



## CABINET REPORT

<b>Report Title</b>	<b>CONFIRMATION OF NON-IMMEDIATE ARTICLE 4 DIRECTIONS IN FAR COTTON/ DELAPRE AND CLIFTONVILLE</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	17 January 2018
<b>Key Decision:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	YES
<b>Directorate:</b>	Regeneration, Enterprise and Planning
<b>Accountable Cabinet Member:</b>	Councillor Tim Hadland
<b>Ward(s)</b>	Delapre and Briar Hill/ Rushmere

### 1. Purpose

- 1.1 To seek confirmation of the Non-Immediate Article 4 Directions for Far Cotton/ Delapre and Cliftonville.

### 2. Recommendations

- 2.1 That Cabinet resolves to confirm the Non-Immediate Article 4 Directions for Far Cotton/Delapre and Cliftonville (as shown on Map 1 and 2) made on 29th June 2017, to withdraw permitted development rights for the change of use from buildings used as Dwellinghouses (Use Class C3) to Houses in Multiple Occupation (HMOs) (Use Class C4) with effect from 29th September 2018.

### 3. Issues and Choices

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#### 3.1 Report Background

- 3.1.1 On 15 March 2017, Cabinet resolved to make Article 4 Directions (Immediate and Non-Immediate) to withdraw permitted development rights for the change of use from Class C3 dwellinghouses to Class C4 houses in multiple occupation in areas within Far Cotton, Delapre and Cliftonville. This is because evidence obtained showed that the growth and concentrations of HMOs in these areas need to be managed.
- 3.1.2 In 2010, the Town and Country Planning (Use Classes) Order 1987 (Use Classes Order) was amended which created a new use class for small houses in multiple occupation, Use Class C4 (HMO) and amended Use Class C3 (dwellinghouse). Class C4 (HMO) covers small shared dwellinghouses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities. Planning permission would normally be required for change of use where there is a likelihood that it will create a material change. However, change of use from C3 to C4 is a permitted development by virtue of Schedule 2 of the General Permitted Development Order 2015 (GPDO). This means that people can convert their properties from dwellinghouses to HMOs for 3 to 6 unrelated people without the need for planning approval.
- 3.1.3 A Justification Report accompanied the Cabinet report on the 15 March 2017. The report outlined the general problems experienced by local authorities, including Northampton Borough, associated with concentrations of HMOs. These problems include noise, unacceptable amenity space standards and negative impacts on the physical environment and street scene. Findings from Private Sector Housing, in terms of confirmed HMOs in the area, were presented. Also highlighted were the potential impacts of the University of Northampton moving into its new campus location in the town centre.
- 3.1.4 It was resolved that two different Directions were to be issued. An Immediate Direction was to be issued in parts of Far Cotton because evidence showed that the concentration of HMOs were increasing in this area and required immediate management. This Immediate Direction came into effect on the 6 April 2017 and was confirmed on the 7 July 2017, following consultation. This means that planning permission will be permanently required for change of use from C3 to C4 and the Council will determine all applications in accordance with the Development Plan and relevant policy guidance. It was made clear that in issuing the Direction, it does not mean that planning permission will be refused. It means that the Council is able to ensure that demand is met but at the same time make sure that this is balanced against the wellbeing of residents living next door and close to the HMOs.
- 3.1.5 The remaining areas of Far Cotton and Delapre, and parts of Cliftonville, were considered to be suitable for the making of Non-Immediate Article 4 Directions. Evidence showed that at the time of the investigation, there were some, but not a significant amount, of HMOs within the area. Combined with their close proximity to the new University location, it was considered that a Non-Immediate Direction would be more appropriate because there was no immediate threat to these areas. Non-Immediate Directions can be confirmed

after consultation takes place. Therefore, it comes into force only after it is confirmed.

### **3.2 Issues**

#### **Consultation on the Non-Immediate Article 4 Direction in Far Cotton/ Delapre and Cliftonville**

- 3.2.1 Members noted that when a Non-Immediate Direction is issued, the Council has up to 2 years from the date of the consultation to confirm the Directions. The Direction will expire after the 2 year deadline. At Cabinet in March 2017, Members resolved that the Non-Immediate Directions will come into effect 12 months after consultation.
- 3.2.2 Public consultation on the Non-Immediate Article 4 for Far Cotton/ Delapre and parts of Cliftonville took place between 28 September and 27 October 2017. Letters were sent to statutory consultees including the Crown, the County Council and Highway Authority; and to relevant organisations and associations such as National Landlords Association, Northampton Landlords Association, Residents Association, the Parish Council, the Police and the Fire Service. Legal notices were placed in the local newspaper (Northampton's Chronicle and Echo) and on site at 4 locations in Far Cotton/ Delapre and 2 locations in Cliftonville.
- 3.2.3 Members were informed that all representations received during consultation must be taken into account before the Direction is confirmed. No responses were received during this consultation period.
- 3.2.4 The Secretary of State was also consulted. They had no comments to make.

#### **Confirmation of the Non-Immediate Directions**

- 3.2.5 The consultation on the Non-Immediate Directions took place on the 28 September 2017 for four weeks. If Members agree to confirm the Directions, they will come into effect on the 29 September 2018.
- 3.2.6 This report therefore seeks confirmation of the Non-Immediate Directions so that they will become permanent.

### **3.3 Choices (Options)**

#### **3.3.1 Option1: Confirm the Non-Immediate Article 4 Directions (Recommended)**

- 3.3.2 Confirm both of the Non-Immediate Article 4 Directions, therefore removing permanently the permitted development rights for change of use from Use Class C3 Dwellinghouses to C4 Houses in Multiple Occupation, in parts of Far Cotton/ Delapre and Cliftonville. This means that the Directions will come into effect on the 29 September 2018.
- 3.3.3 Once the Directions come into effect, planning permission will be required before a property can be used as a HMO for 3 to 6 unrelated people, giving the Council an opportunity to consider a proposal in more detail. All planning applications will be determined in accordance with the Development Plan and policy guidance. No fee will currently be required for these applications.

- 3.3.4 Concentrations of HMOs will continue to be managed in these areas which will have increasing pressure for HMOs particularly once the new University of Northampton formally opens to new intakes in its town centre location in September 2018. The local amenity and well-being of residents and adjoining occupiers will be considered as part of the planning application process.
- 3.3.5 There will be additional staff time required to deal with the additional planning applications.
- 3.3.6 Option 2: Do Nothing**
- 3.3.7 The two Non-Immediate Article 4 Directions can only come into force on 29 September 2018 if confirmed by the Council before that date. If the Article 4 Directions are not confirmed, landlords and property owners can continue to convert their properties from dwellinghouses to HMOs for 3 – 6 unrelated people who share basic facilities without the need for planning permission.
- 3.3.8 This could escalate the problems associated with the concentrations of HMOs. Given the issues and impacts associated with HMOs, this option is not recommended.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 The confirmation of the Non-Immediate Article 4 Directions does not completely remove the issues associated with HMO concentrations. It would result in a permanent requirement to apply planning permission for a change of use from C3 to C4. It does not mean that planning permission will be refused. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current Development Plan comprises the West Northamptonshire Joint Core Strategy (Local Plan Part 1), the Northampton Central Area Action Plan, Neighbourhood Plans and Supplementary Planning Documents. In addition, the Council also published an Interim Planning Policy Statement of Houses in Multiple Occupation, which provides a range of principles including acceptable thresholds for HMO concentrations. The Council is also in the process of preparing its Northampton Local Plan Part 2, which will replace all remaining saved policies and update relevant Central Area Action Plan policies.

### **4.2 Resources and Risk**

- 4.2.1 There will continue to be resourcing implications principally in terms of staff time that would otherwise be used on existing projects/ day to day work for the Council's Planning Service. The Development Management team has and will continue to deal with planning applications that would not have otherwise required planning permission and no fee can currently be levied for these applications.
- 4.2.2 There will be ongoing implications for the Council's Planning Enforcement team in respect of monitoring/ evidence gathering and enforcement action as well as additional mapping services from the Planning Policy team. This will need to be supported by the Private Sector Housing team in terms of evidence gathering and providing information on licensing.

### **4.3 Legal**

- 4.3.1 The making of these Directions require due legal process to be followed as prescribed by Schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015.
- 4.3.2 Legal support and advice will be required to confirm the Directions.
- 4.3.3 No compensation for the withdrawal of the permitted development rights is payable if the Local Planning Authority gives notice of the withdrawal between 12 months and 24 months in advance.

### **4.4 Equality and Health**

- 4.4.1 The Article 4 Directions (Immediate and Non-Immediate) were the subject of a Community Impact Assessment. The Assessment identified no negative impacts for any equality group but identified positive impacts for all including contributing towards health improvements. There remains a need for good quality affordable accommodation for students and those who share living accommodation in Northampton. The confirmation of the Non-Immediate Article 4 Directions means that the Council could ensure that new HMOs are of a high standard. The Council could also make sure that they would not lead to any unacceptable impact on neighbour amenity of other interest of acknowledged importance in the interests of all members of the community.
- 4.4.2 The confirmation of the Non-Immediate Article 4 Directions will remove permitted development rights permanently. This means that the occupiers/ owners of all dwellinghouses in the areas affected will require planning permission for the change of use from C3 dwellinghouses to C4 houses in multiple occupation.

### **4.5 Consultees (Internal and External)**

- 4.5.1 The Council consulted a range of consultees including statutory consultees, national and local landlords associations, residents associations and all Councillors. Information about the Directions and how people can respond were posted on the Council's website. Legal Notices were placed in 4 locations in Far Cotton and Delapre and 2 locations in Cliftonville and site visits were undertaken weekly to ensure that the Notices were still on site. The Legal Notices remained on site for 6 weeks. The Notices were also advertised in the Northampton Chronicle & Echo (Thursday 28 September edition) and on the Council's website. The Secretary of State was also consulted.

### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The confirmation of the Non-Immediate Article 4 Directions as recommended would introduce controls which would be exercised through the planning application process and associated planning enforcement process to help deliver safer communities; help those that need it to have a safe and secure home; and to ensure a clean and attractive town for residents and visitors.

### **4.7 Other Implications**

- 4.7.1 None.

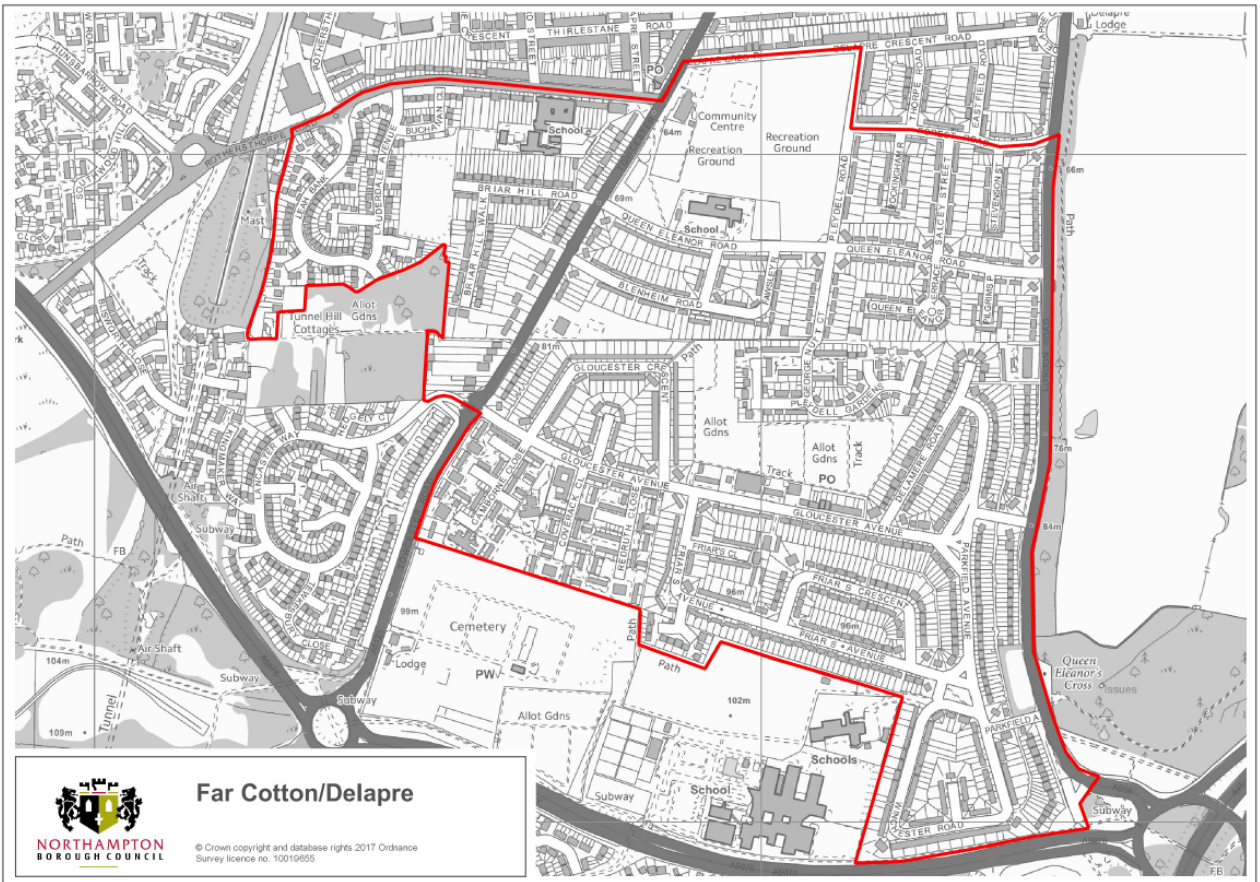
## **5. Background Papers**

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- 5.1 National Planning Practice Guidance (2014)
- 5.2 Cabinet Report on Article 4 Direction for Houses in Multiple Occupation (March 2017)
- 5.3 Justification Report to Cabinet Report (March 2017)
- 5.4 Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
- 5.5 The Town and Country Planning (Compensation) (England) Regulations 2015
- 5.6 Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- 5.7 Town and Country Planning (Use Classes) Order 1987 (as amended)

**Peter Baguley**  
**Head of Planning**  
**(Extension 8921)**

**Map 1:**  
**Boundary of the Non-Immediate Article 4 Direction in Far Cotton and Delapre**



**Map 2:**  
**Boundary of the Non-Immediate Article 4 Direction in Cliftonville**

