

Cabinet Member for Housing and Communities

16th April 2024

Name of Cabinet Member:

Cabinet Member for Housing and Communities – Cllr David Welsh

Director approving submission of the report:

Director of City Services

Ward(s) affected:

All Wards

Title:

Homes in Multiple Occupation (HMOs) Development Plan Document (DPD) Modifications Consultation

Is this a key decision?

No

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) and accompanying Sustainability Scoping / Appraisal were consulted upon between 20 September and 15 November 2022 at Regulation 18 and between 27th March and 15th May 2023 at Regulation 19, these consultations were undertaken in the formulation of the DPD which was then submitted to the Planning Inspectorate in September 2023, with hearings held January 2024.

Further to the findings at examination the Council now seeks to undertake a six-week consultation upon modifications now agreed with the planning inspector, this being in line with legislative requirements and the adopted Coventry City Council Statement of Community Involvement (SCI).

Recommendations:

The Cabinet Member is requested to:

1. Note the content of the Main Modifications to the HMO DPD contained at Appendix Two and the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Addendum Note at Appendix Three along with the Equalities / Health Impact Assessment at Appendix Six and authorise the commencement of a public consultation for no less than 6 weeks.
2. Delegate authority to the Strategic Lead for Planning, following consultation with the Cabinet Member for Housing and Communities, to make any non-substantive amendments to the documentation prior to consultation and to agree dates for the consultation.
3. Note that following the public consultation, the feedback on the Main Modifications will need to be sent to the Inspector to enable them to consider any further matters raised. Once the Inspector's final report is issued, provided this finds the plan sound and capable of adoption, a further report including the final version of the DPD will be brought to Cabinet and Full Council (as required) for consideration and formal adoption.

List of Appendices included:

- Appendix One – HMO DPD inclusive of proposed modifications
- Appendix Two – Schedule of Main Modifications
- Appendix Three – the Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment (HRA) Addendum Note
- Appendix Four – HMO DPD Consultation Statement
- Appendix Five – Schedule of Additional Modifications
- Appendix Six – Equalities Impact Assessment 2024

Background papers:

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) (Regulation 18)

Report to Cabinet and Council (14th March and 21st March 2023 respectively) (Regulation 19)

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?

No

Report title: Homes in Multiple Occupation (HMO) Development Plan Document (DPD) Modifications 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) (Regulation 18), 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 that that currently provided for through Policy 11 of the adopted Local Plan.
- 1.2 Following consideration of representations on the Issues and Preferred Option, work commenced on the Publication HMO DPD (Regulation 19). The evidence base which supported the HMO DPD was updated in relation to the Duty to Cooperate and Sustainability Appraisal. The above evidence combined with the previous consultation responses at Regulation 18 stage informed a secondary public consultation, known as Regulation 19, which was published between 27 March 2023 to 15 May 2023. Details on the consultation are set out in the consultation statement which is attached at Appendix Four.
- 1.3 As a result of the consultation and comments received, a suite of modifications to the DPD were identified and submitted to the Planning Inspectorate to help assist the Inspector in understanding the Councils position based on the representations received to the Regulation 19 consultation. Council agreed on the 21st March 2023 that the HMO DPD and accompanying documents be submitted to the Planning Inspectorate at the earliest opportunity following the conclusion of the publication (Regulation 19) period.
- 1.4 The Council formally submitted the HMO DPD for Examination in Public on 25 August 2023. The Examination Hearings took place on 23 January 2024 which culminated in the production of a schedule of Main Modifications to the HMO DPD which are attached at Appendix Two. The Main Modifications will be required to be published for a statutory six week period of public consultation in accordance with legislative requirements and in accordance with the Councils adopted Statement of Community Involvement (SCI).
- 1.5 In addition, to the Main Modifications, the Council have also developed a schedule of additional modifications which are referred to in Appendix Three. These will be published alongside the schedule of Main Modifications and will be set out in a separate table. However, these additional modifications are non – substantive for example to correct typographical errors and make factual corrections and are not before the Inspector for consideration, they are to be published for completeness.

- 1.6 In addition to the schedules of Modifications (Main and Additional) a track change copy of the DPD has been produced so it is clear to readers how the final document is intended to look.

Next steps

- 1.7 The HMO DPD Main Modifications document is attached at Appendix Two and will need to be published through a formal six-week period seeking views on the proposed Main Modifications only. It is not an opportunity to raise matters that either were, or could have been, part of the earlier representations or hearings on the submitted plan. Comments are to be focussed on matters of soundness. These are the issues on which the appointed Planning Inspector will focus and consider before issuing the final report and whether the Council can proceed to adoption of the DPD.
- 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 and therefore the SA addendum at Appendix Three will also form part of the statutory consultation.
- 1.9 For completeness the Equalities / Health Impact Assessment will also be made available for public comment.

2. Options considered and recommended proposal

Do Nothing (Not Recommended)

- 2.1 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.

Re-Draft the HMO DPD (Not Recommended)

- 2.2 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 previous consultations and in accordance with the statutory independent Examination process and so this option is not recommended.

Approve the consultation on the HMO DPD (Recommended)

- 2.3 Choose to approve the recommendations set out in this report in relation to the HMO DPD Main Modifications 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 proceed to adoption following receipt of the Inspectors final report.

3. Results of consultation undertaken

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

4. Timetable for implementing this decision

4.1 The decision will be implemented as soon as practicable.

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

5.1. Financial Implications

Financial implications of the DPD examination have been outlined in previous reports, this includes ongoing programme officer costs as liaison with the inspectorate continues. There are no additional financial implications in respect of undertaking the consultation.

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.

Furthermore, the undertaking of the consultation accords with the established principles set out in the Coventry City Council Statement of Community Involvement (SCI) and associated regulations.

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, 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 further challenge may arise through the consultation, 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 Six).

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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Members: Name		-		
Cllr David Welsh	Cabinet Member for Housing and Communities	-	04.04.2024	05.04.2024

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