

Cabinet

16 March 2016

Houses in Multiple Occupation Article 4 and Interim Student Accommodation Policy



Key Decision R&ED/06/16

Report of Corporate Management Team Ian Thompson, Corporate Director, Regeneration and Economic Development Councillor Neil Foster, Cabinet Portfolio Holder for Economic Regeneration

Purpose of the Report

- 1 The purpose of the report is, in relation to the Council's approach to student accommodation in Durham City, for Members to:
 - a) Note and endorse the Article 4 Direction for Durham City that was made on 17 September 2015 has been confirmed through delegated powers;
 - b) Note and endorse the making of a new Article 4 Direction to cover Framwellgate Moor, Pity Me and Newton Hall; and
 - c) Recommend that full Council adopt the Interim Policy on Student Accommodation.

Houses in Multiple Occupation Article 4 Direction and Interim Student Accommodation Policy.

- 2 On 15 July 2015 Cabinet agreed that a proposed Interim Policy on Student accommodation and a proposed Article 4 Direction should be subject to public consultation. Consultation began on 17 September and ended on 30 October 2015.
- 3 An Article 4 Direction allows local planning authorities to withdraw the 'permitted development' rights that would otherwise apply. Permitted development is development that can be undertaken without requiring planning consent. An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained from the local planning authority for that development which in this case would be the conversion of a dwelling to an HMO.
- 4 As part of the consultation, eight drop-in events were held across the City and were well attended. In total, 76 people commented as part of the consultation. In relation to the Interim Policy on Student Accommodation, 40

respondents commented, making 43 comments and in relation to the Article 4 Direction, 63 respondents commented made 66 comments.

- 5 Following the consultation, it has been demonstrated that there was overwhelming support for the proposed Article 4 Direction. The Direction was made on 17 September 2015 and had to be confirmed by 17 March 2016 or legally it would lapse and not come into force on 17 September 2016. As a consequence it was considered appropriate to confirm the Direction as soon as possible and this was done by Delegated Decision.
- 6 Some representations received as part of the consultation on the Article 4 Direction argued that the Direction should cover a wider geographical area. Having considered these comments it is felt there is evidence to support the making of an Article 4 Direction to cover the Framwellgate Moor, Pity Me and Newton Hall areas as shown on the map at Appendix 5.
- 7 The Council makes use of council tax data to understand the percentage of dwellings exempt from council tax due to sole occupation by students, as a proportion of all dwellings mapped by postcode area. This data was used to assist in defining the area of the confirmed Article 4 Direction. This data shows that some areas in Framwellgate Moor already have more than 10% of properties in certain postcode areas occupied by students. It is considered that in order to promote the creation of sustainable, inclusive and mixed communities and maintain an appropriate housing mix, an article 4 Direction should be made for the Framwellgate Moor, Pity Me and Newton Hall areas.
- 8 Under the Delegated Powers in the Council's Constitution (Part C, Table 4, Paragraph 19), Stuart Timmiss, Head of Planning and Assets, authorised the making of an Article 4 Direction for Framwellgate Moor, Pity Me and Newton Hall, on 24 February 2016.
- 9 It is clear that respondents had given the Policy careful consideration commenting, in some cases, on individual words . It is noted that the respondents were not commenting with a single voice and decisions have had to be made on which proposed changes were to be accepted and which rejected, on the basis that in some instances there is no consensus of preferred approach.
- 10 Appendix 2 breaks down the Interim Policy into sections and sets out the main issues raised by respondents together with responses to the main issues. Appendix 3 is a tracked changes version of the Interim Policy setting out the suggested changes to the consultation draft. Appendix 4 is a version with the changes accepted for clarity and is the proposed final version of the Interim Policy.
- 11 Once the Interim Policy has been approved it can be used in the assessment of planning applications as a material consideration. It is considered that the Interim Policy will have less weight than the City of Durham Local Plan Saved Policies, as it hasn't been through an Examination in Public.

Recommendations and reasons

- 12 In relation to the Council's approach to Student Accommodation, Cabinet are asked to:
- A) Note and endorse the decision that has been taken to confirm the Durham City Article 4 Direction by Delegated Report;
 - B) Note and endorse the making of an Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove permitted development rights in relation to changes of use from Use Class C3 to Use Class C4 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended). Twelve months advance notice of the Direction taking effect shall be given and representations will be invited for a period of 21 days. The Direction shall apply to the area shown on the map at Appendix 5; and
 - C) Recommend to full Council it adopt the Interim Policy on Student Accommodation as set out in Appendix 4 which includes the changes made following the period of consultation.

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Appendix 1: Implications

Finance –

None

Staffing –

None – statement will aid business as usual when assessing development proposals

Risk –

None

Equality and Diversity / Public Sector Equality Duty –

In relation to the Council's approach to student accommodation, equality and diversity has been considered but this proposal is not expected to impact either positively or negatively on any particular group.

Accommodation –

None

Crime and Disorder –

None

Human Rights –

None

Consultation –

The proposals relating to the Article 4 Direction and Interim Policy have been informed by public consultation

Procurement –

None

Disability Issues –

None

Legal Implications –

Legal opinion and advice has been sought from the Council's in-house legal team. This has informed the development of this report.