

Cabinet

30 August 2022

Council

06 September 2022

Name of Cabinet Member:

Cabinet Member for Housing and Communities – Councillor D Welsh

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All Wards

Title:

Houses in Multiple Occupancy (HMO) Development Plan Document (DPD) Public Consultation

Is this a key decision?

No – Although the matters within the report affect all wards in the city, further reports will be required to approve the DPD and associated Article 4 Direction.

Executive Summary:

Houses in Multiple Occupancy (HMOs) can provide entry level accommodation but can also bring significant disruption to settled neighbourhoods. In order to ensure that HMOs can only come forward in ways that integrate with existing neighbourhoods, a Development Plan Document (DPD) has been drafted that identifies the key issues and proposes planning policy responses.

Furthermore, in order to ensure that these policies can be engaged comprehensively, an Article 4 Direction is proposed on the wards most impacted by HMOs currently, and those most likely to be in the future.

This report seeks authority to consult for an eight-week period on the draft HMO DPD and associated Article 4 Direction.

Following the eight week consultation, responses will be analysed and taken account of when considering amendments that might be required. A further report will be put before

Cabinet and Council to approve a second round of consultation prior to submission for independent Examination.

Recommendations:

Cabinet is requested to;

- 1) Note the content of the appendices and the timeline indicated in the Report
- 2) Recommend that Council approve the draft documents for an eight week public consultation, to begin at the earliest opportunity
- 3) On behalf of the Local Planning Authority, authorise the City Solicitor to make a non immediate Article 4 Direction which will be applied to the areas defined in the Draft Article 4 Direction shown at Appendix 4 of this report to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use).

Council is requested to;

- 1) Note the content of the appendices and the timeline indicated in the Report
- 2) Approve the draft documents for an eight week public consultation to begin at the earliest opportunity

List of Appendices included:

Appendix 1 – Draft Regulation 18 HMO DPD
Appendix 2 – Strategic Environmental Assessment Screening Report
Appendix 3 – Equalities Impact Assessment
Appendix 4 – Draft Article 4 Direction

Background papers:

None

Other useful documents

2017 Local Plan

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 6 September, 2022

Report title: Houses of Multiple Occupancy (HMO) Development Plan Document (DPD) Public Consultation

1. Context (or background)

- 1.1. Houses of Multiple Occupancy are dwellings where unconnected individuals live with communal facilities. As a Council we already administer an additional licencing regime for HMOs which sits separate and distinct to the planning system.
- 1.2. Policy H11 of the Local Plan 2017 addresses 'large' HMOs i.e., those for seven unconnected people or more. However, smaller HMOs do not require planning permission as conversion from a dwellinghouse to a small HMO is a Permitted Development right.
- 1.3. HMOs offer a valuable source of housing to many in the city, often the most vulnerable residents. However, where HMOs predominate in an area there are a number of issues that this can bring. These issues are identified in the draft HMO DPD (Appendix 1) along with draft policy responses to these issues. The intent is not to stop the development of HMOs but to ensure that they integrate well with the existing environment.
- 1.4. The proposed consultation will be a "Regulation 18" consultation, where we ask the public to consider the issues identified and for their views on whether any issues have been overlooked. We then propose policy responses to the identified issues, and again ask members of the public for their views on these policies.
- 1.5. In order to make sure that this change of policy can be applied to all HMOs a draft Article 4 Direction is proposed and included in Appendix 4, and it is proposed to consult on this at the same time as the HMO DPD, acknowledging that many consultees will want to comment on both simultaneously.
- 1.6. In drawing the boundaries of the Article 4 Direction area officers have been cognisant of the requirements of the National Planning Policy Framework (NPPF) paragraph 53 for making sure the area is as based on robust evidence and applies to the smallest geographical area possible, whilst also considering the likely impacts on similar dwelling typologies.
- 1.7. As such the area is drawn to cover all major clusters of existing HMOs and the areas where there is further HMO growth potential and will be supported by a technical evidence document.
- 1.8. It is also a legal requirement, as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), to consider whether or not Strategic Environmental Assessment (SEA) of the DPD should be undertaken. The process for determining whether or not an SEA is required is called screening. This is to determine whether a plan will have significant environmental effects. The screening opinion undertaken is attached at Appendix 2. This concludes that no SEA is needed for the DPD. This screening report must be consulted on so that three statutory bodies (Historic England, Natural England and the Environment Agency) can respond. It makes sense to make the screening report publicly available for comment at the same time as the DPD is being consulted on
- 1.9. Finally, an Equalities Impact Assessment (EqIA) has been undertaken, this is attached at Appendix 3 and this will also form part of the public consultation: see also paragraph 6.4 of this report.

1.10. On 15 February 2022 Cabinet adopted a new Local Development Scheme that set out a timetable for the HMO DPD and Article 4 Direction

	2022				2023			
	Q1 (Jan-Mar)	Q2 (Apr-Jun)	Q3 (July-Sept)	Q4 (Oct-Dec)	Q1 (Jan-Mar)	Q2 (Apr-Jun)	Q3 (July-Sept)	Q4 (Oct-Dec)
HMO DPD			C*		P	E	A	
Article 4 Direction			C				A	

C – Consult

C* - Consultation (Regulation 18)

P – Publication (Proposed submission – Regulation 19)

A – Adopt

E – Examination

1.11. It is proposed that consultation be launched within Q3 of 2022 and comply with the Council's Statement of Community Involvement, lasting the maximum recommended eight weeks.

1.12. Following consultation there will be a period of analysis with the intention of moving to the next stage – a 'Regulation 19' publication and consultation in the first quarter of 2023, with eventual progression to an Examination in Public later in 2023.

1.13. When consulting on a draft Article 4 Direction we are required to state the date that the Direction will come into force, if ratified by the Council. This date has been set one year from the date of consultation to ensure that it is brought into effect as soon as possible but without creating potential compensation liability for the Authority.

2. Options considered and recommended proposal

2.1. The Council could choose to not progress with a HMO DPD, however, this would not address the issues identified in the attached documents, and as such this option is not recommended.

2.2. The Council could choose to instruct officers to redraft the attached DPD. However, the recommendation is to consult the public, thereby allowing officers to identify any further issues that may not be addressed in the current draft. Therefore, this option is recommended.

2.3. The Council could choose to not progress with the draft Article 4 Direction and not authorise the City Solicitor to make a non-immediate Direction. However, in doing so a large number of conversions from dwellinghouse to HMO would not require planning

permission and would therefore not be subject to the policies in the draft HMO DPD. Therefore, this option is not recommended.

- 2.4. The Council could choose to progress with an emergency Article 4 that would apply to the relevant wards immediately. However, the relevant policies for determining applications will not be in place for approximately 12 months, and as highlighted in paragraph 1.13, bringing in an Article 4 Direction in less than 12 months could result in significant volumes of compensation claims. As such, it is not recommended to bring in an emergency Article 4.
- 2.5. The recommendation is to approve the public consultation for the draft HMO DPD and draft Article 4 Direction, with future reports summarising the consultation and recommending next steps returning to Cabinet and Council in due course.

3. Results of consultation undertaken

- 3.1. No formal consultation has taken place yet. Public involvement is a key element of the proposal.

4. Timetable for implementing this decision

- 4.1. The decision will be as soon as practicable

5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1. Financial implications

There are no financial implications associated with this report.

5.2. Legal implications

There are no direct implications as a result of this report. The process for preparing a development plan document is contained within the Planning and Compulsory Purchase Act 2004, Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

The process for preparing an Article 4 Direction is set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

6. Other implications

6.1. How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)

This DPD will help ensure that resident's quality of life is maintained and that, where an application is appropriate, they are more attractive within their current environment., thereby supporting the aims and objectives of the One Coventry Corporate Plan.

6.2. How is risk being managed?

There is no risk associated with the recommendations.

6.3. What is the impact on the organisation?

No direct impact. The future adoption of a final DPD and the ratification of the Article 4 Direction will create additional planning applications and will be considered as part of future applications.

6.4. Equality/ EIA

A full Equality and Impact Assessment (EqIA) was undertaken as part of developing the Local Plan. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010). The Development Planning Document creates additional policy and so a further EIA has been undertaken (Appendix 3).

6.5. Implications for (or impact on) climate change and the environment

There is no direct impact from the recommendations of the report.

6.6. Implications for partner organisations?

None

Report author:

Name and job title:

David Butler
Head of Planning Policy & Environment

Service

Planning Policy and Environment – Planning & Regulation

Tel and email contact:

Tel: 024 7697 2343
Email: David.butler@coventry.gov.uk

Enquiries should be directed to the above persons.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Lara Knight	Governance Services Officer	Law and Governance	26/07/2022	29/07/2022 2
Rob Back	Strategic Lead Planning	Streetscene and Regulatory Services	26/07/2022	27/07/2022 2
Names of approvers for submission: (officers and members)				

Cath Crosby	Lead Accountant, Business Partnering, Place	Finance	26/07/2022	27/07/2022 2
Clara Thomson	Planning and Highways Lawyer, Legal Services	Law and Governance	26/07/2022	28/07/2022 2
Andrew Walster	Director of Streetscene and Regulatory Services	-	26/07/2022	27/07/2022 2
Councillor D Welsh	Cabinet Member for Housing and Communities	-	01/08/2022	01/08/2022

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