

## PLYMOUTH CITY COUNCIL

**Subject:** Development Plan: Adoption of Development Guidelines Supplementary Planning Document – First Review

**Committee:** Cabinet

**Date:** 2 April 2013

**Cabinet Member:** Councillor Vincent

**CMT Member:** Anthony Payne (Director for Place)

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**Ref:** TW/DGFR

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

This report relates to the adoption of the Development Guidelines Supplementary Planning Document (SPD) – First Review, which will be part of the package of Local Development Documents within the Development Plan (formally the Local Development Framework). As this document is part of the Council's Policy and Performance Framework, the Cabinet's decision will need to be formally ratified by Full Council.

The aim of this SPD is to provide guidance to support policies set out in the Core Strategy. It will assist the City Council in delivering the local, sub-regional, regional and national objectives in respect of sustainable development and includes information on residential, food and drink uses, shop fronts, signs and advertisements, refuse storage, telecommunications, parking standards & travel plans, and coastal development considerations.

The original Development Guidelines SPD was adopted by the City Council on 26 April 2010. Primarily the changes in this First Review concern amendments to Chapter 2 in relation to conversions to Houses in Multiple Occupation (HMOs) and flats and includes the guide of a 'threshold' approach to assessing whether a change of use would be harmful to an area's character having regard to the existing number of converted and non-family dwellings in the vicinity. The draft First Review was approved for consultation by the Cabinet Member for Environment and the decision was published on the 7 September 2012. Consultation was carried out between the 20 September 2012 and the 1 November 2012. Some minor amendments and clarification have been made to the document as a result.

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### **Corporate Plan 2012-2015:**

The Development Guidelines First Review SPD directly supports the objectives set in the Corporate Plan. Specifically, the SPD will provide additional guidance for the development of the City in line with the adopted Core Strategy and will contribute towards the 'Delivery of Growth'. The SPD will support and increase the range and quality of housing in safe, inclusive and sustainable communities (Level 1 indicator).

The SPD also supports the corporate priorities to Raise Aspirations, by contributing to the overall / general satisfaction with the local area (Level 1 indicator); to Provide Value for Communities, by providing guidance that supports the development standards expected of our policies, and; to Reduce Inequalities, by contributing towards improved standards of housing.

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### **Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land**

The costs associated with the recommendations of this report including publication of statutory notices and costs for the adoption of the SPD will be met from the Planning Services revenue budget.

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

The guidance contained in the Development Guidelines SPD can contribute positively towards the issues mentioned above. Specifically, the changes made in this First Review in relation to Houses in Multiple Occupation will support the creation of sustainable communities and improve community cohesion.

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### **Equality and Diversity**

Has an Equality Impact Assessment been undertaken? Yes

An Equality and Diversity Impact Assessment was completed in relation to Cabinet's Decision to introduce an Article 4 Direction in Relation to Houses in Multiple Occupation. The resulting actions identified were also applicable in relation to the implementation of planning policy guidance. They were:

- Ensure consultation with diverse community groups regarding the A4D and any associated planning policy guidance.
- Ensure that communications are accessible to people with disabilities.
- To consider the adequate provision and acceptable distribution of HMOs through the drafting, consideration and implementation of planning policy guidance.

These resulting actions have been complied with fully.

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### **Recommendations & Reasons for recommended action:**

It is recommended that Cabinet:

1. Recommend to Full Council that the Development Guidelines Supplementary Planning Document SPD First Review (Appendix I) be formally adopted.

**Reason:** To provide detailed planning guidance to support the delivery of the Council's policies including the creation of sustainable communities.

2. Recommend to Full Council to delegate authority to the Assistant Director for Planning to approve the final publication version of the Supplementary Planning Document.

**Reason:** To ensure that the SPD is produced in a user-friendly format with appropriate illustrations and formatting.

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### **Alternative options considered and rejected:**

Do Not Adopt the SPD First Review: This would mean that the Council would continue to make decisions on planning applications for Houses in Multiple Occupation using the existing guidance. This option would not contravene any regulations but could result in different outcomes for planning issues considered by the Local Planning Authority.

Make Further Changes to the SPD: No further changes are considered to be necessary, however, should significant amendments be made a further consultation stage would be required.

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### **Published work / information:**

- Article 4 Direction: [http://www.plymouth.gov.uk/article\\_4\\_direction.pdf](http://www.plymouth.gov.uk/article_4_direction.pdf)
- Delegated Decision: Approval to Consult on the 'Development Guidelines SPD: First Review', 6 September:  
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieDecisionDetails.aspx%3FID%3D2233>
- 'Development Guidelines Supplementary Planning Document First review – consultation draft', 6 September: Available from the Delegated Decision above.
- Development Guidelines Supplementary Planning Document (Original), April 2010:  
<http://www.plymouth.gov.uk/developmentguidelinesoriginal.htm>
- Equality Impact Assessment, August 2011:  
<http://www.plymouth.gov.uk/equalitiesimpactassessments.htm>
- Delegated Decision: Confirmation of Non-immediate Article 4 Direction in Respect of Houses in Multiple Occupation (HMO), 27 January 2012:  
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieDecisionDetails.aspx%3FID%3D2133>

- Growth and Prosperity Overview and Scrutiny Panel Paper, Appendices and Minutes: Article 4 Direction in Respect of Houses in Multiple Occupation (HMO), 9 January 2012:  
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieListDocuments.aspx%3FCId%3D914%26amp%3BMId%3D4669%26amp%3BVer%3D4>
- Cabinet Paper, Appendices and Minutes: Proposed Non-immediate Article 4 Direction for Houses in Multiple Occupation, 23 August 2011:  
<http://www.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fwww.plymouth.gov.uk%2FmgInternet%2FieListDocuments.aspx%3FCId%3D254%26amp%3BMId%3D4699%26amp%3BVer%3D4>
- Student Housing in Local Communities January 2011 (ARUP):  
<http://www.plymouth.gov.uk/studenthousing.htm>

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Appendix I - Development Guidelines SPD First Review (Attached)	Y									
Consultation Summary	Y									
Consultation Statement (Regulation 12)	Y									
Summary of Main Changes	Y									
Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report	Y									

**Sign off:**

Fin	PC.PlaceF PC1213 019.190313	Leg	JAR/1712 1 200313	Mon Off	TH00 98	HR	NA	Assets	NA	IT	NA	Strat Proc	NA
Originating SMT Member Paul Barnard, Assistant Director for Planning, Directorate of Place													
Has the Cabinet Member(s) agreed the contents of the report? Yes													

## **1. INTRODUCTION**

- 1.1 This report relates to the formal adoption of the 'Development Guidelines Supplementary Planning Document (SPD): First Review', following the making of amendments to the draft SPD in response to public consultation. A schedule of amendments is available as a background paper to this report. The First Review of the SPD primarily concerns changes to the original document's guidelines on changes of use to Houses in Multiple Occupation (HMOs). The Review was triggered by the Council's removal of permitted development rights for HMOs in parts of the city through an Article 4 Direction.

## **2. BACKGROUND**

- 2.1 On the 23 August 2011, Cabinet resolved to make a non-immediate Article 4 Direction in line with recommendations contained in the evidence base report, *Student Housing in Local Communities* (January 2011). The decision also included a resolution to prepare supporting planning guidance to amplify existing policy in relation to changes of use to HMOs.
- 2.2 The Article 4 Direction was subsequently confirmed on the 14 February 2012 and came into effect from the 14 September 2012. The effect of the Article 4 Direction is to require the submission of a planning application for properties within the designated area for changes of use to C4 HMOs (properties that are occupied with between 3-6 unrelated individuals subject to certain caveats). Changes of use to 'sui-generis' HMOs (those that are occupied with more than 6 unrelated individuals) already require planning permission. Details of use classes can be found in 'Circular 08/10: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation'.
- 2.3 The area of the Article 4 Direction covers (approximately) the existing high concentration areas of Mutley & Greenbank, and the City Centre. It also provides controls in the most at risk parts of the surrounding neighbourhoods of Stonehouse, Stoke, Peverell, Beacon & Pennycross, Hartley & Mannamead, Higher Compton, Efford, Lipson & Laira, Mount Gould and East End, where future pressures could harm the balance and sustainability of these communities. This, in effect, creates a 'buffer' to ensure that latent demand for HMO housing is not merely located immediately adjacent to existing high concentration areas.
- 2.4 On the 6 September 2012, a delegated decision was made by the Cabinet Member for Environment, to publicly consult on the 'Development Guidelines Supplementary Planning Document First Review Consultation Draft' in accordance with The Town and Country Planning (Local Development) (England) Regulations 2012. The results of this consultation are summarised in Section 5 below.

## **3. PURPOSE OF THE DEVELOPMENT GUIDELINES SPD**

- 3.1 The Development Guidelines SPD provides further guidance and explanation to the adopted Core Strategy and will be used to inform planning decisions. In particular it serves to amplify Policy CS34 (planning application considerations). It aims to help improve the quality of development in Plymouth by providing

user-friendly planning guidance and enabling applicants to better understand the planning criteria by which their application has been determined.

3.2 Specific guidance in the SPD is included on:

- House alterations and extensions
- Conversions to Houses in Multiple Occupation
- Conversions to flats
- Purpose-built student housing
- New residential development including Lifetime Homes and children's play areas
- Food and drink uses
- Shop fronts
- Adverts and signs
- Refuse storage
- Telecommunications
- Parking standards and travel plans
- Coastal development considerations

#### **4. THE CONSULTATION DOCUMENT**

- 4.1 The changes proposed in the First Review of the SPD are primarily to provide additional guidance about how planning applications for HMOs received by the Council will be considered. A high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short term tenants with little stake in the local community. Existing policies in the Core Strategy seek to create Sustainable Linked Communities (eg Policy CS01 & CS15) and guidance in the proposed SPD First Review provides advice on how this can be achieved.
- 4.2 The SPD proposed a 'threshold' approach to assessing the concentrations of HMOs. This is to allow for considered decisions to be made on a case by case basis using an understanding of the area to assess the impact that the proposal may have using the evidence available.
- 4.3 It is proposed that applications are assessed at three scales – the street, the Census output area and the local area – to provide a complete picture. Evidence held by the Council regarding Council tax exempt properties, licensed properties and those known to have planning permission, along with any reasonably verifiable information provided by the community or applicant, subject to certain criteria, can be used when reaching a decision.
- 4.4 The proposals continue to provide a presumption in favour of purpose built student accommodation rather than smaller HMOs in order to meet the needs of the city and reduce pressure on the city's housing stock.

## **5. CONSULTATION PROCESS AND RESULTS**

- 5.1 Formal consultation was carried out on the document for six weeks between the 2012 September to 1 November 2012. The consultation process included a press advertisement, publication on the Council's website, notification through the consultation portal and availability at libraries and First Stop. The consultation process was carried out in accordance with our Statement of Community Involvement and the statutory requirements for the adoption of Supplementary Planning Document contained in The Town and Country Planning (Local Development) (England) Regulations 2012.
- 5.2 Through the consultation nine responses were received. Five were from members of the public. Four were on behalf of British Sign and Graphics Association, the Environment Agency, English Heritage and Natural England. In addition, three responses were also received in relation to the associated 'Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report' from the Environment Agency, English Heritage and Natural England.
- 5.3 All of the comments received during the consultation process have been summarised into a 'consultation statement' which includes responses and how those comments have been addressed in the SPD. The consultation statement is available as a background paper to this report. It should be noted that although the main focus of the review was the guidance on planning applications relating to HMOs, representations were able to be submitted on any part of the original SPD and this is reflected in the representations received.
- 5.4 As a result of the comments received some minor amendments have been made, a summary of which is below:
- Contact details updated for Devon Sea Fisheries
  - Updated reference to advertisement regulations
  - Revised wording and clarification in relation to advertisement guidance. Paragraphs 5.3.3, 5.3.5, 5.3.7 and 5.3.8.
  - Reference to the Water Framework Directive included.
- 5.5 As a result of the comments received some amendments have also been made to the Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report, a summary of which are is set out below:
- Specific reference in section 2 on the Core Strategy Policies that the document amplifies.
  - Addition of an appendix summarising the conclusions of the Core Strategy HRA (Habitat Regulations Assessment).
  - Additional detail on how the marine developments section of the SPD address the need identified in the Core Strategy HRA.

## **6. NEXT STEPS**

- 6.1 Subject to Cabinet approval the document will go before Full Council for a resolution to formally adopt the document. Subject to Full Council's approval, the document will then be adopted and published. An Adoption Statement will

be produced and this will be published alongside the SPD as soon as reasonably practicable.

- 6.2 The Development Guidelines SPD First Review will continue the important role in helping to raise the quality of development within the city. It will be used as a material consideration in the determination of planning applications.