

DEVELOPMENT CONTROL  
POLICY GUIDANCE NOTE 15

# **Residential Conversions**

**Supplementary Planning Document**

# **Sustainability Appraisal Report**

**Published by Bury Metropolitan Borough Council**

**Planning, Engineering and Transportation Division**

**January 2008**

# Contents

1. Introduction .....	3
2. Bury Unitary Development Plan.....	3
3. Other Relevant Legislation/Procedures to take into account.....	4
A – Strategic Environmental Assessment	
B- Habitats Regulations Assessment	
C – Equality Impact Statement	
4. Stages in the SA Process .....	6
5. Appraisal Methodology .....	7
6. Appraisal Conclusions .....	9
7. Consultation on the draft SPD and the SA Framework .....	12
8. Monitoring the Significant Effects of Implementing the SPD .....	13
Appendices	

## 1.0 Introduction

- 1.1 Under the Planning and Compulsory Purchase Act 2004<sup>1</sup> (P&CP Act), 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 by integrating sustainability considerations into the preparation and adoption of planning strategies and guidance, such as SPDs. The SA considers the effect of the SPD from an environmental, social and economic perspective. This is achieved by assessing the SPD objectives and options against the sustainability appraisal framework.<sup>2</sup>
- 1.2 This SA Report identifies and reports on the likely significant effects of the **Residential Conversions SPD15** (also referred to as 'Development Control Policy Guidance Note) and the extent to which implementation of the SPD will deliver the social, environmental and economic objectives of sustainable development.

## 2.0 Bury Unitary Development Plan

- 2.1 The policies within the Bury Unitary Development (UDP) have been 'saved' and, therefore, 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 report is associated, is designed to support UDP Policy H2/4 – Conversions. This policy provides the criteria against which proposals for the conversion of a non-residential building into a self contained dwelling(s) or the subdivision of a house into two or more self-contained units will be assessed. This criteria seeks to protect the amenity of neighbouring properties and the local character of an area.
- 2.3 The Bury UDP has not been subject to sustainability appraisal. The Office of the Deputy Prime Minister (ODPM)<sup>3</sup> advisory guidance (2005)<sup>4</sup> 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, and to enable an appraisal of the existing policy,

---

<sup>1</sup> Section 19 (5)

<sup>2</sup> The sustainability appraisal framework consists of sustainability objectives, indicators and the associated baseline information.

<sup>3</sup> The ODPM is now referred to as the Department for Communities and Local Government

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

option one of the three options subject to appraisal was the “do nothing” or rely on the existing UDP policy option.

### **3.0 Other Relevant Legislation/Procedures to take into Account**

- 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 When preparing their LDDs, Local Planning Authorities must also comply with the European Directive 2001/42/EEC and the Strategic Environmental Assessment (SEA) Regulations<sup>5</sup>. 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 ODPM (2005) identifies that SPDs are most likely to fall within this category.
- 3.3 Having assessed the SPD objectives and options, it has been determined that a SEA of the SPD is not required because the plan is unlikely to have any significant<sup>6</sup> environmental effects. This is primarily because the SPD elaborates the existing UDP policy, without introducing an overall change in policy direction. Having made this determination, we have sent a copy of this SA Report and the draft SPD which it relates to the consultation bodies detailed in Regulation 4 of the SEA regulations (2004). In line with Bury’s adopted Statement of Community Involvement (SCI), the draft SPD (accompanied by this SA report) will also be subject to a statutory period of consultation of no less than 4 weeks and no more than 6 weeks (see Section 7).

#### **B – Habitats Regulations Assessment**

- 3.4 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 92/43EEC on the conservation of natural habitats and of wild fauna and flora otherwise known as the habitats directive.

---

<sup>5</sup> Environmental Assessment of Plans and Programmes Regulations (2004).

<sup>6</sup> Significance will be determined by taking into account criteria specified in Schedule 1 of the SEA Regulations and ANNEX II of the Directive.

- 3.5 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.
- 3.6 European sites are Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’ advises that proposed sites awaiting approval, such as potential SPSs and candidate SACs should be treated in the same way as those already classified and approved.
- 3.7 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 SAC<sup>7</sup> (located 4km from the borough), South Pennines SAC<sup>8</sup> (13km), the Peak district SPA<sup>9</sup> (17km) and Manchester Mosses (10-16km).
- 3.8 Having undertaken a screening of the SPD it has been determined that HRA is not needed. This determination has been made 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 residential conversions 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.
- 3.9 For further information please see the Habitats Regulations Assessment Screening Statement undertaken for the Core Strategy 2nd Stage Issues and Options Report (2007), this identifies key sites, their location and potentially damaging land use activities. This screening statement is available from: <http://www.bury.gov.uk/NR/rdonlyres/CE8FB6C5-0945-4035-A520-78A8FB8DE185/0/CoreStrategyAAScreeningforIssuesandOptions.pdf>

## **C – Equality Impact Statement**

- 3.10 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

---

<sup>7</sup> Designated because the canal supports a protected species (floating water-plantain – *Luronium natans*)

<sup>8</sup> Designated because the area supports habitats of value such as European dry heaths, blanket bogs, old sessile oak woods.

<sup>9</sup> Designated because the area supports protected species (short eared owls (*Asio flammeus*), Merlin (*Falco columbarius*) and Golden Plover (*Pluvialis apricaria*)).

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 for 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.

- 3.11 The stages required for EQIA have been absorbed into the SA process. For example, the SA scoping stage (or screening stage) considers which groups/organisations are likely to be affected by SPD15. These include:
- Developers, architects and those who submit planning applications to Bury MBC involving residential conversions; and
  - A potentially wide range of groups covering a variety of races, religions, ages, sexuality, disabilities, responsibilities and people of either gender. The initial impact assessment conducted at Stage B will identify potential impacts (if any) that the implementation of SPD15 may have.
- 3.12 Following the initial impact assessment through the appraisal framework (see Appendix B, SA Objective 6) it was established that SPD 15 would have a neutral impact in terms of equality and diversity as the approach in SPD15 makes no differentiation between particular social groups. Considering no negative impacts were identified, there is no need for a Stage 2 or 3 Equality Impact Assessment.

## **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 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 directive<sup>10</sup> and expands the same rigorous process required by SEA to include social and economic impacts. The same guidance sets out key stages to the SA process. Table 1 highlights these stages:

---

<sup>10</sup> Although, para 1.6 of the ODPM guidance details 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”.

**Table 1: Stages in the SA Process**

Stage	Stage in SA Process	Notes
A	Setting the context and objectives, establishing the baseline and deciding on the scope.	This stage is sub-divided into tasks A1 to A5. For more information, please refer to the Supplementary SA Scoping Report for SPD 15 (July 2007), which covers stage A in the SA process.
B	Developing and refining options and assessing effects.	This stage is detailed in Appendix A&B of this report.
C	Preparing the Sustainability Appraisal Report.	This report.
D	Consulting on the draft SPD and sustainability appraisal report.	See Section 7 of this report.
E	Monitoring the significant effects of implementing the SPD.	See Section 8 of this report.

## 5.0 Appraisal Methodology

- 5.1 The Supplementary Sustainability Appraisal Scoping Report (July 2007) for SPD 15 detailed the scope of the appraisal (Stage A of the SA process - see Table 1). This Scoping Report was subject to a 5-week period of targeted<sup>11</sup> consultation that ran from 12<sup>th</sup> July 2007 to 16<sup>th</sup> August 2007.
- 5.2 The Supplementary Sustainability Appraisal Scoping Report for SPD 15 identified that the SA Scoping Report for the LDF Core Strategy has already covered Tasks A1 to A4 and that we would use this framework and baseline information to assess the SPD. In addition to this, the Supplementary SA Scoping Report for this SPD also identified further sustainability issues, problems and objectives specific to the SPD as well as the broad options to be considered. These are:

### ISSUES AND PROBLEMS

- In recent years there has been considerable planning applications submitted to the planning authority both for the change of use of non-residential buildings to residential and for the subdivision of larger dwellings into two or more self contained units. This is partly a result of social trends leading to smaller households and the increase in house

<sup>11</sup> Consultation was targeted towards the Countryside Agency, English Heritage, Natural England, the Environment Agency and the Government Office for the North West.

prices meaning that smaller households are finding it difficult to occupy and/or maintain large dwellings.

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

### **OBJECTIVES**

- The guidance in the SPD will supplement Policy H2/4 and will seek to ensure that buildings the subject of a planning application for residential conversions are considered to be suitable for the purposes proposed, are 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.

### **OPTIONS**

- As outlined, Policy H2/4 has been saved and is the Policy against which planning applications for residential conversions 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 proposals for residential conversions would meet the needs of future occupants, whilst protecting the character of an area and the amenity of existing residents across the Borough.

5.3 The Council's Planning Policy Section carried out the appraisal of both the objectives and options in mid-January 2007 following the end of the consultation period for the SA Scoping Report.

## **6.0 Appraisal Conclusions**

6.1 Stage B of the SA process as defined by ODPM Guidance (2005) (see Table 1) involves appraising both the SPD objectives and then the identified options against the sustainability appraisal framework. The more detailed findings of the appraisal of the SPD objectives can be found in Appendix A and the subsequent detailed appraisal of the SPD Options can be found in Appendix B.



**SPD Objectives**

- 6.2 The objectives of SPD15 set out what it is aiming to achieve in spatial planning terms and sets the context for the development of options.
- 6.3 The objectives are primarily concerned with ensuring that buildings are suitable for residential conversions and that the buildings are located in suitable areas. They also seek to ensure that the amenity of existing local residents are not harmed by residential conversions and to ensure that any development does not have a detrimental impact on the local character.
- 6.4 Appendix A clearly shows that that the SPD objectives are either compatible with the SA objectives or have no link/insignificant. None of the SPD objectives are incompatible with the SA objectives. Therefore, following the appraisal of the objectives, it has been concluded that there would be no issues with supporting the current UDP policy with SPD in terms of the impact of the SPD objectives on the SA objectives.

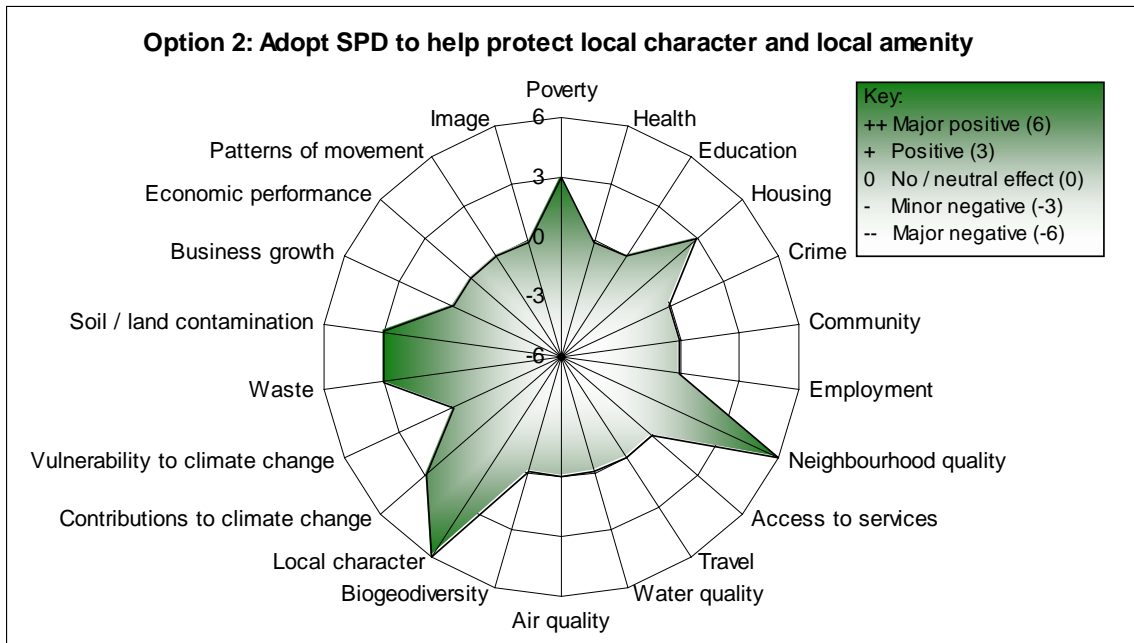
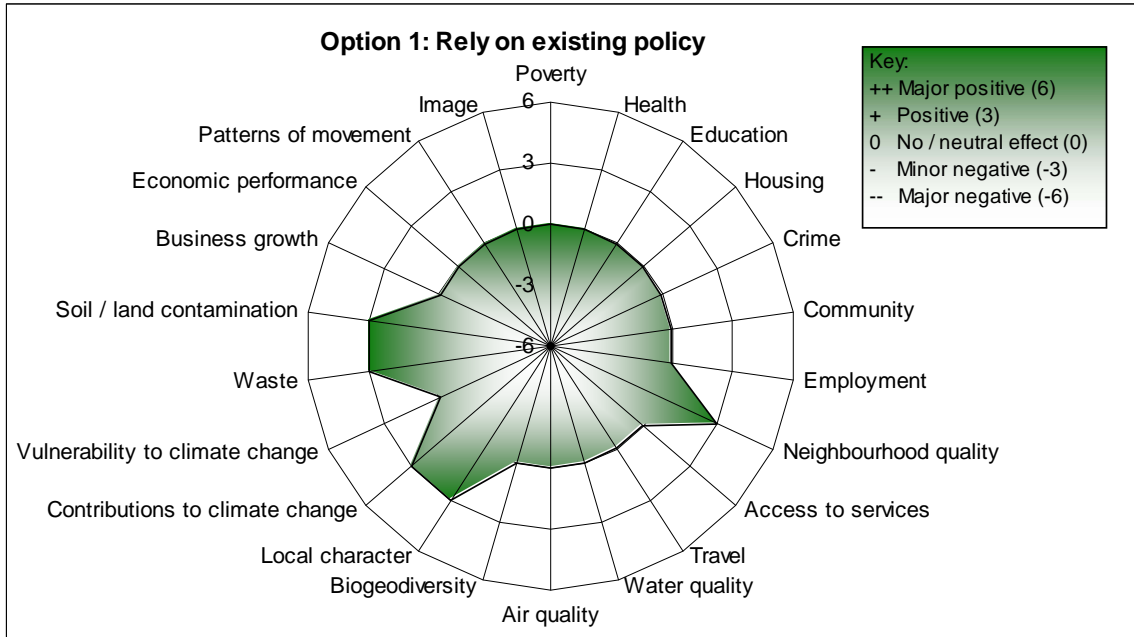
**SPD Options**

- 6.5 Appendix B contains the detailed assessment of the SPD Options against the SA objectives. The assessment clearly shows that there are no negative effects against the SA objectives in introducing Option 2 (i.e. introducing SPD to support policy).
- 6.6 No negative impacts were identified against the equity and diversity objectives (see SA Objective 6).
- 6.7 The impact of the SPD will be monitored through the Annual Monitoring Report to ensure that the results of the appraisal come through in its implementation.
- 6.8 Table 2 contains a summary of the appraisal for each of the two options.

**Table 2: Summary of SA**

OPTIONS	SUSTAINABILITY APPRAISAL SUMMARY
<b>Option 1 – ‘do nothing approach’</b>	Simply relying on the existing UDP policy will continue to have a positive impact on the character of an area and also protect residential amenity. However, it is considered that the existing policy is too broad and the implementation of additional guidance to support the policy will help to meet the SA objectives and provide more positive benefits.
<b>Option 2 - ‘adopt SPD’</b>	Option 2 would give additional guidance on the criteria that is contained in the Policy under option 2. The adoption of the SPD will build on and strengthen the criteria in the policy and provide more detailed advice and clarity on specific issues. This option would produce significantly more positive benefits than simply relying on the existing policy itself (as in Option 1).

6.9 The following radar diagrams summarises the results of the appraisal of the two SPD Options against the SA objectives.



## 7.0 Consultation on the Draft SPD and the SA Framework

- 7.1 This SA Report accompanies the consultation draft SPD on Residential Conversions. It forms one of the 'SPD Documents'. Comments are invited on its extent and content and the timescales for doing this are the same as the SPD (24<sup>th</sup> September 2007 to 2<sup>nd</sup> November 2007). The consultation period will be advertised locally for one week in the local press (Bury Times, Radcliffe Times and the Prestwich and Whitefield Guide). The notice will clearly state the duration of the public participation period and will appear in the 20<sup>th</sup> September 2007 edition of the Bury Times and Prestwich & Whitefield Advertiser and the 21<sup>st</sup> September 2007 edition of the Radcliffe Times. It will also identify the locations where copies of this report and the associated SPD can be viewed, including electronic versions.
- 7.2 Should you wish to make comments on this report, the Draft SPD or any of the other SPD documents that accompany it, then please submit them to the following address:

### **Planning Policy Section**

Environment and Development Services  
2<sup>nd</sup> Floor, Craig House  
5 Bank Street  
Bury  
BL9 0DN

Please include your name and address with your comments and indicate whether you wish to be notified when the SPD is formally adopted, including the address at which you want to be notified.

For further information regarding this document, please contact:

### **Crispian Logue**

Telephone: 0161 253 5306  
E-mail: c.logue@bury.gov.uk  
Fax: 0161 253 5290

- 7.3 Please note that we have determined that a SEA of the SPD is not required as part of the consultation process (see Section 3). A copy of this SA report and the Draft SPD have been sent to the consultation bodies detailed in Regulation 4<sup>12</sup> of the SEA Regulations (2004).
- 7.4 We will consider any representations made on the SA and the SPD before formal adoption. If, because of the consultation period and subsequent representations, significant changes are required to the SPD, then we may undertake additional appraisal work to ensure that the

---

<sup>12</sup> English Heritage, Natural England and the Environment Agency, GONW.

significant social, environmental and economic effects of these changes have been considered.

- 7.5 After the adoption of the SPD, a statement will be published setting out any changes to the SPD in response to the SA process and how representations on the SA have been taken into account.

## **8.0 Monitoring the Significant Effects of Implementing the SPD**

- 8.1 The implementation of SPD15 will be monitored in order to determine whether any significant effects arise. This will enable us to identify any unforeseen adverse effects and enable appropriate action to be taken. This monitoring will allow the SPD to be tested against the effects predicted as part of the SA process.
- 8.2 The SA monitoring will be incorporated into existing monitoring arrangements such as the Annual Monitoring Report for Bury's Local Development Framework.
- 8.3 If, as a result of this monitoring, significant adverse effects are identified then this will trigger an immediate review to either amend or suspend part or all of the SPD.