



CABINET REPORT

Report Title	ARTICLE 4 DIRECTION FOR HOUSES IN MULTIPLE OCCUPATION FOR THE REST OF THE BOROUGH
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	04 March 2019
Key Decision:	YES
Within Policy:	YES
Policy Document:	YES
Service Area:	Planning
Accountable Cabinet Member:	Councillor James Hill
Ward(s)	Billing, Boothville, Brookside, Castle, Delapre Briar Hill, East Hunsbury, Eastfield, Headlands, Kings Heath, Kingsley, Nene Valley, New Duston, Obelisk, Old Duston, Park, Parklands, Phippsville, Rectory Farm, Riverside, Rushmills, Spencer, St James, Talavera, Upton, West Hunsbury, Westone

1. Purpose

- 1.1 The purpose of this report is to ask Cabinet to agree the confirmation of the Non - Immediate Article 4 Direction removing permitted development rights for the change of use of dwellinghouses into houses in multiple occupation in the area of Northampton not currently covered by such an Article 4 Direction.

2. Recommendations

- 2.1 That Cabinet resolves to confirm the Article 4 Direction made by the Council on 7 November 2019 the effect of which will be to remove permitted development rights for the change of use from Class C3 Dwellinghouses to Class C4 Houses In Multiple Occupation in the area of the Borough as shown on Map 1 and which will come into force on 13 November 2020.

3. Issues and Choices

3.1 Report Background

3.1.1 Following the making of the Article 4 Direction on 7 November 2019 consultation took place between the 14th November and the 5th December 2019. The detailed outcome of the consultation can be found in the Consultation Statement, which accompanies this report. The Council must take account of any representations received during the consultation period when deciding whether to confirm the Direction. In summary, 12 respondents made comments and there were no objections to the proposal.

3.2 Issues

- 3.2.1 Currently, deemed planning permission is granted by the General Permitted Development Order 2015 (as amended) for the change of use of dwellinghouses to small houses in multiple occupation for 3 to 6 unrelated people who share basic amenities (known as a Permitted Development Rights). This has resulted in an increasing number of houses being changed into HMOs.
- 3.2.2 Members were informed at the meeting on the 16th October that HMOs play an important role in providing affordable accommodation for a range of people including students, migrant workers, key workers, young professionals and transient workers. However, several issues have been identified particularly in areas with high concentration of HMOs.
- 3.2.3 These have been reinforced in a study on HMO which was undertaken by Loughborough University in 2018 to provide evidence for the local plan. These include general poor upkeep and maintenance of private rented housing and dilapidation of housing stock and facades. More specifically, issues such as unkempt gardens, fly tipping, noise, anti-social behaviour and streets crammed with parked cars were highlighted.
- 3.2.4 The key problem is not the use of HMOs itself, but the concentration of HMOs. To address this, the Council has imposed Article 4 Directions for HMOs in parts of Northampton including Kingsthorpe, Abington, Far Cotton, Delapre and Cliftonville. The withdrawal of permitted development rights under an Article 4 Direction means that a planning application must be submitted to the Council, as Local Planning Authority for the change from a dwellinghouse to a house in multiple occupation. Such applications are determined in accordance with the relevant development plan documents and any other material considerations. Currently, the 2019 HMO SPD sets, amongst others, a threshold of 10% within a 50m radius as the acceptable proportion of HMOs as part of the overall housing stock.
- 3.2.5 However, areas that are not currently covered by an Article 4 Direction have started to experience similar problems. It was therefore agreed that the remaining areas of Northampton should be subject to an Article 4 Direction imposed so that HMOs will be properly managed without compromising the requirements to meet demand.

3.3 Choices (Options)

3.3.1 Option 1: Confirm the Notice for the Article 4 Direction for HMOs (preferred)

3.3.2 Currently, planning approval is not required for the change of use from dwellinghouses to HMOs in areas of Northampton outside the Article 4 Direction areas. If Cabinet approves the Non-Immediate Article 4 Direction for confirmation, planning applications for change of use from dwellinghouses to HMOs for 3 to 6 unrelated persons will be required, as of the 13th November 2020.

3.3.3 All planning applications will then be determined in accordance with the latest development plan policies including the Supplementary Planning Document on HMOs that was adopted in November 2019. This will allow the Council to manage the concentration of HMOs within Northampton borough.

3.3.4 Option 2: Do not confirm the Notice for the Article 4 Direction for HMOs

3.3.5 If Cabinet does not confirm the Direction, then the current system of permitted development rights will continue. This means that property owners can continue to convert their dwellinghouses into HMOs for 3 to 6 unrelated persons without the need to apply for planning permission. The Council will continue to have limited or no influence on the issues attributed to the concentration of HMOs including parking, litter and amenity space standards.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This Non-Immediate Article 4 Direction for HMOs will not introduce new planning policies. It is a legal procedure which seeks to remove an existing permitted development right. Once confirmed, planning permission will be required for the change of use from a dwellinghouse to a house in multiple occupation for 3 – 6 unrelated persons, sharing basic amenities. The Direction, if confirmed, will come into effect on the 13th November 2020.

4.2 Resources and Risk

4.2.1 There will be implications on staff resource, particularly Development Management, Enforcement and Planning Policy. There will be an increase in the amount of work associated with processing planning applications. There is a likelihood that complaints about HMOs without planning approval will increase and these complaints will need to be dealt with. Maps will need to be regularly updated to reflect the updated position with regards to existing HMOs including those have been granted planning approval and those that are licensed.

4.2.2 There will be an increase in the planning application fees received which could be used to contribute towards a more effective planning service delivery.

4.3 Legal

- 4.3.1 The confirmation of the Article 4 Direction requires due 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 Direction.
- 4.3.3 No compensation is payable for the withdrawal of the permitted development rights is payable if the Local Planning Authority gives notice of the withdrawal between 12 and 24 months in advance.

4.4 Equality and Health

- 4.4.1 An Equalities Impact Assessment was carried out for the submission draft Northampton Local Plan Part 2 (LPP2). As this Article 4 Direction is being introduced across the remaining parts of the Borough, and planning applications will be determined using existing policies and emerging policy directions, including those contained in the LPP2, the Equalities Impact Assessment undertaken for the draft LPP2 is relevant for this project. The Equalities Impact Assessment is available at:
https://www.northampton.gov.uk/info/200205/planning_for_the_future/1746/

4.5 Consultees (Internal and External)

- 4.5.1 The consultation period ran between the 14th November 2019 and the 5th December 2019. Copies of the Notice of Making were placed in all the affected wards for a minimum of 6 weeks. The Notice of Making was also placed in the Chronicle & Echo and on the Council's website. Copies of the Notice of Making, the Direction and the map were sent to the Secretary of State, the statutory consultees and non-statutory consultees (the latter include the landlord's forum, parish councils and residents associations). Copies were also made available in the Council's One Stop Shop and on the Council's website.
- 4.5.2 A total of 12 respondents made comments. There were no objections to the proposal.

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 The introduction of the Non-Immediate Article 4 Direction for HMOs across the remaining parts of the Borough that do not currently have one means that planning approval will be required for the change of use from a dwellinghouse to an HMO for 3 to 6 unrelated people who share basic amenities. This means that the growth of HMOs can be managed, and the wellbeing of both occupants and adjoining residents will be key considerations when determining the planning applications. This will contribute towards the delivery of Northampton's Corporate Plan 2019-21 including "more homes, better homes", "creating a cleaner, greener town" and "improving the health and wellbeing of local people". It will contribute towards shaping and driving growth by "keeping the town and people safe". It will result in the effective management of HMOs which will balance the demand for HMO units against

the need to protect the physical character, the environment and the residents affected by the HMO.

4.7 Environmental Implications (including climate change issues)

4.7.1 Although this does not relate directly to the Climate Emergency motions agreed in June 2019, the implementation of this Article 4 Direction for houses in multiple occupation could contribute towards the aims of the Climate Emergency declaration. In removing the permitted development right for the change of use from dwellinghouse to HMOs for 3 to 6 unrelated people, the Council will be able to determine these planning applications in accordance with the requirements set out in the Houses in Multiple Occupation SPD which was adopted in November 2019. For example, the document contains a principle which seek to secure the provision of adequate facilities and amenities, which can address issues such as litter and recycling, which will help improve the environment. Another relates to minimising flood risk.

4.8 Other Implications

4.7.1 There are no other implications arising directly from the proposals in this report.

5. Background Papers

5.1 National Planning Policy Framework, February 2019, Ministry of Housing, Communities and Local Government
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

West Northamptonshire Joint Core Strategy, December 2014, West Northamptonshire Joint Planning Unit -
<http://www.westnorthamptonshirejpu.org/connect.ti/website/view?objectId=2737424>

Northampton Local Plan Part 2 Submission Draft, May 2019, Northampton Borough Council
<https://www.northampton.gov.uk/info/200205/planning-for-the-future/2426/northampton-local-plan-part-2-proposed-submission>

Northampton's Houses in Multiple Occupation Supplementary Planning Document, November 2019, Northampton Borough Council
<https://www.northampton.gov.uk/info/200205/planning-for-the-future/2484/houses-in-multiple-occupation-hmo-spd-2019>

6. Next Steps

6.1 If Members decide to confirm the Direction, a Notice of Confirmation will be advertised in the local paper, posted on the Council's website and placed in all the affected wards. Copies of the legal documents will need to be sent to the Secretary of State for Housing, Communities and Local Government, statutory

consultees and non-statutory consultees. Copies will also be placed in the Council's One Stop Shop and on the website.

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**Map 1:
Areas not currently covered by Article 4 Direction for houses in multiple occupation**

