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## **Cabinet**

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**Date of Meeting:** 03 December 2019

**Report Title:** Proposed Article 4 Directions for Small Houses in Multiple Occupation

**Portfolio Holder:** Councillor Toni Fox - Planning

**Senior Officer:** Frank Jordan, Executive Director Place

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### **1. Report Summary**

- 1.1 This report considers the making of three non-immediate Article 4 Directions to withdraw permitted development rights for the conversion of individual dwellings (Use Class C3) to small Houses in Multiple Occupation (HMOs) (Use Class C4) for parts of Crewe.

### **2. Recommendations**

2.1 That Cabinet:

- 2.1.1 Authorises the making of three non-immediate Article 4 Directions, giving a period of at least 12 months between notification and it coming into force, for the areas shown on the maps attached at Appendix A (Nantwich Road area, Crewe), Appendix B (West Street area, Crewe) and Appendix C (Hungerford Road area, Crewe);
- 2.1.2 Authorises the Executive Director-Place to carry out the necessary statutory procedures for the making of the Article 4 Directions, including public consultation;
- 2.1.3 Delegates authority to the Portfolio Holder for Planning to confirm the Directions having considered the feedback from the public consultation.

### **3. Reasons for Recommendations**

- 3.1 If approved, this would put Article 4 Directions in place for three areas in Crewe where there are concentrations of HMOs. The accompanying evidence paper (Appendix D) highlights that there are various local amenity and other issues in these areas. The Article 4 Directions would bring all new proposals to convert dwellinghouses into HMOs under planning control.

### **4. Other Options Considered**

- 4.1 The various options concerned with the making of an Article 4 Directions are set out in the report.
- 4.2 The Council could choose not to introduce one or more of the Article 4 Directions. The change of use of individual dwellings to small HMOs would remain as permitted development, however large scale HMOs would continue to require planning permission. However, this option runs contrary to the evidence set out in Appendix D, which demonstrates that the Article 4 Directions are justified.
- 4.3 The Council will also pursue other measures alongside the Article 4 Directions in order to address impacts arising from HMOs and/ or the wider Private Rented Sector. This would include measures relating to environmental management, enforcement and the introduction of selective licencing to improve standards in accommodation. However, these measures alone would not have the effect of controlling the creation of additional HMOs in these areas.
- 4.4 The Council could prepare supplementary planning guidance regarding HMOs but not put in place an Article 4 Direction. However this would only influence the outcome of planning applications for large HMOs. It would not have any bearing on the development of new small HMOs created through permitted development.

### **5 Background**

- 5.1 The Environment and Regeneration Overview and Scrutiny Committee has been considering the issues of extra controls in the private rented sector and also the introduction of possible planning controls in the form of an Article 4 Direction in Crewe associated with the concentration of houses in multiple occupation. At its meeting in March 2019, it resolved:

*“1 That the committee endorses the recommendation to give further consideration to an Article 4 Direction to remove permitted development rights in respect of HMOs through the collation of evidence in relation to specific, identified areas, and*

*2 That the committee recommends that the two processes of gathering evidence for selective licensing and the introduction of an Article 4 Designation, be carried out at the same time.”*

- 5.2 This report summarises the evidence that has been gathered to support the making of the recommended Article 4 Directions. In line with the committee’s recommendation, this includes data and research that has been provided by the Council’s Housing Standards and Adaptions Team. A report regarding selective licensing has also been prepared for consideration by Cabinet.

### **Planning controls for Houses of Multiple Occupation**

- 5.3 HMOs 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.
- 5.4 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.
- 5.5 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.

## **Use of Article 4 Directions**

- 5.6 The National Planning Policy Framework (NPPF) states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where they are necessary to protect local amenity or the well-being of the area. Planning guidance also confirms that blanket Article 4 Directions covering large areas (for example, the whole of a town) are not encouraged unless there is convincing evidence to justify such a direction.
- 5.7 It should be recognised that HMOs and the wider private rented sector play a key role in meeting housing needs in the borough. HMOs provide an important source of low cost, private sector housing for those on lower incomes, students and those seeking temporary accommodation. However, a concentration of HMOs in a particular area can change its character, increase demand on services and infrastructure, leading to conflicts with the existing community.
- 5.8 Article 4 Directions can be used as a tool to assist in monitoring and managing the number of new HMOs created within a particular area in order to protect local amenity and wellbeing and to support balanced communities.

## **Evidence for an Article 4 Direction**

- 5.9 There is generally no single piece of evidence that can be used to establish whether an Article 4 Direction is necessary to protect local amenity or the wellbeing of the area.
- 5.10 Information about the number and location of HMOs in a particular area is likely to be the most compelling piece of evidence to show whether a concentration exists. Other evidence can be used to build up a picture of the area, for example, crime records, environmental complaints and observations about the character and appearance of the area.
- 5.11 Such evidence has been collected, the key findings of which are summarised below.

### Distribution of HMOs within Cheshire East

- 5.12 There are currently 659 known HMOs<sup>1</sup> within Cheshire East. This figure includes both large and small HMOs, licensed and unlicensed.
- 5.13 The majority of all known HMOs are located within the Crewe titled wards<sup>2</sup> (454 HMOs or 72%). 97 HMOs are located within Macclesfield (15%) with the remaining 13% being scattered across the towns of Congleton, Alsager, Knutsford, Nantwich and Middlewich (around 1-2% across each town).
- 5.14 Of the 454 known HMOs located in the Crewe titled wards, 42% are located within the Crewe South Ward (262 HMOs). 10% are in the Crewe East ward (65 HMOs), 9% in the Crewe Central Ward (57 HMOs), 7% in the Crewe West Ward (47 HMOs) and 4% in the Crewe St Barnabas Ward (23 HMOs).

### Mapping of HMOs

- 5.15 Mapping enables the identification of concentrations. The Crewe South Ward has by far the highest concentration of HMOs in the Borough (262 HMOs). This area includes the streets to the north and south of Nantwich Road such as Walthall Street, Ruskin Road, Catherine Street and Bedford Street.
- 5.16 The mapping highlights two other potential areas of concentrations, these run along the main routes of West Street and Hungerford Road.
- 5.17 In terms of the Hungerford Road area, which largely lies within the Crewe East Ward (65 HMOs), there are a number of HMOs located along the main road itself together with lower levels of HMOs in the surrounding residential streets.
- 5.18 With regards to the West Street area, which largely lies within the Crewe Central Ward (57 HMOs) there are a number of HMOs located along the West Street itself, with concentrations of HMOs in the streets to the south of West Street such as Richard Street, Samuel Street and Bright Street.

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<sup>1</sup> Sources of known HMOs includes council tax records, building control applications, planning applications, licensing data, information received from the fire service, intelligence received, information from landlords and advertisements.

<sup>2</sup> Crewe titled wards include Crewe Central, Crewe North, Crewe East, Crewe West and Crewe South.

- 5.19 From the mapping, it is clear that the area with the highest concentrations of HMOs is Crewe and in particular the areas to the north and south of Nantwich Road. There are also concentrations, albeit to a lesser extent, in the streets surrounding the West Street and the Hungerford Road area.

#### Planning application data

- 5.20 Since 2010, approximately 42 planning applications have been determined for large HMOs. 40 of these applications were subsequently approved. Of the 2 that were refused, 1 was allowed at appeal.
- 5.21 Looking at the distribution of the applications determined, the majority were within the Crewe area (35 applications). Of these applications, 15 were within the Crewe South Ward with a further 9 applications in the Crewe Central Ward.
- 5.22 However, planning application data does not provide particularly strong evidence of HMO creation. This is because the size and nature of the housing stock in the areas with the highest concentration of HMOs (often smaller terraced properties) currently limits the number of planning applications made.

#### Environmental Issues

- 5.23 Evidence gathered for the period February 2017 – February 2019 shows that there have been 5,770 recorded fly tipping reports within the Borough. Of these reports, 65% were in Crewe.
- 5.24 All streets that have experienced 30 or more fly tipping reports over this period have been mapped. There are no streets outside of Crewe that have experienced 30 or more incidents (including Macclesfield). The mapping shows a strong correlation between the streets with the highest reports of fly tipping and those with high concentrations of HMOs, for example West Street (193 reports), Walthall Street (190 reports), Lord Street (108 reports) and Lawton Street (92 reports). These areas are generally densely populated compared to other parts of Cheshire East.
- 5.25 There is less evidence of high levels of fly tipping in the Hungerford Road area. There were 26 reported incidents on Hungerford Road itself - this falls just below the mapping threshold.

### Environmental Health Complaints

- 5.26 For the period of February 2017 - July 2019, there were 3,397 recorded environmental health complaints<sup>3</sup> across the Borough (of which 3,179 could be mapped). Mapping of these complaints shows higher levels in the area to the north and south of Nantwich Road including Gresty Road and West Street and the surrounding area.
- 5.27 Lower levels of environmental health complaints were experienced in the Hungerford Road area, although levels are higher in part of this area than the borough average.

### Anti-social behaviour & Drugs

- 5.28 During the year ending the 31 March 2019, there were 7,945 recorded anti-social behaviour and drugs related offences across the Borough. The mapping of offences highlights that the areas with the highest recorded offences are Macclesfield and Crewe Town Centres. Outside of these areas, heat mapping identifies concentrations around the Nantwich Road and West Street areas. The mapping shows a pocket of anti-social behaviour around the junction of Macon Way with Hungerford Road.

### Crime data

- 5.29 Crime data for the year ending 31 March 2018<sup>4</sup> indicates that the number of crimes recorded in the Borough were highest within the town centres of Crewe and Macclesfield. In 2018, Crewe Central had the highest number of crimes (2,650 crimes or 8.6%) followed by Macclesfield Central (1,917 or 6.2%). Third was Crewe South (1,884 crimes or 6%) followed by Crewe East (1,645 or 5.3%).
- 5.30 Heat maps have been produced to show the location of crimes (excluding shop lifting). Excluding town centres, the mapping indicates higher levels of crime around the Nantwich Road and West Street areas and to a lesser extent around the Hungerford Road area.

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<sup>3</sup> Includes complaints concerning noise, animals, fires, deposits on land, filthy and verminous properties and air pollution

<sup>4</sup> Includes 2017 and 2018 ward crime data.

### Alley gates

- 5.31 The council has installed a number of alley gates within Crewe. These gates were installed as a response to crime and disorder issues. The location of installed alley gates therefore potentially highlights those areas that have experienced amenity issues in the past.
- 5.32 Mapping of alley gates clearly highlights concentrations to the north and south of Nantwich Road and the West Street area. There are no alley gates in the Hungerford Road area.

### House prices

- 5.33 The average house price within Cheshire East is £234,995. In Crewe, areas with lower house prices include the areas surrounding Crewe Town Centre, including the West Street area where average property prices are in the region of £70,000 to £99,000.
- 5.34 House prices in the area to the north and south of Nantwich Road range are generally higher, in the region of £85,000 to £110,000. The Hungerford Road area has higher value properties to the West Street and Nantwich Road areas with property prices in the region of £131,000 to £158,000. Average house prices in the Hungerford Road area may reflect the existence of higher value detached and semi-detached dwellings also located within this area.
- 5.35 Lower prices within the West Street and Nantwich Road areas could potentially increase the attractiveness of properties to investors/ landlords.

### **Direction areas – options considered**

- 5.36 Having regard to concentrations of HMOs and all evidence gathered, the following options have been considered for a possible Article 4 Direction:

### Nantwich Road area

- 5.37 Mapping clearly shows concentrations of HMOs within the streets to the north and south of Nantwich Road. The size and nature of the properties (and house prices) within the area may make these properties particularly attractive for use as small HMOs.
- 5.38 Many of the streets within this area are characterised by terraced properties with no or little off road car parking available. The roads are relatively



narrow taking into account the on-street car parking which is often continuous to either side. A high density of HMOs in densely populated areas can result in parking availability problems, issues for emergency vehicles and poor access for residents, especially for those with mobility problems or care needs. The presence of parking close to junctions and on pavements can also result in road and pedestrian safety problems.

- 5.39 The character of these residential streets could exacerbate noisy activity being amplified for residential occupiers. This area has high numbers of Alley Gates, which is an indication of previous anti-social behaviour issues.
- 5.40 The evidence gathered shows correlations between the streets surrounding Nantwich Road particularly with high levels of fly-tipping and environmental health complaints. Litter and overgrown vegetation have been observed within the area, although the physical condition of known HMOs is not necessarily distinguishable from other dwellings within the area.
- 5.41 Taking into account concentrations of HMOs in this area together with the occurrence of various local amenity and other issues, it is considered that there is sufficient justification for an Article 4 Direction in this area on the grounds of amenity and wellbeing.
- 5.42 Officers have visited the area and walked the area of the proposed direction. The proposed boundary takes in the areas with properties that lend themselves to small HMOs and those streets with the highest concentrations. A map of the proposed Article 4 Direction boundary is attached at Appendix A.

#### West Street area

- 5.43 The majority of HMOs are located along West Street, this is a busy road with a mix of commercial and residential properties. There are concentrations of HMOs in the residential streets to the south of West Street. To the north of West Street, HMO numbers are quite limited and are generally more dispersed.
- 5.44 A number of the streets to the south of West Street include older terraced properties with roads being relatively narrow. There is very little off road car parking available. The nature of the streets taken with concentrations of HMOs can exacerbate parking availability, issues for access by emergency vehicles and access for residents, especially for those with mobility problems or care needs. Safety problems can also arise from vehicles parking close to junctions and on pavements.

- 5.45 The character of these residential streets could exacerbate noisy activity being amplified for residential occupiers. This area also has high numbers of Alley Gates, which is an indication of previous anti-social behaviour issues.
- 5.46 The evidence gathered shows correlations between West Street and the surrounding area with high levels of fly-tipping and environmental health complaints, particularly along West Street itself and the streets to the south.
- 5.47 Taking into account concentrations of HMOs in this area together with the occurrence of various local amenity and other issues, it is considered that there is sufficient justification for an Article 4 Direction in this area on the grounds of amenity and wellbeing.
- 5.48 Officers have visited the area and walked the area of the proposed direction. The proposed boundary takes in the areas with properties that lend themselves to small HMOs and those streets with the highest concentrations. A map of the proposed Article 4 Direction boundary is attached at Appendix B.

#### Hungerford Road area

- 5.49 The majority of HMOs in this area are located along Hungerford Road, a busy main road that contains a mix of residential and commercial properties. The environmental quality of the area is generally good. House prices are higher in this area than the West Street and Nantwich Road areas. While the mapping does not reveal high concentrations of HMOs in the quieter, surrounding residential streets, there are pockets of traditional terraced houses particularly in the streets to the south with high levels of on-street car parking.
- 5.50 While there is less evidence of social, environmental and economic issues in this area, there is a clear concentration of HMO's plus an availability of house types that could lend themselves to conversion. On balance, it is considered that there is sufficient justification for an Article 4 Direction on the grounds of amenity and wellbeing.
- 5.51 Officers have visited the area and walked the area of the proposed direction. The proposed boundary takes in the areas with properties that lend themselves to small HMOs and those streets with the highest concentrations. A map of the proposed Article 4 Direction boundary is attached at Appendix C.

### Crewe – whole town

- 5.52 A town-wide Direction would enable the council to exercise a degree of control to the development of small HMOs (use class C4) across Crewe. There are examples of authorities elsewhere in the country applying such town wide directions, however Planning Practice Guidance states that where such large scale areas are proposed greater justification is required for the designation.
- 5.53 The mapping of all HMOs known to the council reveals that they tend to be concentrated within specific parts of the town. The evidence does not currently suggest that HMOs are likely to present to a significant extent outside these areas. It is therefore considered that it would be difficult to support a town-wide direction at this time.

### **Procedural Risks and costs**

- 5.54 Article 4 Directions to withdraw permitted development rights can be made with either immediate effect or non-immediate effect. With non-immediate Directions, permitted development rights are only withdrawn after a period of consultation and confirmation of the Direction.
- 5.55 There are compensation liabilities arising from the making of an immediate Article 4 Direction. For a period of up to 12 months after making an Article 4 Direction developers can claim compensation for any abortive expenditure or other loss attributed to the withdrawal of permitted development rights. This could arise in circumstances where planning permission was refused or granted subject to restrictive conditions. However, where a minimum of 12 months of prior notice of the withdrawal of permitted development rights is given prior to it coming into force, there is no ability to claim compensation.
- 5.56 The level of risk involved by making an Article 4 Direction without the 12-months notice period is difficult to judge, but given that there is evidence of high concentrations within these areas and as such, high demand for the conversion of properties to HMOs, there is potentially a high risk of compensation claim(s). The prospect of speculative applications submitted solely for the purpose of giving rise to compensation liability cannot be discounted either.
- 5.57 The recommended making of non-immediate Article 4 Directions, giving at least 12 months notice before it comes into force would avoid such liability.

## Next steps – the process for making an Article 4 Direction

5.58 An indicative timetable for the making of the Article 4 Directions, allowing for non-immediate 12-month notice periods is shown in the table below:

Timeframe	Task
December 2019 – January 2020	<ol style="list-style-type: none"> <li>1. Make and seal the Directions;</li> <li>2. Publish a notice that the Directions have been made (in accordance with the requirements of the GPDO). This includes publication of the notice by: <ul style="list-style-type: none"> <li>• local advertisement;</li> <li>• by site display at no fewer than 2 locations within the area to which the direction relates for a period of not less than 6 weeks.</li> </ul> </li> <li>3. Invite written representations for a period of no less than 21 days.</li> <li>4. Notify the Secretary of State that the Directions have been made.</li> </ol>
Spring/ Summer 2020	<ol style="list-style-type: none"> <li>5. Update ward members on the results of the consultation.</li> <li>6. Report back to the Portfolio Holder for Planning on the results of the consultation. A decision will be taken on whether or not to confirm the Article 4 Directions.  If confirmed, publish notice of the confirmation. The Directions will then come into force 12 months from the date that notice was first given (task 2 above).</li> <li>7. Give notice of the confirmation of the Article 4 Directions, including to the</li> </ol>

	Secretary of State.
Jan/Feb 2021	8. Depending on the outcomes above, the Directions would come into force early 2021.
Post implementation	9. To monitor and review the Directions, considering whether the original rationale for the Directions remains valid.

### **Benefits and limitations**

- 5.59 The effect of an Article Direction is that planning permission will be required for the conversion of single-family dwellings to new small HMOs in the C4 Use Class. This does not mean that such planning applications will be refused planning permission, but will be subject to the need for planning permission, and assessment under adopted planning policies.
- 5.60 An Article 4 Direction cannot be applied retrospectively on existing HMOs and permitted development rights can be used up until the point at which the Direction comes into force. This means that the impacts of the Article 4 Direction will not be immediate.
- 5.61 There is a risk that non-immediate Article 4 Directions may result in additional HMOs being created within the 12 month notice period in order to avoid the need for planning permission.
- 5.62 The Directions will allow for greater planning control in determining the appropriateness of new small HMO development on a case-by-case basis. An Article 4 Direction cannot solve all problems. However it can play a part in improving HMOs, raise housing standards in the borough, and address many of the social and environmental problems caused by HMOs, as well as addressing the concerns about balanced communities.

### **Contribution to strategic outcomes**

- 5.63 The making of the Article 4 Directions will contribute to a number of the strategic outcomes identified in the Cheshire East Corporate Plan 2017-2020.

These include:

Outcome 1 – Our local communities are strong and supportive

- 5.64 Bringing the change of use of dwellings to HMO's under control through the planning process will provide existing residents with an opportunity to have their say regarding future development adjacent to their property or within their local area via the planning application consultation process. The making of an Article 4 Direction can assist in addressing concerns about balanced communities in these areas.

Outcome 4 – Cheshire East is a green and sustainable place

- 5.65 The proposed Article 4 Directions will enable proposals to be considered against relevant planning policies which seek to ensure that new development addresses the environmental, economic and social needs of the area.

Outcome 5 – People live well and for longer

- 5.66 Article 4 Directions can play a part in improving housing standards in the borough and addressing associated social and environmental issues.

## **6 Implications of the Recommendations**

### **6.1 Legal Implications**

- 6.1.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 allows a local planning authority to make an Article 4 Direction to remove permitted development rights. The procedure for making an Article 4 Direction and the consultation requirements are set out in this report.

Human Rights

- 6.1.2 The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of all of the owners of land in Nantwich Road area, West Street and Hungerford Road areas of Crewe under the Human Rights Act 1998 have been considered, in particular those contained within Article 1 of the Convention which relates to the Protection of Property and Article 8 of the Convention, which protects private and family life, home and correspondence. Both have been taken into account by the Council in

the consideration of consulting upon the making of these non-immediate Article 4 Directions.

- 6.1.3 The Article 4 Directions will not interfere with implemented development rights enjoyed by the owners and residents as the Directions do not have retrospective effect. It will only affect future planning applications made in respect of a change of use from a dwellinghouse (use class C3) to a House in Multiple Occupation for not more than 6 people (use class C4) by ensuring that an express application for planning permission is made.
- 6.1.4 The aim of the Article 4 Direction is to limit harm to the amenity of existing residents and to also to maintain, as far as possible, a balanced and mixed community. The council considers that the advantages of making the Article 4 Direction substantially outweigh the disadvantages to those property owners and residents who will no longer be able to benefit from the permitted rights in the future.

## **6.2 Finance Implications**

- 6.2.1 The cost of the making of a non-immediate Article 4 Direction including consultation and implementation will be funded within existing service budgets.
- 6.2.2 A planning application fee will be payable for those applications for small HMOs in the designated area once the Direction is in force (currently £462 for a change of use) thereby making a contribution to the core costs of the planning service.
- 6.2.3 In addition, the Council Tax team are notified of planning applications and monitor properties with relevant applications for changes that will affect the Council Tax base. The introduction of the Article 4 Directions and the requirement for planning permission, will alert the Council Tax team to possible changes that previously they may not have been aware of.
- 6.2.4 As reported, the introduction of an immediate direction (one that gives less than 12 months between notification and coming into force) could give rise to claims for compensation, on the basis of loss of potential value, in the area covered by the Article 4 Direction. The number of potential claims against the authority are likely to increase proportionate to the area to be covered by any Direction(s) and the prospect of speculative applications submitted solely for the purpose of giving rise to compensation liability cannot be discounted. That risk can

be avoided by allowing for a period of at least 12 months between giving notice of the making of a Direction and it coming into force.

### **6.3 Policy Implications**

- 6.3.1 Planning applications submitted for HMOs will be assessed against relevant planning policies, supplementary planning documents and any other material planning considerations.
- 6.3.2 In the case of the Crewe & Nantwich area, the adopted development plan comprises of the 'saved' policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNLP) and the Cheshire East Local Plan Strategy 2017 (LPS).
- 6.3.3 CNLP Policy RES.9 'Houses in Multiple Occupation' provides criteria against which HMO proposals will be considered, including the impact upon the amenity of the area. LPS Policy SC4 states that housing proposals should maintain, provide or contribute to a mix of tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Planning applications submitted for large HMOs are currently assessed against these policies.
- 6.3.4 The council recently consulted on its Publication Draft Site Allocations and Development Policies Document (SADPD) between the 19th August and 30 September 2019. Draft SADPD Policy HOU 4 'Houses in Multiple Occupation' contains criteria for assessing planning applications for HMOs. In particular, the draft policy requires consideration of existing concentrations of HMOs in the vicinity of a development proposal with the policy seeking the avoidance of the 'sandwiching' of any dwelling between HMOs. The supporting text confirms that particular scrutiny will be given to applications for HMOs where more than 10% of properties in any single road or street are already in such use. If adopted, Policy HOU 4 will replace CNLP Policy RES.9.
- 6.3.5 In the event that Cabinet authorises the making of the Article 4 Directions, further policy guidance in the form of a draft Supplementary Planning Document (SPD) will be prepared to align with the Direction coming into force. The purpose of the SPD will be to provide detailed planning guidelines against which planning applications will be assessed. The SPD will be subject to its own public consultation process before it is approved for use in assessing planning applications.



## **6.4 Equality Implications**

6.4.1 The Public Sector Equality Duty was created by the Equality Act 2010 in order to harmonise the previous race, disability and gender equality duties and to extend protection to the protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

6.4.2 In summary, the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

6.4.3 Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6.4.4 An Equality Impact Assessment has been prepared. It has highlighted that the consultation stage of the Article 4 Direction process could potentially affect protected characteristics in terms of race, age and disability. This will be addressed through the method of consultation and the format of any materials.

6.4.5 The Equality Impact Assessment will be updated and finalised in light of any representations received.

## **6.5 Human Resources Implications**

6.5.1 There are no new implications.

## **6.6 Risk Management Implications**

- 6.6.1 The risks associated with the making of non immediate and immediate Article 4 Directions and other options considered are set out in the Report.
- 6.6.2 There is a risk that HMOs could increase elsewhere in the Borough or in areas outside of but adjacent to the Direction areas to avoid the need to apply for planning permission.
- 6.6.3 Planning guidance suggest that Article 4 Directions should be monitored post implementation to ensure that the original rationale remains valid. As part of this monitoring process, consideration will be given to the number and location of known HMOs and Article 4 Directions can be reviewed if necessary having regard to the relevant process for doing so.

## **6.7 Rural Communities Implications**

- 6.7.1 There are no direct implications for rural communities.

## **6.8 Implications for Children & Young People/Cared for Children**

- 6.8.1 If approved, an Article 4 direction would support the well-being of the areas identified which would benefit Children and Young People.

## **6.9 Public Health Implications**

- 6.9.1 There are no direct implications for public health.

## **6.10 Climate Change Implications**

- 6.10.1 There are no direct implications for climate change.

## **7 Ward Members Affected**

- 7.1 Crewe Central – Cllr Anthony Critchley  
Crewe South – Cllr Dorothy Flude & Cllr Steven Hogben  
Crewe East – Cllr Joy Bratherton, Cllr Suzanne Brookfield & Cllr Hazel Faddes  
Crewe West – Cllr Brian Roberts & Cllr Marilyn Houston

## **8 Consultation & Engagement**

- 8.1 Consultation and engagement will be carried out reflecting the equality implications noted above.

## **9 Access to Information**

9.1 The following documents are appended to this report:

Appendix A: Proposed Nantwich Road Article 4 Direction Boundary

Appendix B: Proposed West Street Article 4 Direction Boundary.

Appendix C: Proposed Hungerford Road Article 4 Direction Boundary

Appendix D: Evidence to justify the purpose and extent of an Article 4 Direction for parts of Crewe.

## **10 Contact Information**

10.1 Any questions relating to this report should be directed to the following officer:

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