

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

## REPORT TO THE EXECUTIVE



DATE	6 April 2022
PORTFOLIO	Economy and Growth
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## PURPOSE

1. The purpose of this report is to consider the representations received in response to statutory consultation on a draft of the Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD), and to seek its adoption.
2. The SPD has been prepared to support the implementation of Burnley's Local Plan in response to concerns raised by Councillors and local residents. It will provide additional detail on the policies of the Plan and how they apply to developments involving small flats or HMOs and will assist applicants, officers and members in preparing and determining planning applications. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

## RECOMMENDATION

3.
  - (1) That Executive notes the representations received on the draft version of Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD) as set out in the Schedule of Representations Received and agrees the Recommended Responses at Appendix B.
  - (2) That Executive adopts the Houses in Multiple Occupation and Small Flats SPD attached at Appendix A.
  - (3) That the Strategic Head of Economy and Growth be authorised by the Executive to make any minor typographical corrections to the SPD required prior to its publication.

## REASONS FOR RECOMMENDATION

4. To meet the Council's commitment to prepare a Houses in Multiple Occupation and Small Flats SPD as set out in the Council's Local Development Scheme (LDS).

## SUMMARY OF KEY POINTS

### Overview of the SPD

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 planning 'use classes':
  - Change of use of a non-domestic building into a HMO (between 3 and 6 unrelated individuals – Use Class C4)
  - Change of use of a non-domestic building to shared housing occupied by more than 6 people (Sui Generis Larger HMO)
  - 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.
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.

### Planning Reform

9. The SPD is written to support the current adopted Local Plan and current national policy. It does not take account of the proposed planning reforms set out in the 2020 White Paper: 'planning for the future'. Should the changes set out be implemented, the SPD content would need to be reviewed or withdrawn. It would need to be kept under review in any event.

### Consultation

10. 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 period to six weeks.
11. Following the approval of the consultation draft of the SPD by the Executive on 1 December 2021, a 7-week public consultation took place from 15 December 2021 until 2

February 2022.(i.e. extended by a week to allow for the Christmas holidays).

12. Groups and organisations, statutory consultees and individuals on the Local Plan consultation database were notified by letter or e-mail. The draft SPD and Consultation Statement were published on the Council's website and paper copies were made available at the Contact Centre and main libraries.

## **Responses Received**

13. Six duly made responses were received, which included 8 detailed comments. A schedule of the comments made and suggested responses is attached at Appendix B.
14. A revised SPD taking into account the recommended responses is attached at Appendix A.
15. In addition to the revisions proposed as a result of the formal consultation, changes have also been made to the layout of the document to merge sections where applications for HMOs and Small Flats would be subject to the same policy considerations. The SPD has also been strengthened taking account of recent experience from Development Management colleagues when considering recent planning applications. These changes are not considered so substantial as to require further statutory consultation.

## **Next Steps**

16. Following its Adoption, the Council is required to make the SPD and an Adoption Statement available as soon as reasonably practicable. The Council must also send a copy of the Adoption Statement to those who have asked to be notified of its adoption.

### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

17. The costs associated with adoption and publication will be met within existing budgets. As such there are no financial implications directly associated with this report.

### **POLICY IMPLICATIONS**

18. The Houses in Multiple Occupation and Small Flats SPD will be a material consideration when considering relevant applications.

### **DETAILS OF CONSULTATION**

19. As set out in paragraphs 10-15 of the report.

### **BACKGROUND PAPERS**

20. None

### **FURTHER INFORMATION**

**PLEASE CONTACT:**

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**ALSO:**

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