

# CABINET

## Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document 14 January 2020

### Report of the Director of Economic Growth and Regeneration

PURPOSE OF REPORT			
To advise Members of the Draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document and seek approval for progression of the document through the statutorily defined consultation process required for its adoption as a Supplementary Planning Document within the Local Plan suite of advice and guidance material.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
		Referral from Cabinet Member	<input type="checkbox"/>
Date of notice of forthcoming key decision	December 2019		
This report is public			

#### RECOMMENDATIONS OF COUNCILLOR JOHN REYNOLDS

- (1) That the Draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document is considered by Members.
- (2) That the Draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document is progressed through the statutorily defined consultation/adoption process.

#### 1.0 Introduction

1.1 Policy DM13: Residential Conversions, of the emerging Development Management Development Plan Document (Development Management DPD) seeks to control the distribution of Houses in Multiple Occupation (HMOs). It sets a threshold for the percentage of HMOs acceptable in an area. Where there is or will be a concentration of more than 10% of HMOs within a 100m radius of an application site, a new HMO will not be permitted. The aim of the Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document (SPD) is to inform those who intend to convert/use their existing property for multiple occupation how the policy will be implemented and about the standards that the Council requires.

#### 2.0 Proposal Details

3.1 The formal process for preparing and adopting SPDs is set out in the Town and Country Planning (Local Development) (England) Regulations 2012. The National Planning Policy Framework (NPPF), as updated in February 2019 defines SPDs as:

*"...documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan."*

The NPPF also states that SPDs should be used where they can help applicants make successful applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.

3.2 SPDs relate to specific sites or specific planning issues. They are not subject to Independent Examination and do not have Development Plan status. However, SPDs are given due consideration within the decision-making process and must relate to a specific Development Plan policy contained within a DPD.

3.3 There is a three-stage process for the preparation of Supplementary Planning Documents, this includes:

- Evidence gathering
- The Preparation and Consultation of a Draft Supplementary Planning Document
- The Adoption of the SPD by Lancaster City Council

The evidence in respect of the impact of Houses in Multiple Occupation was gathered in the lead up to the drafting of policy DM13 of the emerging Development Management DPD. In order to progress as an SPD, the document has to undertake a statutorily defined consultation process set out in the Town and Country Planning (Local Development) (England) Regulations 2012, Regulation 12 Public Participation.

#### **4.0 The Draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document**

4.1 There are wards and streets in Lancaster where the concentration of student HMOs is perceived to be at such a degree, the HMOs create an imbalance in the community and affect the character of the neighbourhood. Issues arise from depopulation over the summer period, noise and disturbance, pressure on waste, car parking and services. Policy DM13 of the Development Management DPD seeks to address this. Whilst, the policy will not reverse the existing concentrations, it will provide control over the increase in large HMOs (HMOs with over 6 occupiers).

4.2 Policy DM13 adopts a general presumption against new HMOs in the district where this will lead to an unacceptable concentration. The policy states,  
"Proposals which would lead to a concentration of more than 10% of houses being classed as HMOs of the total housing stock within a 100m radius will not be considered acceptable. This includes changes of use to HMOs, or extensions to existing HMOs."

4.3 The SPD is intended to aid property owners, planning applicants and planning officers in preparing and determining applications in relation to HMOs. It sets out how policy DM13 will be implemented and a methodology for determining the concentration.

4.4 A community will be considered imbalanced where:

- More than 10% of residential properties within a 100m radius of the area surrounding the application property are already in HMO use;

- 4.5 A proposal will be considered to create an imbalance where:
- Granting planning permission would tip the ratio of HMOs to dwellinghouses (Class C3) within a 100m radius of the application property over the 10% threshold.
- 4.6 Small HMOs (3-6 occupiers) will not currently be controlled by the policy. To address this it is intended to designate an Article 4 Direction to remove the permitted development right which allows the change of use of a dwelling house (Class C3) to a small HMO (Class C4). The introduction of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 will also be explored to control the display of 'To Let boards', which when viewed cumulatively, adversely affect the local amenity of the area. Evidence is being collated to support these designations.

### 3.0 Details of Consultation

- 3.1 Policy DM13 of the emerging Development Management DPD was included to address concerns raised by Members and the community. As part of the Local Plan process the policy has been through formal consultation. No objections were raised to the policy.
- 3.2 The Draft SPD will be subject to a formal consultation process of 6 weeks with stakeholders including the community.

### 4.0 Options and Options Analysis [including risk assessment]

	<b>Option 1: The Draft SPD is progressed through the statutorily defined consultation/adoption process</b>	<b>Option 2: The Draft SPD is not taken through the statutorily defined consultation/adoption process</b>
Advantages	The SPD will provide guidance for determining planning application for HMOs  Consultation and appropriate consideration of the responses will ensure that the SPD can be afforded weight when determining planning applications.	No advantages
Disadvantages	No disadvantages	The SPD will not be afforded weight in decision making
Risks	No risks	No risks

### 5.0 Officer Preferred Option (and comments)

- 5.1 Progressing the Draft SPD through the formal process will provide Officers with a methodology for determining planning applications for HMOs and applicants with

guidance. Progressing the SPD through the formal process will ensure that it can be given weight in the decision making process.

## **6.0 Conclusion**

- 6.1 Members are asked to consider the Draft SPD and approve progress through the statutorily defined consultation/adoption process as a Supplementary Planning Document.

### **RELATIONSHIP TO POLICY FRAMEWORK**

The Draft SPD builds upon policies in the emerging Local Plan, particularly policy DM13, which aim to ensure a balanced community. The SPD will support the implementation of this policy.

### **CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Human Resources, Sustainability and Rural Proofing)**

There are no Health & Safety, Equality and Diversity, Human Rights, Community Safety, HR implications arising from a commitment to progress the draft SPD through statutory consultation and adoption.

### **LEGAL IMPLICATIONS**

If Members approve the Draft SPD as the basis for proceeding through the stages of SPD adoption, the document will be subject to a 6 week statutory consultation period. The statutory consultation will be carried out with the process set out in the Town and Country Planning (Local Development) (England) Regulations 2012, Regulation 12 Public Participation.

### **FINANCIAL IMPLICATIONS**

The Draft SPD is intended to provide guidance on the achievement of Local Plan Policy. There are no additional financial implications arising from its progression through the statutory consultation process.

### **OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

#### **Human Resources:**

The main staffing resource will be to support progression of Draft SPD through the statutory SPD consultation and review/adoption stage.

#### **Information Services:**

No Information Service implications.

#### **Property:**

No Property Services implications

**Open Spaces:**

No Open Space implications.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document.

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