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**To: Communities and Neighbourhoods Scrutiny Board (4)**

**Date: 06 October, 2022**

**Subject: Houses in Multiple Occupancy (HMO) Development Plan Document (DPD) and Article 4 Direction public consultations**

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## **1 Purpose of the Note**

- 1.1 To inform the Communities and Neighbourhoods Scrutiny Board (4) of the HMO DPD and Article 4 Direction consultations and for the Board to make representations to those consultations.

## **2 Recommendations**

- 2.1 The Communities and Neighbourhoods Scrutiny Board (4) are recommended to:
- 1) Consider the content of the reports, appendices and presentation provided at the meeting
  - 2) Identify any representations for either of the consultations

## **3 Background and Information**

- 3.1 Houses in Multiple Occupancy (HMOs) 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.
- 3.2 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.
- 3.3 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.
- 3.4 The consultation is 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.

- 3.5 In order to make sure that this change of policy can be applied to all HMOs a draft Article 4 Direction is being consulted upon at the same time as the HMO DPD, acknowledging that many consultees will want to comment on both simultaneously. (Appendix 2)
- 3.6 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.
- 3.7 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 is supported by a technical evidence document.
- 3.8 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. 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
- 3.9 Finally, an Equalities Impact Assessment (EqIA) has been undertaken and will also form part of the public consultation: see also paragraph 6.4 of this report.
- 3.10 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 (Regulation 19)    E – Examination in Public  
A - Adopt

- 3.11 Consultation on the draft documents was endorsed by Cabinet on 30 August and approved by Council on 06 September. Both consultations were launched on 20 October and will last eight weeks, and includes 11 drop-in sessions for members of the public in the wards effected by the draft Article 4 Direction.
- 3.12 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.

3.13 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.

## **Appendices**

Appendix 1 – Draft HMO DPD

Appendix 2 – Draft Article 4 direction

Name of Author: David Butler

Job Title: Head of Planning Policy & Environment

Organisation: Coventry City Council

Contact details: [David.butler@coventry.gov.uk](mailto:David.butler@coventry.gov.uk)

024 7697 2343