

 <b>Executive, 13<sup>th</sup> July 2011</b>		<b>Agenda Item No.</b>  <b>5</b>
<b>Title</b>	Article 4 Direction in Respect of Small HMOs in Leamington Spa	
<b>For further information about this report please contact</b>	Sally Jones Senior Planning Officer	
<b>Wards of the District directly affected</b>	Brunswick, Clarendon, Crown, Manor, Milverton and Willes	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Executive 26 <sup>th</sup> January 2011(124)	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes, ref. 331
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	10/06/11	Chris Elliott/Bill Hunt
Head of Service	10/06/11	Paul Pinkney
CMT	14/06/11	
Section 151 Officer	10/06/11	Mike Snow
Monitoring Officer	10/06/11	Andy Jones
Finance	10/06/11	Jenny Clayton
Portfolio Holder(s)	16/06/11	John Hammon
Consultation & Community Engagement		
The Article 4 Direction was the subject of a notice placed in the Leamington Courier and notices were placed in 5 different locations around central and south Leamington Spa. Copies of the Direction, the notice and the Executive Report were placed on deposit at Riverside House, the Town Hall, Leamington Library and Brunswick Healthy Living Centre and representations were invited.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## **1. SUMMARY**

- 1.1 On 26<sup>th</sup> January, Executive authorised the making of a non-immediate Article 4 Direction in respect of small houses in multiple occupation in Leamington Spa. The Article 4 Direction was made on 25<sup>th</sup> March 2011 and advertised in line with the statutory procedures. One representation was received but this did not raise any issues which had not previously been considered by the Executive. This report now recommends that the Executive confirms the Article 4 Direction and authorises that it comes into force on 1<sup>st</sup> April 2012.

## **2. RECOMMENDATION**

- 2.1 That the Executive confirms the Article 4 Direction and authorises that it comes into force on 1<sup>st</sup> April 2012.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1 On 26<sup>th</sup> January, Executive authorised the making of a non-immediate Article 4 Direction in respect of small houses in multiple occupation in Leamington Spa. The statutory procedure for introducing Article 4 Directions allows for a period of at least 21 days during which any representations concerning the Direction may be made to the local planning authority. The Council is then required to consider these representations prior to confirming or amending the Direction.
- 3.2 The Article 4 Direction was made on 25<sup>th</sup> March 2011 and a public notice to this effect was placed in the Leamington Courier on 1<sup>st</sup> April. Public notices were also placed in 5 locations in central and south Leamington Spa. Copies of the Direction, the notices and the full Executive Report (including the map showing the area to which the Direction relates) were placed on deposit at Riverside House, the Town Hall, Leamington Spa Library and Brunswick Healthy Living Centre, and on the Council's website. A Planning Officer was also on hand to answer questions at the recent Landlords Forum hosted by Housing Strategy.
- 3.3 One response was received during the consultation period. This was from the National Landlords Association (NLA). The main points raised, and the Officers' response, are as follows:

<b>NLA Comment</b>	<b>Officers' Response</b>
A change of use to a small HMO does not represent a substantial burden on local infrastructure.	Agreed, but it is the concentration of such uses which impacts on local infrastructure and services.
There are already in place several ways of dealing with anti-social behaviour, noise and waste.	The Council continues to work with the University, the local community and other public sector bodies to resolve issues and this will continue but will not adequately resolve issues of over-concentration.

An Accreditation Scheme would be more effective than an Article 4 Direction	The Council has had such a scheme in place for 7 years involving around 200 properties. However, although effective, it is a voluntary scheme and there will always be landlords who do not wish to be join the scheme.
Warwick District has a high level of demand for private rented accommodation	The purpose of the Article 4 Direction is not to reduce the supply of private rented accommodation but to introduce planning control over its location in order to avoid further concentrations. However, it is accepted that the situation should be closely monitored, particularly with the impending changes to Local Housing Allowance which may increase demand for shared houses/ bedsits.

- 3.4 None of the above comments introduce new issues which would lead to recommending an amendment to the existing Direction, or indeed a recommendation that it is not confirmed. Furthermore, the Secretary of State (Communities and Local Government) had no comments to make on the proposed Direction. It is therefore recommended that the Article 4 Direction be confirmed.

#### 4. **POLICY FRAMEWORK**

##### 4.1 **Policy Framework** – N/A

- 4.2 **Fit for the Future** – The implementation of an Article 4 Direction in respect of changes of use from single dwellings (C3) to small HMOs (C4) would support the achievement of objectives in the adopted Local Plan and, in particular, the objective to protect and improve the amenity of the local community.

- 4.3 The Direction would also support two of the four strategic aims in the Warwick Partnership's Sustainable Community Strategy - "Safer Communities" and "Housing". The control of further small HMOs would assist the priorities of tackling anti-social behaviour and maintaining a good quality of life for residents.

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 The Direction will result in an increase in the number of planning applications from April 2012 but there is no evidence that these cannot be dealt with within existing budgets. Article 4 Directions remove existing permitted development rights and, therefore, a planning fee cannot be charged for planning applications which arise as a consequence of the Direction.
- 5.2 Whilst it is anticipated that the increase in planning applications should be able to be accommodated within existing resources, this position will need to be monitored. With the anticipated introduction of local authorities

setting their own planning fees to fully recover the cost of the service, there is the possibility of being able to charge for these applications in the future. If charges are not to be levied for these applications yet the service is still expected to fully recover its costs, it will be necessary for there to be an element of cross subsidisation between different categories of applications. Full details of the proposed change in charging regime are still awaited from the Government.

**6. ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 An alternative option would be to not confirm the Direction. This could result in a worsening of the existing situation in central and south Leamington Spa and potentially the creation of new areas of concentration of shared houses.