

DECISION NOTICE

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

Decision maker: Portfolio Holder for Planning

Decision in the matter of: CE 19/20-55 Houses in Multiple Occupation Supplementary Planning Document

Decision: That, having considered the recommendations of the Strategic Planning Board:

- 1 the Draft Houses in Multiple Occupation Supplementary Planning Document be approved for six weeks of public consultation, subject to the following amendments being made:
 - in considering proposals for HMOs, details of proposed sound insulation measures shall be provided with planning applications and such measures should ensure that any noise arising from the use of the dwelling as a HMO does not have an adverse impact upon the amenity of adjacent dwellings;
 - in respect of paragraph 5.16 of the document the text should be clarified to refer to a single person or two persons;
 - all bedrooms should have at least one opening window;
 - in respect of paragraph 5.22 of the document it should be amended to read as follows 'any proposed parking must not result in the loss of front gardens and/or boundary walls.
- 2 the associated Strategic Environmental Assessment and Habitats Regulations Screening Report and the associated Equalities Impact Assessment Screening Report be published along with the Draft Houses in Multiple Occupation Supplementary Planning Document.

Background: Houses in Multiple Occupation (HMO) are defined as single dwellings occupied by a number of separate households/ unrelated individuals. Under the Town & Country Planning (Use Classes) Order 1987 (as amended) a small HMO (Class C4) accommodates between 3 and 6 unrelated individuals and a large HMO (Sui Generis – outside of any use class) accommodates 7 or more unrelated individuals.

The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a dwelling (Class C3) to a small HMO (Class C4) without the need to apply to the council for planning permission. The change of use of a dwelling to a larger HMO (Sui Generis) requires the submission of a planning application.

Article 4 of the GPDO enables local planning authorities to withdraw specified permitted development rights in a defined area. Once an Article 4 Direction comes into force, a planning application is then required for the specific permitted development withdrawn. The withdrawal of permitted development rights does not imply that planning applications will be automatically refused if they are submitted. The submission of a planning application simply gives the local planning authority opportunity to consider a proposal against relevant planning policies, supplementary planning documents (where available) and any other material planning considerations.

At its meeting on the 3 December 2019, Cabinet considered a report which sought authorisation to make 3 non-immediate Article 4 Directions to remove permitted development rights for the change of use of dwellings to small HMOs (accommodating 3-6 unrelated individuals) in parts of Crewe. The removal of permitted development rights was authorised at that meeting and justified based on evidence of high concentrations of HMOs in those particular areas together with a coincidence of local amenity issues.

In the report to Cabinet, it was stated that additional planning policy guidance in the form of a draft Supplementary Planning Document (SPD) would be prepared to align with the Article 4 Direction(s) coming into force.

While it is not a requirement that an SPD is produced to support an Article 4 Direction, it is considered best practice to ensure their effective implementation. The SPD would be a material consideration in the determination of all planning applications for changes of use to HMOs across the borough, not just those dwellings that may be affected by an Article 4 Direction (once brought into effect).

Unfortunately, due to the recent Covid-19 pandemic, progress with the Article 4 Directions has been delayed. This is due to legislative requirements which require consultation documents to be placed 'on deposit' for public inspection at council offices and at such other places within the borough (normally libraries) during normal office hours.

Public consultation on the SPD will take place at the earliest opportunity, alongside the consultation for the three non-immediate Article 4 Directions in Crewe.

Background Documents:

Report to Cabinet 3 December 2019 - 'Proposed Article 4 Directions for Small Houses in Multiple Occupation'.

Report to Strategic Planning Board 29 July 2020 – 'Draft Houses in Multiple Occupation Supplementary Planning Document'.

Report to the Portfolio Holder for Planning - 'Draft Houses in Multiple Occupation Supplementary Planning Document'

Approved: Councillor Toni Fox
Portfolio Holder for Planning

Date: 17 August 2020

**Executive
Director:** Frank Jordan
Executive Director Place