

HOUSE IN MULTIPLE OCCUPATION AND SMALL FLATS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



DATE	1st December 2021
PORTFOLIO	Economy and Growth
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PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

RECOMMENDATION

3.
 - (1) That Executive approve the draft House In Multiple Occupation and Small Flats SPD for public consultation for a seven week consultation period commencing in December 2021.
 - (2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth be authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially change the meaning of the consultation document.

REASONS FOR RECOMMENDATION

4. To seek comments in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).

SUMMARY OF KEY POINTS

Background

5. The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use rather than new build schemes as these are much less common in Burnley. The principles and guidance would still be relevant to new build schemes, but a wider range of considerations would also be relevant.
6. The SPD guidance is therefore limited to the following uses and 'use classes':
 - Conversion of a non-domestic building into a HMO (between 3 and 6 unrelated individuals – Use Class C4)
 - Change of use of a Use Class C3 dwellinghouse to shared housing occupied by more than 6 people (*Sui Generis* Larger HMO)
 - Change of use of an existing small HMO (Use Class C4) to a larger HMO (*Sui Generis*)
 - Change of use and conversion of non-domestic buildings and individual dwellinghouses to small flats (small one bedroomed flats, studios and self-contained bedsits (Use Class C3)
7. Whilst Burnley's Local Plan includes policies that are used to assess applications for new HMO's and small flats (where schemes require planning approval), the SPD provides more detail on these policies and how they apply to these types of developments. It has been prepared to assist property owners, planning applicants, planning officers and elected councillors in preparing, commenting on and determining planning applications.
8. There is no requirement for planning permission for the change of use of a dwelling house in Use Class C3 to a small HMO in Use Class C4. The Council may consider the need for an Article 4 Direction to help control this type of small HMO.

Early Consultation

9. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document e.g. Housing, Development Management and Environmental Health who have assisted in the drafting of the document.

Strategic Environmental Assessment

10. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment ('the SEA Directive') and through UK legislation i.e. The Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
11. Councils must carry out a screening process to determine whether relevant plans or programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency. The three

bodies have confirmed their agreement with the Council's conclusion on this matter and the Council made a determination on 18th August 2021 that SEA is not required.

Proposed Consultation

12. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this to period to six weeks to allow more time for interested parties to respond. Consultation to take place starting in December and will be extended by a week to seven weeks to allow for the Christmas holidays.
13. Consultation on the draft SPD will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. The document will also be made available at the Contact Centre and main libraries.
14. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to Executive for formal adoption in 2022.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

15. The work will be completed within existing officer resources and the costs associated with consultation and production will be met within existing budgets. As such there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

16. House in Multiple Occupation and Small Flats SPD will be a material consideration when considering relevant applications.

DETAILS OF CONSULTATION

17. As set out in paragraph 9.

BACKGROUND PAPERS

18. None.

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO:

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