the SA Scoping Report for the LDF Core Strategy¹³ has already covered stages A1 to A4 (the scope of the SA). This Scoping Report was subject to a 5-week period of consultation between the 20th June and 25th July 2005. The updated SA Framework including Stages A1- A4 has been available from the Council's website pages since February 2006 and will be used for appraising this SPD.
- 5.2 We consider this approach to be appropriate because this follows a clear chain of conformity with the Core Strategy being the broadest ranging and hierarchical apex of all the DPDs/SPDs to be prepared. The related sustainability objectives, indicators and baseline information identified within it are intended to cover the full range of social, environmental and economic issues that the DPD and SPD alternatives will need to be assessed against. Therefore, Stages A1- A4 does not need to be repeated here again. We would however like to draw your attention to national planning policies contained in PPG3 and PPS1, which are most relevant to SPD 13. In particular, we have also identified a number of specific issues and problems, objectives and reasonable alternatives related to this SPD, these are:

5.3 ISSUES AND PROBLEMS

- There has been a rise in the number of properties that have been converted to houses in multiple occupation. This trend has been a result of smaller households being created and the increase in house prices meaning that smaller households are finding it difficult to occupy self-contained unit.
- Policy H2/4 contained in the UDP is too general and does not provide sufficient advice to enable Development Control Officer's to assess planning applications for proposals to convert existing buildings into HMO.
- Similarly, the Policy does not provide sufficient guidance to developers or applicants on what will or will not be acceptable when they are considering putting planning applications together.
- Due to the lack of detailed guidance, some planning applications have been approved on the back of Policy H2/4 where better facilities could

¹³ Available at:
<<http://www.bury.gov.uk/Environment/Planning/DevelopmentPlanning/LocalDevelopmentFramework/SustainabilityAppraisals/default.htm>>.

have been negotiated if more detailed advice was available for both the applicant and Development Control Officer's.

- There are some areas within the Borough that are heavily concentrated with HMO. The Council will be looking at spatial options to determine whether or not limit or reduce the amount of HMO accommodation within particular parts of the Borough.
- The Council's Environmental Health Section has produced guidance for persons looking to apply for a license for a HMO. It is important that Planning advice is brought in line with the Environmental Health advice to ensure that Officer's and potential applicants are aware of all of the issues associated with proposals for HMO.

5.4 OBJECTIVES

- The guidance in the SPD will supplement the Policy and will seek to ensure that buildings the subject of a planning application are considered to be suitable for the purposes proposed, is in an appropriate location and would provide adequate accommodation for future occupiers.
- The SPD will supplement Policy H2/4 by providing further advice that will seek to ensure that the amenity of residents in existing properties is not detrimentally harmed and that the character of the existing building and surrounding area is not harmed.

5.5 OPTIONS

- As outlined, Policy H2/4 has been saved and is the Policy against which planning applications for the conversion of buildings to HMO are determined. One option available to the Council would be to 'do nothing' and simply rely on the existing policy to assess planning applications.
- Develop guidance that will look at ensuring HMO accommodation meets the needs of future occupants whilst protecting the character of an area and the amenity of existing residents across the Borough.
- Develop guidance that will look at ensuring HMO accommodation meets the needs of future occupants whilst protecting the character of an area and the amenity of existing residents across the Borough. This option would also contain spatial considerations of where further HMO accommodation would be restricted. Under this option, spatial considerations may identify other locational options that would need to be assessed under the sustainability appraisal.

6.0 CONSULTATION

6.1 To fulfil the requirements of Stage A5 in the SA process we will send this Scoping Report to the following consultation bodies:

1. The Countryside Agency;
2. The Historic Buildings and Monuments Commission for England (English Heritage);
3. English Nature;
4. The Environment Agency;
5. Government Office for the North West; and
6. North West Regional Assembly.

6.2 Under Regulation 17 of The Town and Country Planning (Local Development (England) Regulations 2004, specific and general consultation bodies who are considered appropriate will be consulted with for SPD 13. This will include equity and diversity consultation groups identified by Bury MBC who have a legitimate interest in material covered by SPD 13 and/or those directly affected by the proposed policy. Details of this exercise will be contained in the Consultation Statement for SPD 13.

6.3 The final SA report will be subject to a statutory public consultation period alongside the Draft SPD for a minimum of 4 weeks. If you wish to make any comments on this report, then representations should be submitted to the address below:

Planning Policy Section
2nd Floor, Craig House
5 Bank Street
Bury
BL9 0DN

6.4 For further information regarding this document, please contact:

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May 2007

Graham Atkinson BA

Director of Environment & Development Services

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