

Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD)

Consultation Statement under Regulation 12 (a)

Introduction

Burnley Council has prepared a draft Houses in Multiple Occupation and Small Flats Supplementary Planning Document (SPD) for consultation.

The SPD will supplement the policies of the Burnley's Local Plan 2012-2032 which was adopted on 31 July 2018.

SPDs elaborate upon the policy and proposals in Local Plans but do not have their formal statutory 'development plan' status. They are, however, material considerations in the consideration of relevant development proposals.

This statement is the Consultation Statement for the draft SPD as required by **Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.**¹

The draft SPD

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.

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)

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. It has been prepared to assist property owners, planning applicants, planning officers and elected councillors in preparing, commenting on and determining planning applications.

Early Consultation

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

¹ <http://www.legislation.gov.uk/ukxi/2012/767/part/5/made>

within the document e.g. Housing, Development Management and Environmental Health, who have assisted in the drafting of the document. The emerging document was refined taking into account the comments/advice received.

Formal Consultation

The Council's Executive at its meeting on the 1 December 2021 resolved that the draft SPD be issued for statutory consultation under Regulation 12 (b).

This consultation is to commence on Wednesday 15 December 2021 for a seven-week period until Wednesday 2 February 2022.

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. The consultation to take place starting in December 2021 and will be extended by a week to seven weeks to allow for the Christmas holidays.

Strategic Environmental Assessment (SEA)

SPDs do not require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').

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.

Economy and Growth

15 December 2021