

## TRAFFORD COUNCIL

Report to: Executive  
Date: 19<sup>th</sup> March 2018  
Report for: Decision  
Report of: Executive Member for Housing and Strategic Planning

### Report Title

Houses in Multiple Occupation Supplementary Planning Document - Adoption

### Summary

Following the end of the public consultation period and consideration of the responses received, this report seeks approval to adopt a Supplementary Planning Document to support the implementation of an Article 4(1) Direction which removes permitted development rights for the change of a dwelling house (Use Class C3) into a House in Multiple Occupation (Use Class C4) across the borough.

### Recommendation(s)

That the Executive:

1. Note the consultation responses and amendments made to the Houses in Multiple Occupation Supplementary Planning Document.
2. Approve the Houses in Multiple Occupation Supplementary Planning Document (SPD6) for adoption as Council Policy.
3. Delegate authority for approving any minor changes to the wording and/or layout of the Houses in Multiple Occupation Supplementary Planning Document prior to publication, and for the carrying out of all procedural actions related to the adoption process, to the Director of Growth and Regulatory Services

Contact person for access to background papers and further information:

Name: Stephen James  
Extension: 4330

Background Papers: None

*Implications:*

<p>Relationship to Policy Framework/Corporate Priorities</p>	<p>The Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) will assist in implementing the Article 4(1) Direction which seeks to control the numbers of houses in multiple occupation. The Article 4(1) Direction and the HMO SPD will therefore contribute to the Corporate Priority of: Improving health and wellbeing of residents and fighting crime.</p>
<p>Financial</p>	<p>None arising directly from the adoption of the HMO SPD but some financial implications may arise from the making of the associated Article 4(1) Direction referred to in this report i.e. compensation claims from owners/purchasers of properties in the 12 months following the Article 4(1) Direction coming into effect. This is limited to directly attributable losses where an application is refused or conditions applied under the Direction, e.g. abortive costs of preparing plans.</p>
<p>Legal Implications:</p>	<p>Once adopted as Council policy, the HMO SPD will be a material consideration in determining relevant planning applications.</p> <p>Following the adoption of the HMO SPD, there will be a period of three months, during which time any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD.</p>
<p>Equality/Diversity Implications</p>	<p>The HMO SPD is related to the implementation of an Article 4(1) Direction for HMOs. An EIA has been carried out in relation to the making of the Article 4 Direction and there are not considered to be any significant equality/diversity implications relating to that, therefore it follows that there will be none in relation to the HMO SPD.</p>
<p>Sustainability Implications</p>	<p>The main strategic objectives of the HMO SPD are the same as objectives in a number of Policies of the Trafford Core Strategy which were found to be sustainable.</p>
<p>Resource Implications e.g. Staffing / ICT / Assets</p>	<p>The making of the Article 4(1) Direction and the production of the HMO SPD have been carried out by staff within the Planning and Development and Strategic Growth Services. The adopted HMO SPD will be available to view electronically via the</p>

	web.
Risk Management Implications	The HMO SPD will support the delivery of the Council's HMO Article 4(1) Direction and therefore its Development Management function. If the HMO SPD was not adopted it could undermine the delivery of Council policy.
Health & Wellbeing Implications	The HMO SPD will assist in implementing the Article 4 (1) Direction which seeks to control the numbers of houses in multiple occupation. The Article 4 (1) Direction will contribute to achieving an improvement in the health and wellbeing of residents in Trafford, therefore this HMO SPD will also assist in improving the health and wellbeing of residents in Trafford.
Health and Safety Implications	None

## 1.0 Background

- 1.1 A new University campus and associated student accommodation is proposed at a number of locations within Stretford (known as 'University Academy 92') with an anticipated opening date of September 2019. These proposals are likely to be accompanied by a significant number of students moving into the borough and the Stretford area in particular.
- 1.2 There is a need to appropriately manage the delivery of student housing both to ensure the provision of good quality accommodation, and to minimise any potential adverse effects on the local community and housing market. A new population of students in the area will lead to opportunities for landlords to offer 'student house' type accommodation as HMOs.
- 1.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (referred to hereafter as the GPDO) came into force on 15 April 2015. The GPDO deems a change of use from a dwelling house to a house in multiple occupation (HMO) of up to six people to be 'permitted development'; i.e. a planning application is not required to make this change.
- 1.4 Article 4(1) of the GPDO allows for a local planning authority to make a Direction that permitted development rights are withdrawn from certain use classes of development set out in the GPDO, meaning that any change of use would require a planning permission. The Planning and Development Management Committee will be asked, on March 8<sup>th</sup> 2018, to confirm the making of an Article 4(1) Direction in relation to HMOs for all land within the boundary of Trafford borough.
- 1.5 Although it is not a requirement that an SPD is produced to support an Article 4(1) Direction, it is considered to be best practice to ensure its effective implementation. The Houses in Multiple Occupation SPD (HMO SPD) – see Appendix 1 - would therefore be a material consideration in the determination of planning applications for changes of use to HMOs. HMOs accommodating more than six people are not included in the GPDO and therefore any change of use for a HMO of this size already requires planning permission in all circumstances. These HMOs are therefore not part of the Article 4(1) Direction, however guidance is included in the

HMO SPD in relation to these properties to have a holistic approach to aid development management decisions.

## **2.0 Purpose of the Supplementary Planning Document**

2.1 The HMO SPD is required to ensure that guidance is in place against which planning applications for changes of use to HMOs can be assessed and to provide a policy basis on which applications may be refused. Once adopted as Council policy, it will be a material consideration in the determination of these applications, setting out the circumstances when HMOs are likely to be considered acceptable and unacceptable.

2.2 Supplementary Planning Guidance for HMOs in Trafford was adopted in 1992. This document no longer provides appropriate or up to date guidance and is not fit for purpose. Following adoption, the HMO SPD will supersede the Supplementary Planning Guidance and it will no longer be a material consideration in the determination of planning decisions.

2.3 Although the HMO SPD will assist the Council in influencing the location of new HMOs, the statutory powers under the planning system cannot act alone and address the existing problems in areas where high concentrations of HMOs prevail. The Council will therefore also use other statutory powers to control the potential nuisance caused by HMOs that include:

- the licensing of HMOs with three or more floors and with five or more tenants belonging to two or more households and;
- the monitoring and enforcement of local nuisance, including the impact from noise.

2.4 The SPD seeks to avoid high concentrations of HMOs within a particular area and avoid ordinary residential properties being 'sandwiched' between two HMOs.

2.5 It should be noted that existing Core Strategy Policies (in particular L4 and L7) would also be used to assess HMO applications in terms of detailed matters such as highway impacts and amenity issues, respectively.

## **3.0 The Outcome of the Public Consultation in Respect of the Draft HMO SPD**

3.1 The draft HMO SPD was approved for public consultation purposes on 15<sup>th</sup> December 2017 and this took place between 15<sup>th</sup> January and 28<sup>th</sup> February 2018. A total of five responses were received (see Appendix 2 for summary). And the key issues raised are as follows:

- Reference should be made in the HMO SPD to the need for adequate bin storage.
- Reference should be made in the HMO SPD to the need to submit flood risk assessments with planning applications.
- Existing family housing areas should be protected from an increase in students because the houses and infrastructure will not be able to cope.

3.2 In light of the comments received, it is considered that only minor changes should be made to the HMO SPD in respect of the need to clarify the extent of existing Council policy contained in the Trafford Core Strategy, in relation to matters of design. These have been reflected in the attached HMO SPD as scored through or highlighted text as appropriate.

**4.0 Next Steps**

4.1 Following approval of the HMO SPD, the document will undergo the formal procedure for adoption as a supplementary planning document and it will supersede the Council’s outdated Supplementary Planning Guidance for HMOs. Although the adopted HMO SPD will not form part of the statutory development plan for Trafford, it will be a material consideration in determining planning applications.

**5.0 Monitoring the SPD**

5.1 The effectiveness of the HMO SPD will be monitored as part of the Authority Monitoring Report process, using information from planning applications and decisions. The outcome of this monitoring will help to inform decisions with regard to future revisions of the HMO SPD.

**Other Options**

It is possible to bring into force an Article 4(1) Direction without an accompanying SPD; therefore an alternative option could be to not adopt the SPD. However, this would result in a less robust policy framework and would leave the Council more vulnerable to appeal/challenge when determining planning applications for HMOs.

**Consultation**

As detailed above, the HMO SPD was subject to a six week public consultation period. This consultation took place in accordance with the Local Planning Regulations 2012 and the Council’s adopted Statement of Community Involvement. No further consultations are considered necessary prior to adopting the document.

**Reasons for Recommendation**

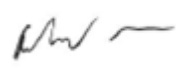
The recommendation will enable the Council to adopt the HMO SPD, thus enabling it to become Council policy and to aid the determination of planning applications for HMOs.

**Key Decision** (as defined in the Constitution): Yes /  
**If Key Decision, has 28-day notice been given?** Yes

**Finance Officer Clearance** (type in initials)...PC.....

**Legal Officer Clearance** (type in initials)...CK.....

**[CORPORATE] DIRECTOR’S SIGNATURE** (electronic).....



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To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.