

**Proposed Direction under Article 4 of the  
Town and Country Planning (General  
Permitted Development) (England) Order  
2015**

# **Consultation Statement**

Sptember 2020



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## 1. Introduction

- 1.1 This Consultation Statement sets out how the Council considers it has fulfilled its duty to consult and engage with the stakeholders in the preparation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 A Direction under Article 4 removes permitted development rights, in this instance it is proposed to remove the right to convert a dwellinghouse (Use Class C3) into a House in Multiple Occupation (Use Class C4) within the wards which form Lancaster city plus the village of Galgate. The Background Paper on the Designation of Article 4 Areas to Control Houses in Multiple Occupation provides the justification for the proposals.

## 2. Purpose of this document

- 2.1 This Consultation Statement provides a summary of the stages of engagement and consultation which the Council has undertaken in order to inform the preparation of the proposed Article 4.
- 2.2 The Consultation Statement outlines:
  - Section 3: Who we consulted
  - Section 4: What we consulted on
  - Section 5: How we have engaged
  - Section 6: What issues were raised and
  - Section 7: How the issues were addressed

## 3. Who we consulted

- 3.1 The Council has sought to engage with the widest range of individuals, communities, organisations and stakeholders who may hold an interest in, or may be affected by the proposed Article 4:
  - The purpose of the Article 4 and how and when they may be affected.
  - How and when they can comment on and get involved and what they can and can't influence.
  - How and when their comments will be taken into account by the Council and when they can expect feedback; and
  - The remaining stages in preparing of the Article 4 and further opportunities to comment.
- 3.2 The Statement of Community Involvement (SCI) was reviewed and adopted in January 2019 and reflects the 2012 Regulations. Temporary COVID-19 and social distancing related updates were made in June 2020. The SCI sets out the Council's approach to engaging in preparing planning document and in considering planning applications. It identifies who we engage with. The table below is not exhaustive and is amended or added to as required.
- 3.3 In addition to the organisations set out in the table below, the Council also consult with the general public, all Council Members, agents, developers, education establishments, 3<sup>rd</sup> sector and local businesses who sign up to the Council's Planning Consultation Database.

Who we consulted	
Specific Bodies	
The Coal Authority	
The Environment Agency	
Historic England (Historic Buildings and Monuments Commission for England)	
Marine Management Organisation	
Natural England	
Office of Rail and Road (now called Office of Rail Regulation)	
Highways England	
Homes England	
Adjoining Local Planning Authorities	Barrow Council Craven District Council Lake District National Park Authority Ribble Valley Borough Council South Lakeland District Council Wyre Borough Council Yorkshire Dales National Park Authority
Area of Outstanding Beauty	Arnside and Silverdale AONB Forest of Bowland AONB
County Council	Cumbria County Council (+ libraries in the Lancaster District) Lancashire County Council
Parish Councils	
Lancaster City Councillors	
Local policing body	Lancashire Police and Crime Commissioner Lancashire Constabulary
Relevant telecommunications companies	PO Broadband, BT Openreach, Vodafone, O2, EE
Primary Care Trust or successor body	Clinical Commissioning Group
Relevant electricity and gas companies	National Grid (Electricity) National Grid (Gas) Electricity North West e.on British Gas
Relevant water and sewerage companies	United Utilities
Others	Members of public Developer / Agents Landowners Businesses 3 <sup>rd</sup> Sector Advocate groups Educational establishments Government organisations (NHS) Lancaster University Homes

## 4. What we consulted on

### Consultation - February 2020

- 4.1 For a six-week period between 21<sup>st</sup> February and 3<sup>rd</sup> April 2020 the Council carried out public consultation on:
- The introduction of an Article 4 to remove permitted development for the conversion of a dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) in the wards within the city of Lancaster and the village of Galgate;
  - A Draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document (SPD);
  - The introduction of a Regulation 7 Direction to control the display of To Let Boards.
- 4.2 The aim was to carry out early consultation with stakeholders and provide an informal opportunity for comments on the proposed Article 4 in addition to the formal consultation following an Article 4 being ‘made’. The aim was also to gather feed-back on the draft SPD and the possible introduction of a Regulation 7 Direction to manage the concentration of To Let signs within the city of Lancaster.

## 5. How we have engaged

- 5.1 Table 5.1 below outlines the consultation methods adopted for consultation.

Requirements of Regulation	How the Council satisfied the requirement
Which bodies and persons the local planning authority invited to make representations	<p>Consultation Database <a href="http://www.lancaster.gov.uk/ppcl">www.lancaster.gov.uk/ppcl</a>) consultees were notified on the opportunities to participate in preparation of the Article 4.</p> <p>The database consisted of residents and organisations who had been consulted on previous policy matters, those that had requested for inclusion and statutory bodies for which the Council must satisfy commitments to engage in ongoing duty to co-operate obligations.</p> <p>Presentation and Q&amp;A via the Lancaster University Homes Webinar for landlords of student accommodation 12 August 2020.</p>
How those bodies and persons were invited to make representations.	<p>Consultation ran for 6 weeks, 21 February 2020 – 3 April 2020</p> <p>This included a period of publicity across the Lancaster District, with a Consultation Flyer and a public notice placed in Lancaster Guardian (a local newspaper) following the start of the consultation.</p> <p>Emails sent to over 2,200 consultees on the planning policy consultation database.</p>

	<p>Posters were placed in 20 locations around Lancaster City and in Galgate, and over 80 posters were sent to venues in the area to ask them to display on notice boards.</p> <p>Another email (bcc) was sent to known letting agents advising of the consultation on 2 March. It is acknowledged that not all agents may have been captured and this was sent part way into the consultation. The notification was however, in addition to the Councils agreed publicity procedure.</p> <p>Information on the consultation was published on the Council webpages and copies of the consultation documents were made available at the 'Principal Offices'.</p> <p>Further details on the publicity methods are set out in more detail within <a href="#">Appendix A</a></p>
<p>A summary of the main issues raised by the representations made</p>	<p>The main issues raised in the representations are summarised in <a href="#">Section 6</a> of this document.</p> <p>Full details on the main issues raised are set out in Section 6 and in <b>Appendix A: Summary of Consultation Responses</b> and the Officer response is set out in the Section 7 of this document</p>
<p>How any representations made pursuant to regulation 18 have been taken into account.</p>	<p>The Council has responded to comment submitted to the Council following the period of consultation. Replies also outline how the comments have informed the proposed Article 4.</p> <p><a href="#">Section 5</a> of this statement outlines how the Council engaged in this round of consultation</p> <p><a href="#">Section 6</a> outlines what issues were raised and</p> <p><a href="#">Section 7</a> outlines how these issues have been addressed.</p>

## 6. What issues were raised at in the informal Consultation Stage?

6.1 The consultation on the proposed Article 4 provided the first opportunity for members of the public and interested parties to comment on the proposals. As the consultation related to the proposed Article 4, SPD and Regulation 7 Direction the range of responses received were varied and the level of detail provided extensive. There were 99 separate consultee responses to the three proposals and 84 in respect of the proposed Article 4.

- 72 respondents were in support of the proposals. Support came predominantly from residents and also from 4 Councillors, the MP for Lancaster and Fleetwood, Lancaster Civic Society, Lancaster City Centre Residents Association, Lancaster Vision and Lancaster Labour Party.
- 8 respondents objected to the proposals, including 4 residents, 1 agent, Lancaster University, Lancaster Students Union and the Welfare and Community - Lancaster University's Student Union.

- 4 respondents made comments, but it was unclear whether these were in support of or objecting to the proposal.

6.2 A number of trends and patterns in respect of the impact of HMOs and the proposed Article 4 can be seen.

#### Adverse Impact of HMOs

- There has been a significant increase in the number of HMOs;
- The high concentrations of HMOs have resulted in there no longer being a balanced mix of households and community spirit has suffered;
- Waste, noise and parking issues;
- Anti-social behaviour;
- Areas with high concentrations of HMOs have service and amenity issues;
- Some landlords do not maintain properties, properties are untidy;
- HMOs affect the ability of residents to sell their homes;
- HMOs command high rents which can exclude those on low incomes.

#### Support for Article 4

- Restricting the number of HMOs would help to retain family housing;
- It is important to keep a balance of households;
- There is plenty of student accommodation, there shouldn't be a need for more in residential areas;
- An Article 4 should not be delayed to avoid a rush of conversions;
- The Article 4 should be district wide, the area should be extended as students could transfer out to other areas;
- There should be a halt on new HMOs and a policy of reversal to bring HMOs back into houses for local residents.

#### Objections

- Students provide vital support for the housing market;
- Students aid and improve a vibrant economy;
- HMOs provide an affordable option for many students;
- Much of the new student accommodation is too expensive;
- Purpose built student accommodation is the problem not HMOs;
- The proposals will increase rents and reduce supply;
- Students do not contribute to the issues raised;
- Families also have multiple car and parking problems caused by hospital;
- Concerned the proposals will put off landlords applying for University accreditation scheme;
- HMOs are also used by young professions and graduates are unlikely to stay in Lancaster if accommodation not available;
- The concentration of students should be regulated not HMOs;
- The city centre includes many commercial buildings in where families would not wish to live, conversions should be supported to bring empty properties back into use and for regeneration;
- It will be harder for long term residents to sell.

## Comments on the Background Paper, Extent of the proposed Article 4 and the Process

- The evidence base is inadequate and incomplete;
- The density has been underestimated;
- The effect of DM13 should be reviewed in 12 months before Article 4 is considered;
- Anti-social behaviour of students should be dealt with by the university it should not be a problem for the local authority to deal with alone;
- Home-owners should be given 2/5 years to sell;
- The area of the Article 4 should be district wide/it should not include the city centre.

6.3 The responses specifically in respect of the proposed SPD and the Regulation 7 Direction have been omitted from the consultation summary. These issues will be addressed separately when those proposals are progressed.

## 7. How these issues can be addressed

1. The differing opinions with regard to the impact of HMOs;
2. The evidence base;
3. Delay in bringing an Article 4 into force;
4. Extending the proposed Article 4 to district wide;
5. Regeneration opportunities in the City Centre;
6. Ability of residents to sell;
7. The impact on supply and cost of student accommodation;
8. Adverse impact of HMOs.

7.1 As highlighted in Section 6 of this statement, the Council received a range of responses to the proposed Article 4. The following paragraphs explain how these issues have been addressed.

1. The differing opinions with regard to the impact of HMOs

There are understandably differences in opinion between the student community, represented by Lancaster University and the Students Union and long-term residents. The issues have been raised over a period of many years by long-terms residents and Councillors and formed the basis for introducing policy DM13 within the adopted Local Plan. The policy, and its reference to the proposed Article 4, has been through several consultation processes and an examination in public. The difference in opinion cannot be reconciled and it is considered that there is sufficient evidence with regard to the densities of HMOs in the city to proceed with making an Article 4.

2. The evidence base

It is acknowledged that the evidence base is not 100% accurate and that student council tax exemptions will only provide part of the overall picture. The evidence base is however as comprehensive as the Council can provide based upon the data available. Agents will be asked to register HMOs before an Article 4 comes into force, this will improve the evidence base and provide a reference point for enforcement should future complaints with regard to lawful HMOs be made. Once an Article 4 is in force, the evidence base will be updated as new small HMOs are permitted, improving its accuracy.



3. Delay in bringing an Article 4 into force

Contradictory comments were received stating that the delay is too long and that not enough notice will be provided. The consultations in February 2020 and the period between an Article 4 being made and coming into force, will have provided approximately 20 months between the proposals being made public and an Article 4 coming into force. The proposed non-immediate Article 4 will provide a year between the Article 4 being made and it coming into force. A year between an Article 4 being made and coming into force appears to be best practice followed by many authorities when introducing an Article 4. This will ensure that owners have enough time to be made aware of the restrictions, make provisions if they wish to do so and to limit potential compensation claims.

It was also commented that the effect of policy DM13 should be assessed prior to considering the introduction of an Article 4. As DM13 will only influence the HMOs which require planning permission, its impact will be limited. As can be seen from the data in section 3 of the 'Background Paper on the Designation of Article 4 Areas to Control Houses in Multiple Occupation', there is a wide disparity between the numbers of HMOs which require licensing and the number of potential HMOs with council tax exemptions. As only the HMOs with more than 6 occupants would have required planning permission, the disparity between those that would have required planning permission and those that did not, would be even greater. Delaying the introduction of an Article 4 further will allow concentrations of small HMOs to continue to increase, contrary to the aims of policy DM13.

4. Extending the proposed Article 4 to district wide

HMOs are not concentrated in other parts of the district in the way that they are in Lancaster, there is therefore not the evidence, as required by the NPPF, to justify inclusion of additional areas. Issues arise in Morecambe with many small HMOs providing poor quality accommodation. The issues differ from those in Lancaster and will be considered separately.

5. Regeneration opportunities in the City Centre

The potential for HMOs providing regeneration opportunities and the re-use of vacant properties in the City Centre is recognised. The Council wish to encourage a variety of uses, re-use of premises above shops and businesses and student accommodation into the city centre to enhance vitality and viability. However, the proposed Article 4 would have little effect upon such opportunities. Class L(b) of the Town and Country Planning (General Permitted Development) Order 1995, permits the conversion of dwellinghouses (Class C3) into HMO's (Class C4). The Order states that a 'dwellinghouse does not include a building containing one or more flats, or a flat contained within such a building'. The conversion of a flat above a shop or business, or in a block of flats would therefore require planning permission regardless of an Article 4. Planning permission is also required for the conversion of commercial premises to HMOs.

There are some houses within the more residential parts of the city centre, which warrant the same consideration as residential areas elsewhere.

An Article 4 does not mean that planning permission will not be granted for the conversion of a property into an HMO. Policy DM13 provides a threshold of 10% but the policy allows for exceptions. Exceptions may include where proposals are within the city centre, where they may be high numbers of HMOs mixed with commercial property, and where the proposal would not adversely affect amenity, the policy. An Article 4 would not alter this consideration.

It is therefore not considered appropriate to exclude the city centre from the proposed Article 4.

6. Ability of residents to sell

The time period between the first consultation in February 2020, the date on which an Article 4 is made and it come into force, will provide homeowners with an opportunity to sell without restriction.

Once an Article 4 has come into force, it could have differing impacts on saleability depending upon the location and number of HMOs in the immediate area. In some cases, properties may sell more easily, as potential residents will have confidence about the density of HMOs which may or may not be permitted. In other places, such as where a home is in a street with a very high density of HMOs and a house is sandwich between several HMOs it may become more difficult to sell for a C3 use. Policy DM13 includes criteria for such cases and the draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Guidance expands on this, stating that where a property has been marketed at a reasonable Class C3 value, an exception to the 10% may be made (subject to other criteria).

The aim of policy DM13 and the Article 4 is however, to balance communities and it is important to ensure that properties remain in a C3 use, unless the criteria within policy DM13 are met.

7. The impact on supply and cost of student accommodation

The proposed Article 4 will not reduce the number of HMOs available within the city, nor will it prevent any new HMOs. Together with policy DM13 it will allow a means to control the distribution. It should also be noted, that in recent years, while Lancaster University has expanded, the number of students attending Cumbria University in Lancaster has reduced. It is therefore not considered that the proposed Article 4 will reduce the availability and affordable housing in the city or student HMOs.

8. Adverse impact of HMOs

An Article 4 cannot itself address some of the issues raised such as those concerning noise, anti-social behaviour, waste and parking. It can however provide the Council with the means to properly consider the implications of new HMOs, avoid excessive concentration and monitor distribution and the effects they have.

## Appendix A Summary of Consultee Responses

## Appendix B: Publicity Methods

Methods	Main consideration
<b>Documents made available for inspection</b>	This is a minimum requirement as set out in the Regulations. Relevant documents will be made available for inspection during consultation period at the Council's offices in the Lancaster and Morecambe Town Hall and libraries in the Lancaster District. Public access to these documents is available via PCs in the reception areas
<b>Website</b>	Each consultation stage will feature prominently on the homepage of the council's consultation <sup>1</sup> and planning policy webpages. This will link directly to information on document production, providing access to the consultation material and advice on how and when comments can be made. Articles providing updates on plan production, which may include consultation and engagement opportunities, may be published in the Council's online news section periodically but it will not be solely relied upon as a means of communication.
<b>Adverts/public notices</b>	Notices will be placed in a local newspaper advertising consultation and engagement opportunities, where appropriate. Statutory requirements to publish notices advertising certain planning applications
<b>Mailing List – Email / Letter</b>	The Council operates a database of individuals and organisations that have expressed an interest in the plan-making process, have previously been actively involved in policy development or are statutory consultees. Those who wish to be involved will be directly notified at each stage either through email or letter of opportunities to comment. Those who are interested in planning policy development and wish to be notified can be included on the Council's mailing list at any time <sup>2</sup>
<b>Press release</b>	To be undertaken in accordance with the Council's media team, Media briefings/press releases will be issued to local media. Although items may only be reported if they are considered newsworthy by the newspaper editors, therefore publication is not guaranteed.
<b>Parish and Town Council and Community Group publications</b>	These types of publications are distributed to local residents at least quarterly. The Council will work with relevant organisations to utilise these publications to notify residents of consultation and engagement opportunities, where possible. Consideration will need to be given to the timing of the consultation, and the timing and circulation of any publications outside the Council's control.
<b>Posters</b>	Posters may be sent to relevant Parish and Town Councils and libraries to be displayed on notice boards to raise awareness of any public consultation and engagement opportunities. Posters may also be displayed in other appropriate locations across the District.
<b>Leaflets</b>	Leaflets may be used to gain wider public awareness of a consultation or engagement opportunity, for example leaflets may be distributed at key attractors/destinations such as train stations and local schools.
<b>Social Media</b>	Media such as Twitter and Facebook will be used to highlight public consultations on planning policy documents with direct links to the Council's website and information on how to comment, and any engagement events. Such

Methods	Main consideration
	messages may be retweeted periodically throughout the consultation period <sup>3</sup> . However, comments will not be accepted via social media.
<b>Events</b>	Such events may include drop-in sessions, public exhibitions and/or targeted workshops. Parish and Town Council meetings will be utilised where possible. The type of event undertaken will be dependent on a number of factors, including the consultation stage, and time and resource constraints. Careful consideration will be given to the timing, venue and format of events to ensure accessibility and inclusivity.
<b>Key stakeholder Groups</b>	We will liaise with key stakeholder groups at key stages in the plan making process, to discuss issues and keep them informed of progress.
<b>Questionnaires / surveys</b>	Questionnaires / surveys may be used to focus comments and to help ensure that feedback relates to issues that are within the scope of the document being consulted upon.