

Lancaster City Council | Report Cover Sheet

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| Meeting | Cabinet | Date | 8 December 2020 |
| Title | Residential Conversions and Houses in Multiple Occupation | | |
| Report of | Director for Economic Growth and Regeneration | | |
| Purpose of Report | | | |
| To seek a Cabinet resolution to formally adopt the Residential Conversion and Houses in Multiple Occupation Supplementary Planning Document. | | | |
| Key Decision (Y/N) | N | Date of Notice | Exempt (Y/N) N |

Report Summary

The concentration of Houses in Multiple Occupation (HMOs) in some parts of the District is at such an extent that the amenity available to residents is adversely affected due to; noise, increased demand for limited parking and a population density that fluctuates during the year. Policy DM13 of the adopted Development Management Development Plan Document (DMDPD) seeks to control the concentration of HMOs to protect the amenity of residents.

The Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document (SPD) provides guidance on how policy DM13 will be implemented and the standards that new HMOs are expected to meet.

The SPD has been through two stages of consultation and the views raised have been considered in the drafting of the final version. This report, outlines the content of the SPD, together with the attached Consultation Statement outlines the stages of consultation and how the responses were taken into account, and seeks a resolution to adopt the SPD as a material consideration for the determination of planning applications.

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Recommendations of Councillors

- (1) That the Council resolves to adopt the Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document.
- (2) Should the Council adopt the SPD that the necessary measures are undertaken to publicise its adoption in accordance with national legislation.

Relationship to Policy Framework

The Corporate Plan includes ambitions to enhance community cohesion.

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

The SPD, in conjunction with policy DM13 and proposals to designate an Article 4 Direction seek to address the detrimental impacts of concentration of HMOs in accordance with the ambitions of the Corporate Plan and the Local Plan.

Conclusion of Impact Assessment(s) where applicable

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| <p>Climate There are no climate change impacts arising from the adoption of the SPD.</p> | <p>Wellbeing & Social Value There are no wellbeing or social value impacts arising from the adoption of the SPD.</p> |
| <p>Digital There are no digital impacts arising from the adoption of the SPD.</p> | <p>Health & Safety There are no Health & Safety, Equality and Diversity, Human Rights, Community Safety, HR implications arising from the adoption of the SPD.</p> |
| <p>Equality There are no equality impacts arising from the adoption of the SPD.</p> | <p>Community Safety There are no community safety impacts arising from the adoption of the SPD.</p> |

The impacts of policy DM13 of the DMDPD have been assessed during the statutory Local Plan process. As the SPD provides guidance upon the implementation of this policy, it will not itself have an impact on these matters.

Details of Consultation

The SPD has been subject to two public consultations which have sought to gain the views of stakeholders on the content. Each consultation ran for six weeks between 21 February and 3 April, then between 14 August and 25 September 2020. The latter formed the statutory consultation.

Legal Implications

The statutory consultation has been carried out and the adoption process will be carried out in accordance with the process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Once adopted the SPD will form a material consideration in the determination of planning applications.

Financial Implications

The SPD provides guidance on the implementation of Local Plan Policy. There are no additional financial implications arising from its adoption.

Other Resource or Risk Implications

There are no resource implications arising from the adoption of the SPD.

Section 151 Officer's Comments

The s151 Officer has been consulted and has no comments to add.

Monitoring Officer's Comments

The Monitoring Officer has no further comments to add.

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| Links to Background Papers | |
| The following background papers are attached to this report: Residential Conversions and Houses in Multiple Occupation SPD Consultation Statement | |

1.0 Introduction

- 1.1 Policy DM13: Residential Conversions, of the DMDPD 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 HMOs above 10% of residential properties within a 100m radius of an application site, a new HMO will not usually be permitted. The aim of the SPD is to inform those who may wish to convert/use/build a property for multiple occupation about how the policy will be implemented, how the percentage will be calculated and the standards that the Council requires.
- 1.2 The SPD has been through two periods of public consultation. The responses have been considered and where necessary have informed changes made to the SPD. The final version of the SPD is attached, and Cabinet is requested to adopt the document.

2.0 The Content of the SPD

- 2.1 The SPD explains what a HMO is, the planning policy position with regard to HMOs and when planning permission is required for the conversion to a HMO. It explains how applications will be determined in accordance with policy DM13, how the radius will be calculated and provides standards that new HMOs will be expected to meet. The SPD also advises of the Council's intention to designate an Article 4 Direction over the Lancaster wards and the village of Galgate, of the submission to the Secretary of State for Housing, Communities and Local Government of an application for a Direction under Regulation 7 to control To Let Signs and the implications of these Directions.

3.0 Consultation

- 3.1 The SPD has been subject to two, six-week periods of public consultation. The first between 21 February and 3 April 2020 and the second, which formed the statutory consultation, between 14 August and 25 September 2020.
- 3.2 The first period of consultation also sought views on the Council's proposals for an Article 4 Direction to control small HMOs and a Direction under Regulation 7 to control To Let Signs. It provided early engagement with stakeholders to enable their views to be taken into account and amendments made the SPD prior to the statutory consultation. Ninety-nine separate responses were received.
- 3.3 The responses were predominantly positive and with very few relating to the content of the SPD. A number of concerns were raised with regard to the percentage and radius within policy DM13 and how this would be implemented.

Some respondents believed that the policy would not go far enough, and the radius and percentage should be changed to reduce concentrations further. As an SPD cannot change policy, the requests for alterations to the threshold within the policy could not be addressed in the SPD. There were conflicting views about the application of the policy, some expressed the view that the percentage should be applied flexibly and others that there should be no exceptions. Similarly, there were conflicting views with regard to the internal layout standards included in the SPD, some supported the standards and others believed them to be too onerous.

- 3.4 Concerns were raised that householders could be ‘trapped’ in properties where there are very high concentrations of HMOs or where their property is surrounded by HMOs and they are unable to sell them as a single dwelling. An amendment referring to a six-month marketing period for family homes, has been added into the explanation about when exceptional circumstances may apply to the 10% threshold. In response to the Environment Agency, a section was added discouraging bedrooms at ground floor in flood zones 2 and 3. The method of calculation was amended to reflect the way in which data is stored and retrieved. This change will not affect the outcome of the calculations.
- 3.5 The SPD includes a section about To Let Signs and encourages landlords and agents to reduce their use. Concerns were expressed that encouragement would not deter their display and that signs should be banned. As such signs do not currently require consent, additional controls cannot be included in the SPD. The Council has however taken further action by submitting a request to the Secretary of State for a Direction under Regulation 7. If granted, this would mean that all To Let Signs for residential properties in the designated wards will require advertisement consent.
- 3.6 The consultation in August and September formed the statutory consultation required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.7 Eleven responses were received to the statutory consultation in August and September. The responses reflected responses previously raised and no further amendments were considered necessary.
- 3.8 Now the Article 4 Direction has been ‘made’ and the application for the Direction under Regulation 7 submitted, amendments have been made to reflect the change in status of these Directions. The section about the Nationally Described Space Standards has also been expanded to include reference to new build HMOs.
- 3.9 Further detail with regard to the comments received during both consultation periods and how they have been addressed, can be found in the attached Consultation Statement.

4.0 Adoption

- 4.1 Adopting the SPD will afford it weight in decision making. It will provide clear guidance with regard to the calculation of the percentage of HMOs within a 100m

radius of an application site and incorporates the standards for HMOs previously contained within the Appendix D of the 2014 DMDPD.

4.2 Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (as amended), requires that as soon as practicable after adoption the SPD and an adoption statement are published and formal notification sent to all who have been asked to be notified.

4.0 Options and Options Analysis (including risk assessment)

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| <p>Option 1: Adoption of the Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document</p> |
| <p>Advantages: The SPD will provide guidance for determining planning applications for HMOs, particularly in respect of the way in which the percentage of HMOs in an area will be calculated and the standards expected for HMOs.</p> <p>The SPD will be afforded weight in decision making.</p> |
| <p>Disadvantages: No disadvantages.</p> |
| <p>Risks: No risks.</p> |
| <p>Option 2: Do not adopt the Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document</p> |
| <p>Advantages: No advantages.</p> |
| <p>Disadvantages: There will be a lack of clarity with regard to the calculation of the percentage of HMOs in an area and the standards required.</p> <p>The SPD will not be afforded weight in decision making.</p> |
| <p>Risks: No risks.</p> |

4. Officer Preferred Option (and comments)

4.1 The officer preferred option is Option 1 – Adoption of the Residential Conversions and Houses in Multiple Occupation Supplementary Planning Document.

Adoption of the SPD will ensure the contents can be given weight in decision making.