

Cabinet
Council

14 March 2023
21 March 2023

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:

Homes in Multiple Occupation Development Plan Document Proposed Submission (Regulation 19) Consultation

Is this a key decision?

Yes - the proposals are likely to have a significant impact on residents or businesses in two or more electoral wards in the city.

Executive summary:

Homes in Multiple occupation (HMOs) can provide important accommodation for a range of people including those entering the housing market. However, they 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) was consulted upon between 20 September and 15 November 2022 which identified the key issues and proposed planning policy responses.

DPDs need to be taken through a formal six-week publication period ('Regulation 19'), to enable people to make focused representations on whether the plan has been positively prepared, justified, effective and consistent with national policy, before the document is submitted to the Secretary of State for examination. These are the issues which the appointed planning inspector will focus on when they examine the plan and consider whether it's suitable for the Council to adopt it.

This report seeks authority to undertake the Regulation 19 publication period consultation on the 'proposed submission' HMO DPD and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment.

This report also seeks authority, once the publication period has closed, to submit the DPD and associated documentation to the Secretary of State for independent examination by an appointed Planning Inspector.

Members should note that when the HMO DPD report was authorised for the initial Regulation 18 consultation by Cabinet on 30th August 2022 and Council on 6th September 2022, a consultation on an Article 4 Direction (to remove Permitted Development Rights from HMOs in certain wards) was also authorised at the same time. The Article 4 Direction is not included in this report as it is following a different legal process and therefore reports on this matter will be produced to Cabinet and Council at the appropriate time.

Recommendations:

Cabinet is requested to:

- 1) Recommend that Council approve the Proposed Submission HMO DPD and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment for a six-week publication period to begin at the earliest opportunity.
- 2) Recommend that Council delegate authority to the Director of Streetscene and Regulatory Services, following consultation with the Cabinet Member for Housing and Communities, to submit the DPD and supporting documentation to the Secretary of State for Levelling Up, Housing and Communities once the publication period has closed, to enable independent examination by a Planning Inspector to take place.
- 3) Recommend that Council delegate authority to the Director of Streetscene and Regulatory Services, following consultation with the Cabinet Member for Housing and Communities, to authorise any non-substantive changes to the documents prior to consultation and prior to submission.

Council is requested to:

- 1) Approve the Proposed Submission HMO DPD and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment for a six-week publication period to begin at the earliest opportunity.
- 2) Delegate authority to the Director of Streetscene and Regulatory Services, following consultation with the Cabinet Member for Housing and Communities, to submit the DPD and supporting documentation to the Secretary of State for Levelling Up, Housing and Communities once the publication period has closed, to enable independent examination by a Planning Inspector to take place.
- 3) Delegate authority to the Director of Streetscene and Regulatory Services, following consultation with the Cabinet Member for Housing and Communities, to authorise any non-substantive changes to the documents prior to consultation and prior to submission.

List of Appendices included:

The following appendices are attached to the report:

- Appendix 1 - Proposed Submission Regulation 19 HMO DPD
- Appendix 2 - Strategic Environmental Assessment / Sustainability Appraisal
- Appendix 3 – Equalities and Health Impact Assessment
- Appendix 4 – Regulation 18 Consultation Statement

Background papers:

None

Other useful documents

Adopted Local Plan 2017

HMO evidence base documents – Supporting Case for Homes in Multiple Occupation (HMO) DPD and Article 4 Direction, August 2022 & Houses in Multiple Occupation – The Need for an Article 4 Direction, July 2022

HMP DPD Regulation 18 consultation documents (Draft DPD, Strategic Environmental Assessment Scoping report, Equalities and Health Impact Assessment)

Report to Cabinet and Council (30th August and 6th September 2022 respectively)

Has it or will it be considered by scrutiny?

No

Has it or will it be considered by any other council committee, advisory panel or other body?

No

Will this report go to Council?

Yes - 21 March 2023

Report title: Homes in Multiple Occupation Development Plan Document Proposed Submission
(Regulation 19) Consultation

1. Context (or background)

- 1.1 Homes in Multiple Occupancy are dwellings where unconnected individuals live with communal facilities. They provide important accommodation for a range of individuals with a range of different needs, including entry-level housing. However, they 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 draft Development Plan Document (DPD) was consulted upon between 20 September and 15 November 2022 which identified the key issues and proposed a series of planning policy responses, which provide a far more detailed framework for assessing planning applications than that currently provided for through Policy 11 of the adopted Local Plan.
- 1.2 The document has been amended to take account of the results of the consultation and is attached at Appendix 1 to the report.
- 1.3 The Regulation 18 consultation was promoted through a variety of means in line with the Statement of Community Involvement (SCI). These included:
- Formal notifications of the consultation, sent via the Planning Policy consultation management system to the specific and general consultation bodies set out in the SCI as well as other individuals and organisations on the database that requested to be notified.
 - The Councils Planning Policy webpage promoted the draft Local Plan Regulation 18 consultation event. This gave people access to information on the consultation as well as the Reg 18 draft HMO DPD and the supporting documentation.
 - The HMO DPD and supporting documents were made available online and in hard copy at the Council House and public libraries.
 - Statutory notices were placed in the Coventry Telegraph newspaper on 29 September 2022
 - Media press release occurred in the local news on 23 September 2022 and on the Councils website homepage and 'Lets Talk' website homepage.
 - Public notices were distributed across the city to raise awareness of the Plan and Consultation (see Appendix 2 to the report).
 - A summary leaflet was made available at libraries, Council Offices and the consultation events. This leaflet set out the main themes of the HMO DPD and encouraged people to have their say on the plan and indicated how they could find out more and have their say. (see Appendix 3 to the report).
 - Social media was also used extensively which included:
 - Tweets and Facebook posts on the Councils official social media accounts during the consultation period;
 - A bespoke post on the Councils YouTube channel which generated 507 views - <https://www.youtube.com/watch?v=ayTKcgwA5Hc>
- 1.4 A comprehensive round of drop sessions was carried out across several public libraries which involved officers answering questions and making available the draft DPD and supporting documents to anyone who attended.
- 1.5 Contact was made with the numerous groups (106) and forums provided by the Councils migration team. Engagement was made with three specific groups and officers attended events/workshops in which the consultation could be discussed and for more information provided to those in attendance. This included the Coventry Refugee and Migrant Centre, Inini Peer Support Group and Carriers of Hope Coventry. Leaflets were left with attendees once the event had taken place. As a result of the methods outlined above, 190

representations were received from a wide range of people and organisations including statutory consultees, special interest groups, neighbourhood planning groups and individual residents. Organisations concerned with HMOs were represented, as were resident groups. A detailed record of the consultation and its outcomes (including consultation on the supporting documentation) can be seen in Appendix 4 to the report.

- 1.6 The key issues raised by respondents to the consultation, along with the officer response and changes to the DPD where applicable are summarised in the table below.

Respondent comments – summary of key issues	Officer response (and proposed changes to the DPD where applicable)
General	
<ul style="list-style-type: none"> - How are the number of HMOs calculated? 	<p>The number and distribution of existing HMOs is made through the following data sources:</p> <ul style="list-style-type: none"> • Council tax records – properties with student exemptions (excluding purpose-built student accommodation and self-contained flats). • Licensing records – properties licensed as an HMO. • Planning records – properties with C4 or Sui Generis planning consent or issued with a Certificate of Lawful Development.
HMO1: Houses in Multiple Occupation	
<ul style="list-style-type: none"> - The policy proposals set out in Draft Policy HM01 are supported. - Increase in HMOs has led to an increase in vehicular parking and elderly individuals feeling isolated and lonely. - Waste left on the public highways and noise being an issue at certain times of the day for existing residents. - Huge changes to the appearance and feel of the areas that they live. 	<p>Policy HMO1, in conjunction with the other policies contained within the DPD and existing adopted Local Plan policies will be used to assess all future prospective HMO planning applications which, will give the Council greater control in terms of how HMOs are managed through the planning system. General support noted and welcome.</p>
HMO2: Concentrations and Thresholds	
<ul style="list-style-type: none"> - General support for the policy. - Concentrations are already exceeding 10% and the 100m distance threshold is generally supported. - Lower and higher concentrations need to be considered both in terms of distance and concentration thresholds in certain wards, particularly near the University of Warwick. 	<p>The suggestion to use different figures for the concentration and distance thresholds were tested through the Sustainability Appraisal process (please refer to SA reports). On balance, and based on the SA testing, it is considered to keep the figures as put forward in the Regulation 18 as they are robust and tested through a Local Plan Examination process in other comparable cities. The Council are unable to apply these policies retrospectively so will only be applied if and when the DPD is adopted. Support noted and welcome.</p>

HMO3: Sandwiching	
<ul style="list-style-type: none"> - General support for the policy. - Sandwiching only relevant to high density areas and consideration should be given to lower density areas. 	<p>Given the city is a predominately high-density area, it is considered that policy HMO3 holds good as set out in the Regulation 18 document. Support noted and welcome.</p>
HMO4: Amenity and Design	
<ul style="list-style-type: none"> - General support for the policy. - Need to make specific reference to 'Secured By Design' standards. - Character of the neighbourhood can change due to HMO increases by way of increased vehicular parking on street and also green space provision should be insisted when HMO applications are made. 	<p>It is acknowledged that reference to 'Secured By Design' standards in policy HM04 would be beneficial and so a proposed change to policy HM04 and reasoned justification has been made. The Council are unable to apply these policies retrospectively but will use existing policy mechanisms through the Local Plan and Green Space Strategy to address green space matters. If and when the DPD is adopted, the policies will then be used to determine all future HMO planning applications. In any event, the reference to vehicular parking is already addressed through point e) of the policy. Support noted and welcome.</p>
Assessment Process	
<ul style="list-style-type: none"> - General support to the approach. - Para 6.4 is effectively 'throwing the towel in' and is totally unacceptable. - Para 6.4 wording is far too loose and open to interpretation. Even where the existing HMO concentration is high, each and every new proposal must be subjected to rigorous planning scrutiny and the views of local residents must be taken into account. 	<p>Agreed to delete para 6.4 as on balance, the para does not provide added value to the way in which HMO applications will be assessed through the planning application process.</p>

Next steps

- 1.7 The revised HMO DPD will need to be publicised through a formal six-week publication period ('Regulation 19'), to enable people to make focused representations on whether the plan has been positively prepared, and whether it is justified, effective and consistent with national policy (as set out in the National Planning Policy Framework). The formal representations will be collated and submitted alongside the DPD and supporting documentation to the Secretary of State to enable independent examination to proceed. These are the issues which the appointed Planning Inspector will focus on when they examine the plan and consider whether the Council can adopt it.

- 1.8 It is also a legal requirement, as set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), to undertake Strategic Environmental Assessment and Sustainability Appraisal (SEA / SA) for Development Plan Documents. A Scoping Report was consulted on at the same time as the Draft HMO DPD (to determine what issues should be included) and this has informed the SEA / SA of the Regulation 19 HMO

DPD. This is attached at Appendix 2 to the report and will need to be subject to consultation at the same time.

- 1.9 Members should note that when the HMO DPD report was authorised for the initial Regulation 18 consultation by Cabinet on 30th August 2022 and Council on 6th September 2022, a consultation on the Article 4 Direction (to remove Permitted Development Rights from HMOs in certain wards) was also authorised at the same time. The Article 4 Direction is not included in this report as it is following a different legal process and therefore reports on this matter will be produced to Cabinet and Council at the appropriate time.

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 and associated documents. However, these have been prepared to respond appropriately to the outcome of the consultation and so this option is not recommended.
- 2.3 The Council could choose to approve the Proposed Submission HMO DPD and associated Strategic Environmental Assessment / Sustainability Appraisal and Equalities / Health Impact Assessment for a statutory six-week publication period to begin at the earliest opportunity, and then to submit the plan for examination. This option is recommended.

3. Results of consultation undertaken

- 3.1 The consultation statement at Appendix 4 details how the previous consultation was undertaken and how responses were taken into account.

4. Timetable for implementing this decision

- 4.1. With immediate effect

5. Comments from Interim Chief Executive (Section 151 Officer) and Chief Legal Officer

- 5.1. Financial Implications

It is the legal responsibility of the Council to meet the costs of the Examination. At the point of examination, the authority is required to engage a programme officer to provide a link between the LPA, the inspector and participants. It is currently anticipated that this role would be appointed externally with a resultant financial cost to be established in due course. Officers will investigate any opportunities for internal sourcing of the role in order to seek to minimise future costs. The costs to the Council will also include the costs of the Inspector and the provision of a venue for examination hearings. These costs will be payable during financial years 2023/24 – 2024/25 and will be managed within existing budget provision.

- 5.2. Legal Implications

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. Prior to the submission of the DPD to the Secretary of State for examination a consultation period of 6 weeks must take place in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England)

Regulations 2012. The process for preparing Strategic Environmental Assessment / Sustainability Appraisal is contained within the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations)

6. Other implications

6.1. How will this contribute to the Council Plan

This DPD will help ensure that resident's quality of life is maintained and that, where an application is appropriate, that HMOs 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 a risk that the DPD could be found unsound by a Planning Inspector however this is minimised by having produced a thorough evidence base and having undertaken extensive consultation prior to submission of the plan.

6.3. What is the impact on the organisation?

No direct impact from having additional planning policies.

6.4. Equalities / 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 to the report).

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

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