

Meeting: EXECUTIVE

Agenda Item:

6

Portfolio Area: Environment and Regeneration

Date: 24 MAY 2017

CONFIRMATION OF ARTICLE 4 DIRECTION TO REQUIRE NEW HOUSES OF MULTIPLE OCCUPATION (HMOS) TO GAIN PLANNING PERMISSION

KEY DECISION

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1. PURPOSE

- 1.1 To inform Members of the outcome of the public consultation on the making of an Article 4 Direction relating to HMOs.
- 1.2 To seek approval to confirm the Article 4 Direction.

2. RECOMMENDATIONS

- 2.1 That Members note the results of the public consultation, attached at Appendix 1.
- 2.2 That the Article 4 Direction be confirmed.

3. BACKGROUND

- 3.1 The planning system does not tightly define Houses of Multiple Occupation (HMOs); it considers them to be either: a house split into separate bedsits; a shared house or shared flat; a hostel; or shared accommodation for students.
- 3.2 In general, HMOs are residential properties that are used by at least 3 individuals forming more than 1 household and sharing at least a toilet, bathroom or kitchen facilities.
- 3.3 HMOs form an important part of the housing market, providing an affordable accommodation option, particularly for single people on low incomes, including young professionals. However, it is also recognised that some

HMOs can have a detrimental impact on the local area. In Stevenage particularly, parking is a key concern. Due to its New Town design, Stevenage already suffers from significant parking pressure on streets throughout the town. The conversion of houses to HMOs has the potential to further exacerbate this situation, with increased numbers of residents living in properties.

- 3.4 A report was approved by the Executive in September 2016, which authorised a public consultation on the making of an Article 4 Direction for Stevenage in relation to HMOs.
- 3.5 The Article 4 Direction would require planning permission to be granted for changes of use from C3 (residential) to C4 (small HMO). Currently, a permitted development right, introduced in October 2010, allows these changes to be made without the need for express planning permission. It is important to understand that this is not a ban on changes of use to HMOs: it is merely a requirement that such changes of use must have planning permission from the Borough Council.
- 3.6 The principle aim of this Direction is to ensure local parking standards can be applied to new HMOs to protect residential amenity and avoid exacerbating parking problems across the town. If confirmed, the Direction will cover the whole of the Borough.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

Recommendation 2.1:

That Members note the results of the public consultation, attached at Appendix 1.

- 4.1 Consultation began on the proposed Article 4 Direction on 19 September 2016. It ran for just over 4 weeks, until 21 October 2016.
- 4.2 An advert was placed in the local media, the draft Direction and map were placed on the Council website, and hard copies were made available at the Council offices and the town's libraries. Site notices were also displayed at two locations within the town. A copy of the Direction, map and notice was also sent to the Secretary of State and Hertfordshire County Council, as required by the statutory regulations.
- 4.3 A total of 122 responses were received during the consultation period. Of these, 99 supported the introduction of an Article 4 Direction for this purpose, 21 people objected. Two respondents, including Hertfordshire County Council (a statutory consultee), did not provide any clear views. A summary of all consultation responses received is available in Appendix 1.

4.4 The main objections raised to the Article 4 Direction were as follows:

Objection raised	Officer response to objection
Many tenants do not have cars; they use public transport, bikes or walk.	Whilst some tenants may not have cars, once development is complete, the Council will have no control over who occupies these premises. Tenants with cars may occupy these properties in the future. It is important to ensure parking problems do not arise at a later date.
The Article 4 Direction will result in a lack of affordable housing	The aim of the Article 4 Direction is not to prevent HMOs; it is to ensure their development complies with current planning policy. The Borough Council recognises HMOs form an important part of the affordable housing market. However, this must be balanced with the need to ensure that development is sustainable and will not negatively affect the amenity of residential areas. The Article 4 Direction will require planning permission to be sought so that local policies can be enforced.
HMOs benefit local businesses	
Refuse problems cited do not exist	Whilst refuse was cited as a potential problem in relation to some HMOs, this was not the justification provided by the Borough Council for implementing an Article 4 Direction. The Borough Council also recognises that many HMOs are well-managed and do not create problems such as this.
Only specific areas should be covered by the Article 4	Although some areas of the town experience more significant parking problems at present, the Parking Standards SPD covers the entire Borough and should be applied to the whole Borough. Insufficient parking cannot be justified simply because less significant problems are experienced at this time. Only applying the Direction to certain areas within the Borough might also have the effect of transferring parking problems to those areas that are excluded and an over-concentration of HMOs within these areas leading to an imbalance in housing types and sizes locally.
Consultation process not carried out properly	The consultation undertaken was carried out in line with the statutory regulations.

- 4.5 The majority of respondents offered support for the Article 4 Direction, citing parking problems and adverse impacts on residential amenity caused by conversions to HMOs as the key reasons for this.

Recommendation 2.2:

That the Article 4 Direction be confirmed

- 4.6 The Article 4 Direction, if confirmed, would come into effect on 20 September 2017. This would be 12 months after the initial notification of a Direction was publicised and would avoid any potential for compensation claims against the council, as it allows sufficient time for landowners to become aware of the changes and implement any plans to develop HMOs in advance of the Direction coming into effect.
- 4.7 If the Article 4 Direction is confirmed, a local press advert and notices in at least two locations in the town and on the Council's website, for a period of at least 6 weeks, will be required. Confirmation of the Direction will also be passed to both the Secretary of State and Hertfordshire County Council.
- 4.8 Taking into account the positive consultation responses received, Members are recommended to confirm the Article 4 Direction.

5 IMPLICATIONS

5.1 Financial Implications

- 5.1.1 The principle cost will be staff time processing the HMO planning applications, which will be un-chargeable. The expected number (of around 10 per year) can be met within existing resources within Planning.

5.2 Legal Implications

- 5.2.1 Once adopted the Article 4 Direction will remove the permitted development rights in relation to changes of use from Use Class C3 to Use Class C4 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended).

5.3 Equalities and Diversity Implications

- 5.3.1 An Equality Impact Assessment was completed prior to consultation on the Article 4 Direction. An update has been carried out following the consultation process (Background document to this report – BD1). This identified an overall neutral impact.

5.4 Risk Implications

- 5.4.1 A risk log will be managed by Planning Officers, but the inherent risk is not doing anything and allowing the pressure on planning to go unmanaged. The Planning Officers will ensure that risks are identified, mitigated and where possible managed appropriately in line with the Council's Risk management processes.

5.5 Policy Implications

- 5.5.1 None

5.6 Planning Implications

- 5.6.1 Once adopted the Article 4 Direction will remove the permitted development rights in relation to changes of use from Use Class C3 to Use Class C4 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended). Instead, planning permission will be required for these changes of use. The Parking Standards SPD will be used to assess parking provision, in line with local planning policies.

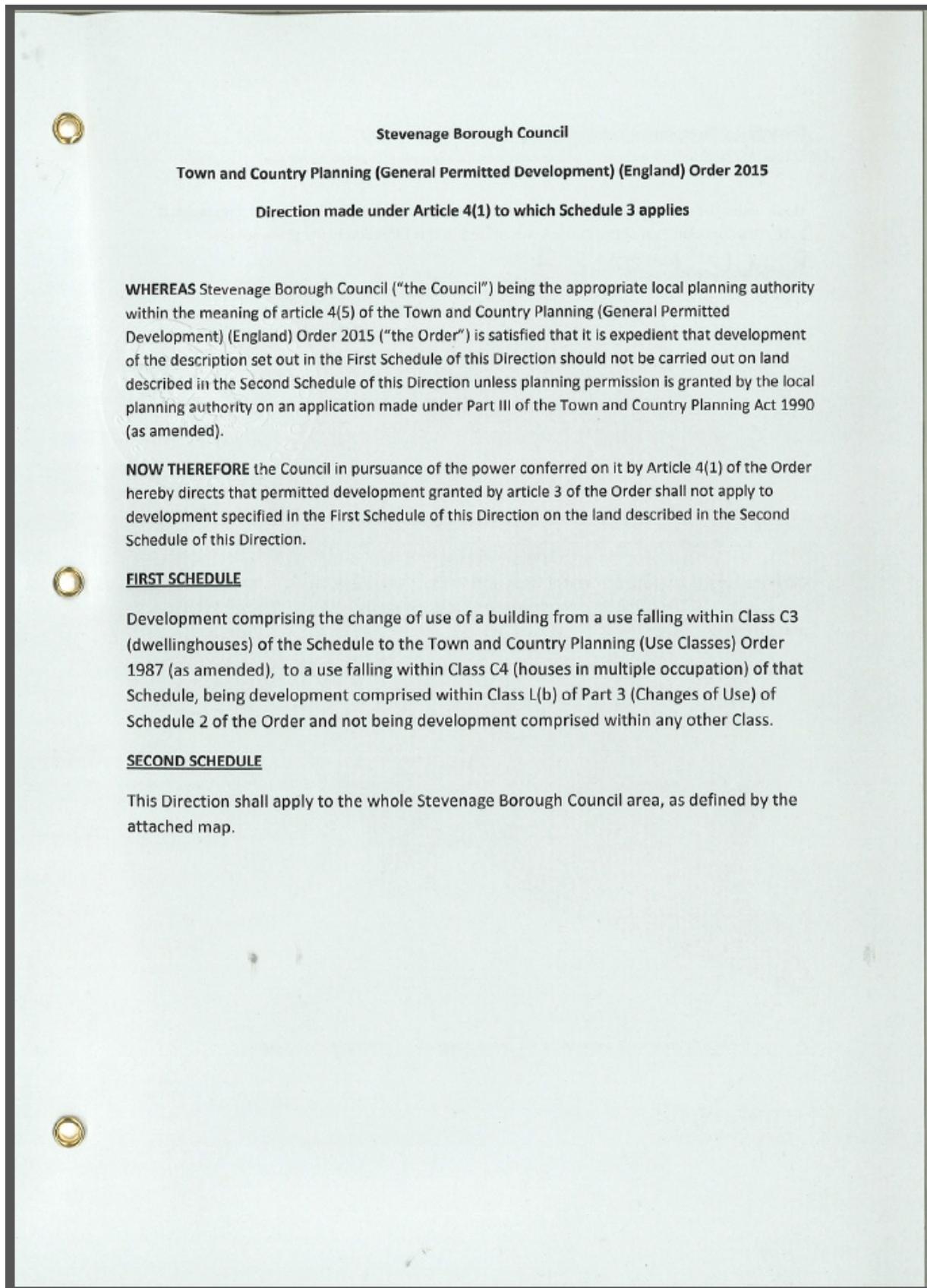
BACKGROUND PAPERS

BD1 – Equalities Impact Assessment
BD2- Summary consultation responses

APPENDICES

Appendix 1: Summary of consultation responses received
Appendix 2: Article 4 Direction

Appendix 2: Article 4 Direction



The Article 4 Direction will come into effect on 20 September 2017.

Made under the Common seal of Stevenage Borough Council on the 16th Day of SEPTEMBER.....
2016. The Common Seal of the Council was affixed to this Direction in the presence of:

Paul Lijit - Smith



22-7-16

Confirmed under the Common seal of Stevenage Borough Council on the Day of
..... 20.... . The Common Seal of the Council was affixed to this Direction in the
presence of:

.....

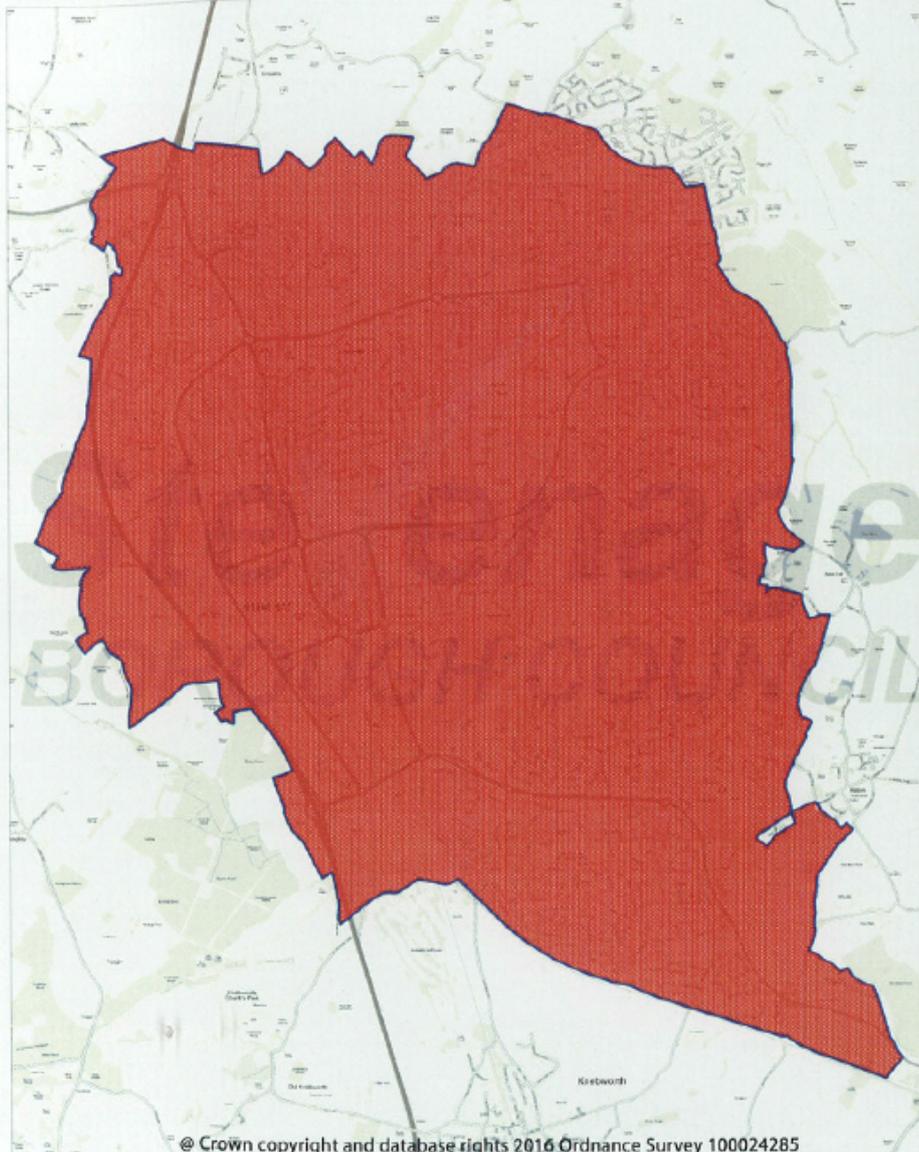


Arti
2011

Key:



Article 4 Direction of the Town and Country Planning (General Permitted Development) Order 2015: Change of use from Class C3 (residential) to Class C4 (Houses in Multiple Occupation)



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Key:

-  Borough Boundary
-  Area to which the Article 4 Direction relates



Stevenage
BOROUGH COUNCIL