

City Mayor Decision Report

Review of Article 4 Directions relating to Conversion of Houses (Class C3) to Class C4 Small Houses in Multiple Occupation

Decision to be taken by: City Mayor

Decision to be taken on: 9th November 2021

Lead director: Andrew L Smith

Useful information

- Ward(s) affected: All
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- Report version number: V10

1. Summary

The report reviews existing and recommends a new Article 4 Direction (A4D) be established in Leicester to require planning applications to be submitted for new proposals for conversion of houses (Class C3) to small scale Houses in Multiple Occupation (HMOs) (Class C4) in the 3 new areas defined in this report.

A4D remove the ability of developers to convert houses to small HMOs for up to 6 persons without the need for planning permission.

In areas where A4Ds are made, a planning application will need to be submitted for this form of development.

The proposed new A4D is identified in three areas where existing or future high concentrations of HMOs are considered to be likely to be harmful to the amenity or wellbeing of residential communities based upon evidence as set out in the report. The existing A4Ds are recommended to be retained in place.

The requirement for planning applications will ensure that the issues and impacts arising from this form of development can be properly assessed. Using associated planning policy, applications can be refused where such development would result in harmful impacts.

The making of A4Ds in the identified areas will therefore ensure that the residential amenity and wellbeing of communities in those areas is protected through retaining houses in Class C3 use and controlling the concentration of all HMOs and associated impacts.

The making of an A4D for the area identified is considered to meet all relevant legal and national policy tests.

The A4D is being progressed as part of a wider range of actions being pursued to ensure that the private rented sector in Leicester is fit for purpose and that impacts upon both occupiers and the host communities are addressed and mitigated as far as possible.

2. Recommended actions/decision

It is recommended:

2.1: That the existing Article 4 Areas in place be retained;

2.2: That the City Mayor approves the making and publication of the Non-Immediate Direction as set out at Appendix D of this report,

2.3: Note that officers will undertake the statutory consultation, notification, and publicity actions as set out in this report; and

2.4: Note that all representations received will be reviewed and considered before confirmation of the Direction.

3. Scrutiny/Stakeholder Engagement

3.1 Consultation on the proposals is planned as follows:

The new Article 4 Direction will be a non-immediate order which, if confirmed, will come into place 12 months after it has been made. It will be subject to an 8-week consultation period to be undertaken as soon as possible after it has been made.

During this period it is proposed to present to the relevant Overview and Scrutiny Board and Planning and Development Control Committee for comment.

As soon as practicable after the Article 4 Direction has been made, LCC will give notice through:

- (a) Local advertisement, and
- (b) Site displays in the areas to which the direction relates.

Provision for giving Notice to owners and occupiers within the affected areas is also made by legislation. However, if the Council considers that:

- (a) Individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person, or
- (b) The number of owners or occupiers within the area to which the direction relates makes individual service impracticable

then this notification is not required.

As the scale of the areas involved is substantial, involving c. 22,000 addresses, it is considered impracticable to facilitate individual service. The following means of service are proposed, subject to review as a result of COVID restrictions:

- Site notices at all affected areas
- Notices at community centres/libraries and the Council offices
- Newspaper advertisement
- Citizen Space consultation pages on the Council's website
- Publicity and communication channels including press release and social media
- letters to Landlord Organisations, community and residents' groups etc
- Via elected members of the wards where the A4D are proposed
- Via the Universities' Accommodation services

In terms of posting notices the following approach will be adopted

- Lampposts at boundary of the area at main junctions
- Supplementary notices at key junctions within the areas

It is proposed a check/second posting would be undertaken mid-way during the

4. Background and Options with Supporting Evidence

4.1 Background

An A4D removes specified permitted development rights that allow development to be carried out without the need for planning permission. The general legal test for making an Article 4 direction is that such an action would be 'expedient', i.e. appropriate to the circumstances. National Planning Guidance states that the use of directions should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (para. 53, NPPF 2021) and that the harm that any direction is intended to address should be identified.

A small HMO is broadly defined as a shared house or flat occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen and/or bathroom. In areas where the A4D are in place a planning application for this change of use is required. Changes of use of dwellings to larger HMOs (defined in planning terms as having above 6 occupants) and from other uses to any size of HMO are not subject to permitted development rights and require planning permission.

Leicester was one of the first councils in England to introduce an HMO Article 4 Direction to remove permitted development rights in relation to properties in multiple occupation in 2013. This was primarily in response to concerns at that time about an over-concentration of HMOs occupied by students in particular parts of the city and the resultant impact of increased levels of anti-social activity, empty streets over the summer, unbalanced communities, and the wider impact on local services, particularly in relation to school places and pressure on health and other services.

It should be noted that Class C4 covers all small HMOs and is not specific to student occupation.

The evidence for the original A4D was largely based on identifying houses with student Council Tax exemptions which was taken as a reasonable proxy for shared houses within Class C4 at that time.

Four areas with high concentrations of student occupation were identified to be of particular concern: Clarendon Park, West End, Walnut Street, and DMU. In each of these areas an HMO A4D was applied to properties for 3-6 unrelated occupants. As now, the conversion of dwellings to larger HMOs was controlled through existing planning regulations.

Figure 1: Existing A4D Areas in Leicester



4.2 Housing Demand and Tenure Information from Local Housing Needs Assessment

In considering the possible community impacts of concentrations of HMOs, it is also important to recognise the function that HMOs perform within the housing market and to take due account of Government expectations recently confirmed in the National Planning Policy Framework (NPPF) that areas covered by A4D should be based on robust evidence and apply to the smallest area possible (Para. 53, NPPF 2021).

This confirms in the absence of strong evidence of impacts on local amenity that a blanket city-wide Article 4 Direction would not be appropriate.

HMO's are a recognised part of the housing market which is increasing in Leicester.

The recent Housing Stock condition report undertaken by BRE for the City Council identified 143,379 dwellings in Leicester, 43% of which are owner occupied. 35% private rented and 22% social rented.

In terms of the scale and future need for HMO provision, the council's latest Local Housing Needs Assessment (LHNA) report identifies that although the number of single persons aged 25-34 years is projected to rise, single person households are projected to fall by 2036. Because of the large student population, recent graduates who choose to stay within the city will likely share houses with others instead of forming their own households, therefore potentially increasing demand for HMOs.

Increasing pressures for social housing and high private rents will also lead to a smaller number of young households living on their own, and more living in HMOs.

This increase in HMOs is a concern as there is a need to retain family housing as evidenced in the latest LHNA undertaken to support the Local Plan as set out in Table 1 below. The table shows that over 60% of the total housing need is for larger homes.

Table 1: Overall need for Market and Affordable Dwellings (including affordable home ownership products) by property

size

	Affordable Dwellings			Total Affordable Housing	Total Market Housing	Total Housing
	Unable to afford		Affordable Home Ownership			
	Social rent	Affordable Rent				
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1 bedroom	78	6	1,224	1,308	1,502	2,810
2 bedrooms	2,181	726	1,919	4,827	3,022	7,849
3 bedrooms	2,756	1,066	408	4,230	11,235	15,465
4+ bedrooms	1,373	442	26	1,841	1,032	2,874
DWELLINGS	6,389	2,241	3,576	12,206	16,791	28,997
C2 Dwellings	-	-	-	-	481	481
LHN	6,389	2,241	3,576	12,206	17,272	29,478

(Source: ORS Housing Model. Note: Figures may not sum due to rounding)

From the 2011 Census, about 5,604 private sector dwellings were occupied by all student households in the city with an average occupancy of 2.5 students per dwelling. Some of these properties are HMOs as well as student flats. Whilst there has been a significant growth in the number of students living in purpose-built student accommodation, student occupancy of HMOs does continue to pressure the housing stock. It is also important to encourage well-located purpose-built student accommodation to reduce pressure on areas which have seen a loss of family accommodation.

Table 2 shows the growth of the private rented sector especially in the last 10 years which needs careful consideration not just in terms of the availability of the type of accommodation the City's population requires, but also in the context of increasing local impacts on communities as evidenced by complaints to the council.

Table 2: Households by Tenure for Leicester 1981-2011

Tenure	Total Households				Net Change		
	1981	1991	2001	2011	1981-1991	1991-2001	2001-2011
Owner occupied	49,166	59,897	64,387	61,944	+10,731	+4,490	-2,443
Private rent	10,485	9,995	15,663	29,911	-490	+5,668	+14,248
Social rent	38,782	34,233	31,098	31,270	-4,549	-3,135	+172
TOTAL	98,433	104,125	111,148	123,125	+5,692	+7,023	+11,977
%Owner occupied	49.9%	57.5%	57.9%	50.3%	+7.6%	+0.4%	-7.6%
%Private rent	10.7%	9.6%	14.1%	24.3%	-1.1%	+4.5%	+10.2%
%Social rent	39.4%	32.9%	28.0%	25.4%	-6.5%	-4.9%	-2.6%

(Source: UK Census of Population)

Table 3: Dwelling stock by tenure and number of bedrooms

Property Type	Owner Occupied	Private Rent	Social Rent	TOTAL
1 bedroom	2.7%	24.7%	33.3%	15.8%

2 bedrooms	21.0%	33.9%	29.1%	26.2%
3 bedrooms	57.8%	30.2%	32.7%	44.7%
4 bedrooms	13.5%	7.0%	3.5%	9.4%
5+ bedrooms	5.0%	4.3%	1.4%	3.9%

(Source: UK Census of Population 2011)

In this context, although HMOs provide accommodation to a range of groups, the level of student population in the city is one factor affecting their amount and distribution which drove the original pressure to adopt the A4D approach.

The increase in private rental as seen in Table 2 supports the reported position that a number of residential areas still have high student populations living in HMO accommodation. Furthermore, even as purpose-built student accommodation develops, the use of HMOs to accommodate a wider population is increasing rather than being converted back to family accommodation.

HMO's are recognised as meeting the needs of particular groups including short term workers and lower income households, but the multiple impacts of their concentration need to be monitored and managed.

A proliferation of small HMOs developing in a number of areas has led to a significant number of complaints of impacts which are considered further below.

4.3 Impacts of HMOs

HMOs have the potential to create harmful impacts on the residential amenity and character of an area. Concentrations within neighbourhoods can result in harmful effects and lead to imbalanced, less inclusive, and unsustainable communities. Specific issues associated with HMOs can include:

- Noise and disturbance associated with intensification of the residential use and/or the lifestyle of occupants;
- Impacts on social cohesion;
- A shift from long term residence to more transient accommodation;
- A reduction in the mix of housing available within an area.
- Poor waste management.

The issues identified above are generally intensified in locations where HMOs have become concentrated. High concentrations in some areas have had damaging impacts on local communities which could be alleviated through a more dispersed distribution of HMOs. Reviewing the position in areas of the city beyond the existing Article 4 areas is the focus of this report.

Existing Local Plan policy seeks to address the impacts and issues relating to the development of HMOs. It aims to ensure that development preserves the residential amenity and character of an area and that harmful concentrations do not arise. The policy also seeks good quality accommodation by ensuring development complies with relevant standards and requirements. The approach is supported by the use of A4D which ensure all new HMO development within an area is subject to appropriate policy controls.

4.4 Review of Existing Article 4 Directions

At the time that the original Article 4 direction order was introduced, a commitment was made to review the A4D after a period of time to assess its effectiveness and to assess if A4Ds in other parts of the city would be beneficial.

Officers consider that the scheme has been successful.

Since August 2014, 11 planning applications have been received for change of use from house to HMO in an A4D area, all of which have been refused. In addition, two appeals have been submitted and both were dismissed. The A4D appears to have prevented further conversions in those areas of high concentration.

There is limited evidence that former shared houses have returned to family occupation and the increasing levels of HMOs in areas beyond the existing A4D areas implies an increasing demand and concentration of impacts. There is also some circumstantial evidence that landlords have looked for potential HMO properties close to the restricted areas leading to negative impacts referred to in section 4 above.

The validity of the current A4D areas in Leicester has been reviewed as part of the process set out in the following sections of the report.

4.5 Review of HMO Planning Policy

4.5.1 Existing Planning policies:

The permitted development right to change the use of a building from a Class C3 dwelling-house to a Class C4 House in Multiple Occupation, and *vice versa*, means that such conversions are not visible* to local authorities and cannot be regulated in planning terms. (* the exception to this is where a council adopts Additional Licensing under Housing Legislation which is a proposal under active consideration by the Council).

National planning policy states that the size, type, and tenure of housing required by different groups in the community should be assessed and reflected in planning policies (NPPF, para. 61). Policy CS06 'Housing Strategy' of the 2014 Core Strategy reflects this: "New housing developments will be required to provide an appropriate mix of housing types, sizes, and tenures to meet the needs of existing and future households in the City". HMOs have a role to play in providing this necessary mix of housing types, sizes, and tenures in Leicester's neighbourhoods and communities.

In determining planning applications for changes of use to HMOs, policy CS08 'Existing Neighbourhoods' of the 2014 Core Strategy is currently applicable. This policy states, in summary, that HMOs requiring planning permission will not be permitted where they would result in a local over-concentration, and stipulates specifically in relation to the London Road corridor that conversions to HMOs will not be permitted where the community is already imbalanced by a concentration of shared housing, or where development would result in such a concentration. The policy does not provide a definition for 'local over-concentration', however the existing Article 4 areas have been used to define where concentrations of HMOs have been previously identified.

Policy CS06 'Housing Strategy' states that where there is an identified demand in inner areas of the city, it is the Council's priority to retain good quality existing housing, particularly larger houses appropriate for family use, and that conversion to other types of accommodation will be resisted.

The existing Article 4 Direction areas have been effective in preventing further proliferation of HMOs in certain areas of the city where higher than average concentrations exist, but policy development is required alongside new Article 4 areas to ensure impacts are best managed.

Since the existing A4D have been in place, planning permissions for changes from existing Class C3 houses to Class C4 have generally been refused in A4D areas, containing existing concentrations of C4 uses, on the basis that any additional C4 uses would damage the balance of housing in those areas.

Outside the current A4D areas, it has not been possible to sustain refusals of planning permission on HMO concentration alone. In the case of 41 Dulverton Road, an appeal Inspector did not accept that the Council had evidence to support a refusal on the grounds of over-concentration; however, the appeal was dismissed on the grounds of the quality of the accommodation being proposed.

In line with that conclusion, permissions have been given for new HMO use outside the existing Article 4 areas, providing the accommodation was satisfactory.

Subject to a review of the areas that have over-concentrations of HMOs, future policy is likely to maintain that approach.

4.5.2 Emerging Local Plan Policies:

Further criteria to help manage concentrations of HMOs and residential amenity are proposed through Policy Ho10 'Houses in Multiple Occupation' in the draft *City of Leicester Local Plan: 2020 to 2036*, which was subject to public consultation in Autumn 2020. A proposed submission version of the Plan will be published in 2022.

4.6 Consideration of existing A4D boundaries and development of new Article 4 Directions

Data relating to the location and concentration of HMOs across the city has been analysed and mapped. The primary data source used was the BRE Integrated Dwelling Level Housing Stock Modelling Report and Database for Leicester City Council (Sept 2020), which also includes Registered HMOs (those issued with a Mandatory Licence) and other data from Council records to establish the most accurate picture possible. For Data Protection purposes in terms of identification of individual properties, the publicly available data is summarised and published in Appendices to this report, which show the assessment concentration of HMO properties.

The BRE report and database provides a modelled data set to estimate the location and concentration of HMOs by area for Leicester city. The BRE Housing Stock Model data draws on information from a number of external and authority sources and includes

- Experian segmentation data,
- local authority data (including land and property gazetteer records, the HMO register and Council tax records),
- data from the tenancy deposit schemes
- and the land registry

Where HMO data is from the authority sources these were known HMOs at the time of data analysis. The model is also used to determine additional dwellings which have the potential to be an HMO based on the relevant data sets used in the modelling process

The data shows that approximately 35% of the housing stock in the city is in the private rented sector, which is considerably higher than the national average of 19%.

This data shows a significant increase in private rented sector accommodation from 24% as confirmed by the 2011 Census.

The BRE assessment shows that approximately 7% of dwellings in the city are estimated to be HMOs.

However, the proportion of HMOs vary widely in different areas of the city, with the highlighted wards having an above average proportion. These are predominantly wards closer to the city centre and nearer to the two universities.

Table 4, below, shows the number and percentage of HMOs by Ward (BRE Housing Stock Model Data):

Table 4: The number and percentage of HMOs by Ward

Ward	Total Dwellings	HMOs	HMOs as % of total stock
Abbey	9501	423	4.45
Aylestone	5328	187	3.51
Beaumont Leys	7319	261	3.57
Belgrave	6323	329	5.20
Braunstone Park Rowley Fields	8095	567	7.00
Castle	13986	1481	10.59
Evington	6452	225	3.49
Eyres Monsell	4895	108	2.21
Fosse	6554	845	12.89
Humberstone & Hamilton	7346	204	2.78
Knighton	6991	327	4.68
North Evington	6582	327	4.97
Rushey Mead	5737	258	4.50
Saffron	6012	749	12.46
Spinney Hills	3782	154	4.07
Stoneygate	7322	1020	13.93
Thurncourt	4419	89	2.01
Troon	5174	190	3.67
Westcotes	7737	1526	19.72
Western	8179	236	2.89
Wycliffe	4598	143	3.11
Total	142332	9649	6.8

Whilst analysing the data by ward is useful to provide a broad picture, using smaller Census Lower Layer Super Output Areas, (LSOAs), provides more detail and identifies areas of particularly high concentrations and associated impacts which have been used to inform the A4D boundaries proposed.

This approach is more meaningful and avoids setting areas which are unnecessarily large

and would undermine the validity of the Direction due to non-compliance with Government requirements in respect of evidencing A4Ds.

4.7 HMOs: establishing evidence of impacts:

Using data from the Council's case management system (Uniform) it appears that issues with antisocial behaviour vary between different tenure types, Private Rented, HMOs and non-HMOs across different areas of the city. This shows aspects of occupation which have differential levels of impact on the resident community and, when concentrated, can lead to increased harm to local amenity.

In addition to the maps showing the spread of HMOs, data has been mapped and analysed to show cases related to properties with noise complaints and fly-tipping, which are problems often associated with a concentration of this type of housing (**see Appendix B**). Whilst this only shows where cases have been reported to the council, it demonstrates a clear association in many of the areas identified as having a high proportion of HMOs.

Table 5 below, compares numbers of cases reported by dwelling types for 3 years since January 2017. This clearly indicates a higher level of problems reported which are associated with HMOs than other dwellings.

Table 5: Number of noise and fly-tipping cases reported regarding dwelling type since Jan 2017

Tenure	Total Dwellings	Noise	Fly Tipping
All Stock	142,261	2.90%	2.20%
All Private Rented (BRE data)	49,501	3.80%	3.60%
HMOs – (BRE data)	9,649	6.60%	6.30%

(Source: LCC Uniform System, (BRE Housing Stock Model Data)

In order to define an appropriate level of intervention in terms of levels of concentration, three options were explored using the LSOA geographies, areas with 10%, 15% and 20% concentrations of HMOs as a percentage of all dwellings (**see Appendix C**).

Reviewing the evidence, it was considered that the 20% and 15% thresholds would be too restricted and reduce the areas to be covered to a degree which would not be consistent with the assessed impacts and reported conditions locally.

Option 3, i.e. areas of LSOAs with over 10%, was therefore selected to form the basis of the proposed boundaries, with at or around this level determined to be more strongly associated with problems for the community.

4.8 Final Proposed Boundaries:

These initial LSOA 10% concentration boundaries were further adjusted by officers to follow logical geographic boundaries such as streets, rivers, etc., and to exclude non-residential areas.

The assessment exercise also confirmed that the justification and validity of the existing A4D boundaries were sound, and it is recommended that these Directions should be retained in force.

The proposed area of coverage of the new Article 4 areas is shown in the Appendices of this report.

The Direction is proposed to apply to all existing, as well as any future properties to be built within the areas specified. A list of streets within the areas affected is attached within **Appendix D**.

The properties affected will also be published via the Council's CityMaps website.

4.9 Process and programme for introduction of new directions

4.9.1 Type of Direction:

There are two types of Direction which can be made: An Immediate Direction which comes into force upon publication, or a Non-Immediate Direction which is published for a 12-month period after which representations are considered and the Direction subsequently confirmed.

In the case of Immediate Directions, property owners in the areas affected have the right to financial compensation for any loss of value which can be attributed to the withdrawal of their permitted development rights. As the value of a C4 HMO property could be in excess of a C3 house, the compensation costs exposure to the Council across areas of the scale proposed would be very significant, so a Non-Immediate Direction is recommended.

4.9.2 Type of Decision:

Approval of the proposed Article 4 Direction would be an Executive Decision taken by the City Mayor, which falls within the remit of a key decision. It was added to the Forward Plan of Key Decisions, taken on or after 1 July 2021.

Formal member and public consultation will be undertaken during the Publication period, including seeking the views of the Planning and Development Control Committee and the Economic Development, Transport and Tourism Scrutiny Commission.

A copy of the direction and the notice along with a copy of the map defining the affected areas will be sent to the Secretary of State on the same day that notice of the direction is first published or displayed.

The direction will come into force on the date specified in the direction, but only if it is confirmed by the Council following the 12-month notification period.

When deciding whether to confirm the direction, the City Mayor will need to consider any representations received during the consultation period and consider whether any amendments should be made to the Direction.

5. Report Conclusions

On the basis of the analysis of evidence available as set out in this report, areas of Leicester outside of existing Article 4 areas have been identified where HMOs form a significant proportion of the housing stock at a level that is likely to result in harmful effects on residential amenity.

It is anticipated that overall demand for HMOs will increase and ongoing pressures for HMOs are likely to result in the residential areas set out in this report.

It is therefore considered justifiable and expedient to remove permitted development rights

that allow a change of use from a dwelling-house (Use Class C3) to a small HMO (Use Class C4) in these areas through the use of new Article 4 Direction. This will ensure that the local amenity and wellbeing of these areas is protected through greater planning control over this form of development, exercised through current and emerging Local Plan policy.

It is also proposed to retain the existing A4D, which will apply alongside the new areas covered by this decision.

The proposed affected properties and areas are identified in the Draft Direction copied at Appendix D.

The associated recommendations are set out in **Section 2** of this report.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

There are no significant financial implications arising from the recommendations in this report. If a non-immediate Article 4 Direction is pursued (giving 12 months' notice) then this would eliminate the risk of property owners seeking financial compensation for reductions in property values. The cost of consultation can be absorbed within existing revenue budgets.

Stuart McAvoy – Principal Accountant

6.2 Legal implications

Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same.

Government Guidance contained in the National Planning Policy Framework and the Planning Practice Guidance advises that A4D to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area.

Once a non-immediate Direction comes into force, a planning application will be required for any change of use from C3 (dwelling-house) to C4 (small HMO). Permitted development rights will remain to change from C4 use to C3

Katharine Hall - Legal Advisor

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public-Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due

regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't, and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

If the use of A4D is agreed for the proposed areas of the city as stated in this report it should lead to positive outcomes for people from a range of protected characteristics by helping to improve the composition of local neighbourhoods.

An Equality Impact Assessment (EIA) is currently underway and the Corporate Equalities Team have provided feedback to the lead officer. An EIA action plan has been produced, which identifies a number of key objectives, including public consultation and up to date data sets. This will be monitored once the new A4D are in place. Any consultation must be accessible, proportionate, and fair.

The equality impact assessment is an iterative process that should be revisited throughout the decision-making process and updated to reflect any feedback/changes due to consultation/engagement as appropriate.

Sukhj Biring, Equalities Officer, 454 4175

6.4 Climate Emergency implications

Housing is a major source of carbon emissions in Leicester, and is an important area to tackle following the council's declaration of a climate emergency. The move to requiring planning permission for conversions of houses to small HMOs may have a positive impact on housing emissions in terms of securing investment in existing properties, as the planning process and need to meet building regulations may lead to improvements being made that would increase the energy efficiency of the proposed dwellings. The impact is likely to be limited however, depending on the number of properties affected.

Aidan Davis, Sustainability Officer

7. Background Information and Other Papers

Extracts from BRE Integrated Dwelling Level Housing Stock Modelling Report and Database for Leicester City Council (Sept 2020)

8. Summary of appendices:

Appendix A- Existing and Proposed A4D Boundaries

Appendix B- Supporting Evidence

Appendix C- Concentration Options considered

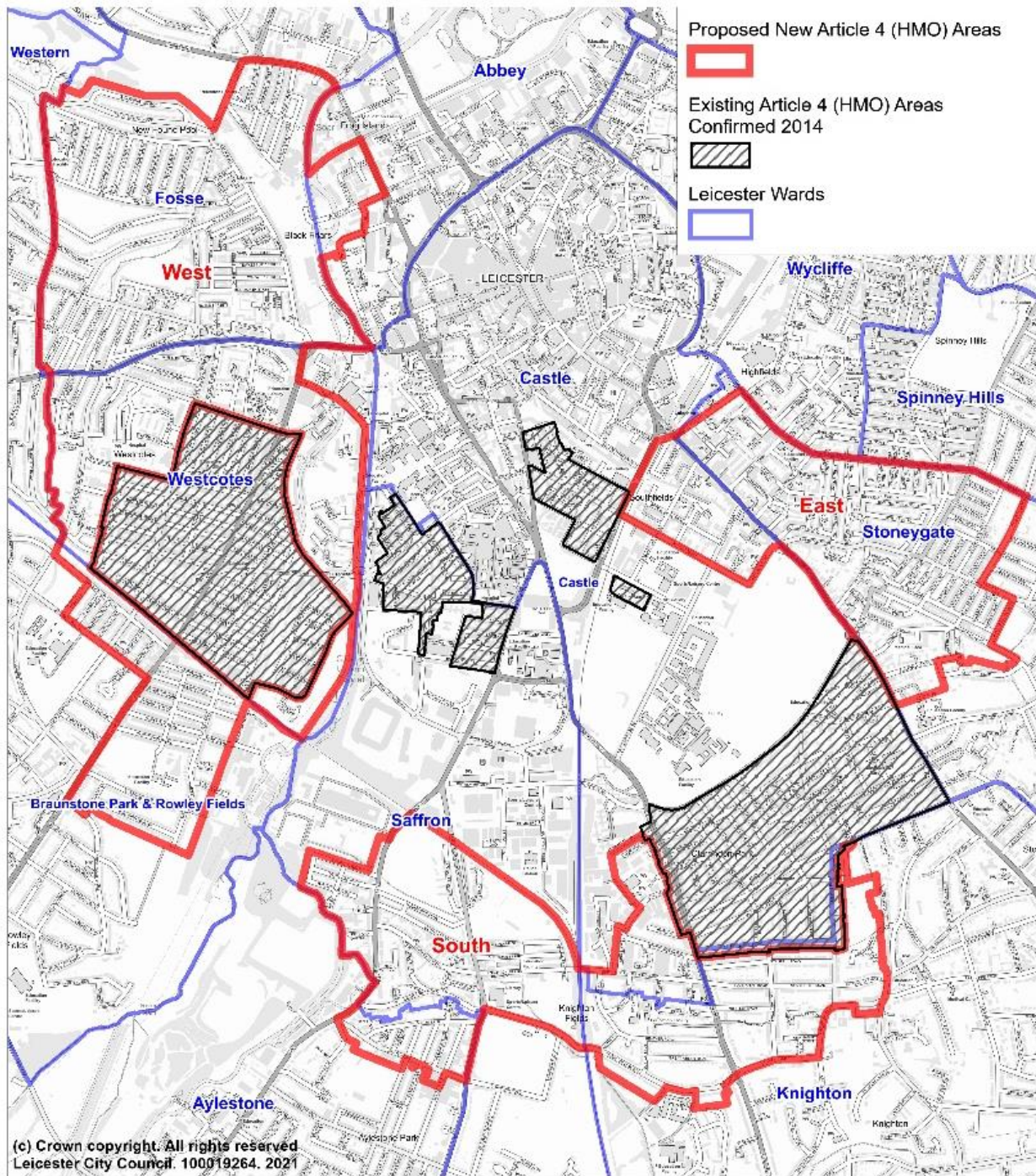
Appendix D- Proposed Direction

9. **Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?** No

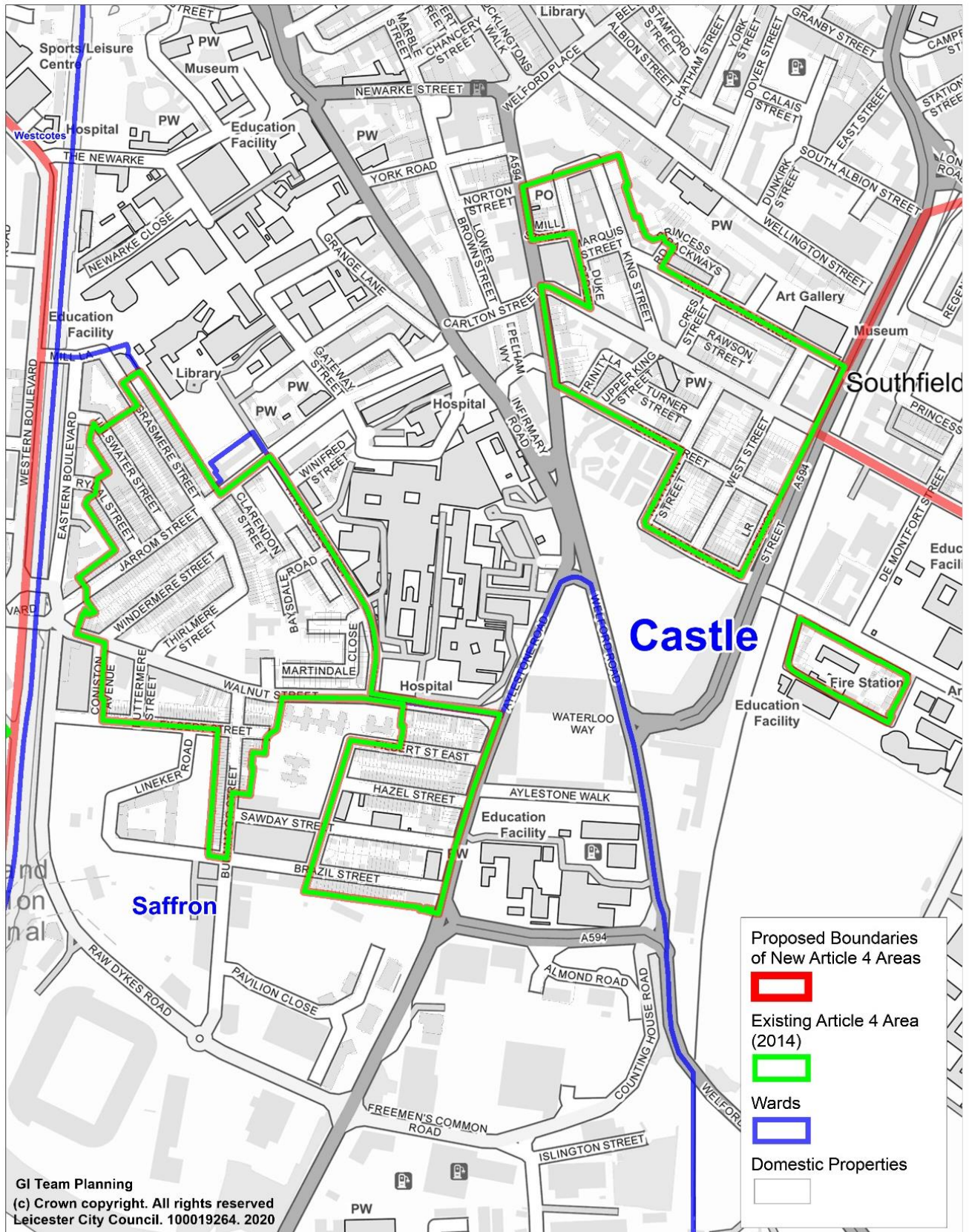
10. **Is this a “key decision”? If so, why?** Yes, as it affects 2 or more wards in the city.

Appendix A: Existing and Proposed new Article 4 Direction boundaries

Proposed Article 4 (HMO) Area

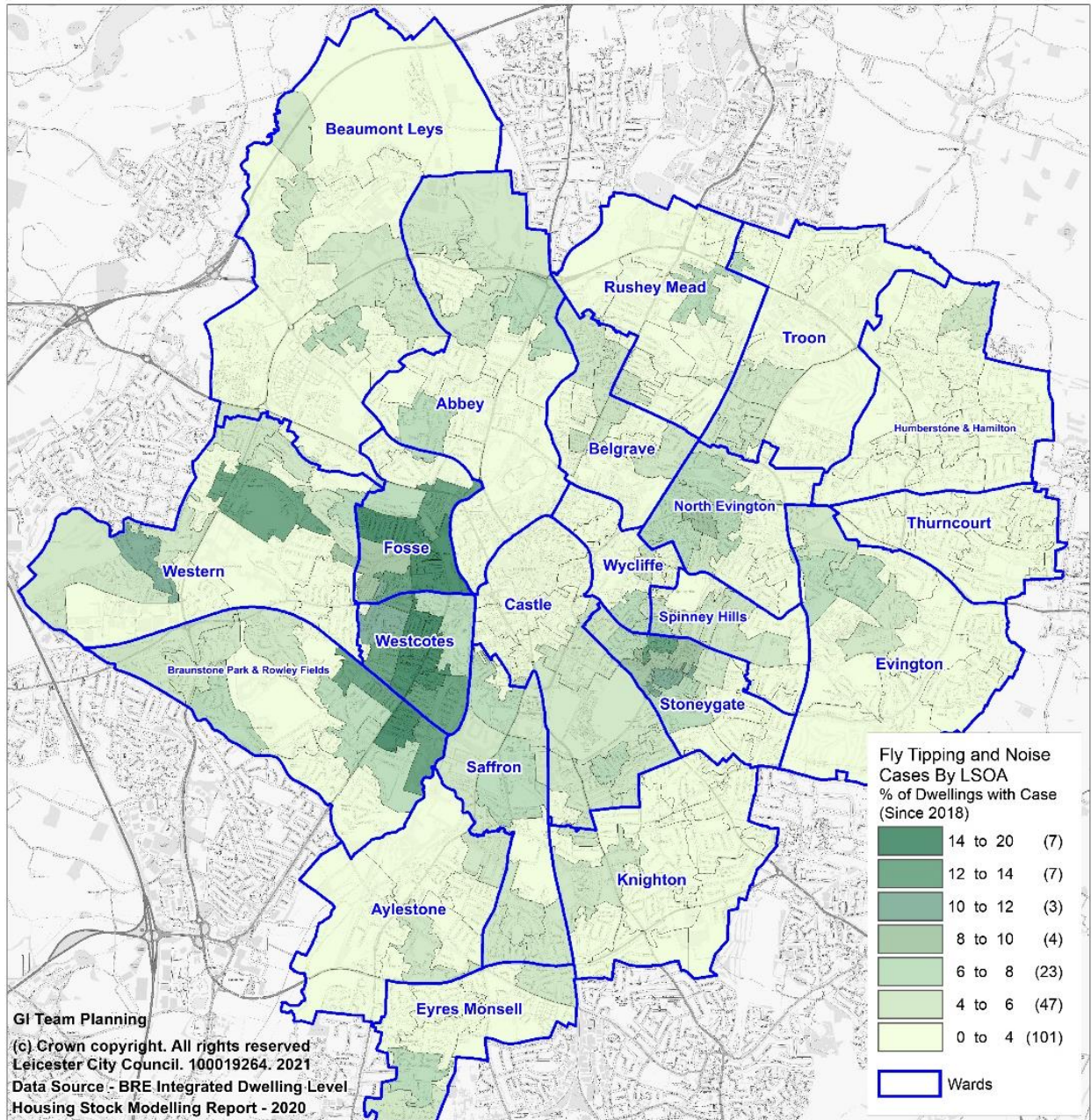


Saffron North / Castle Central - No Change to Existing Areas



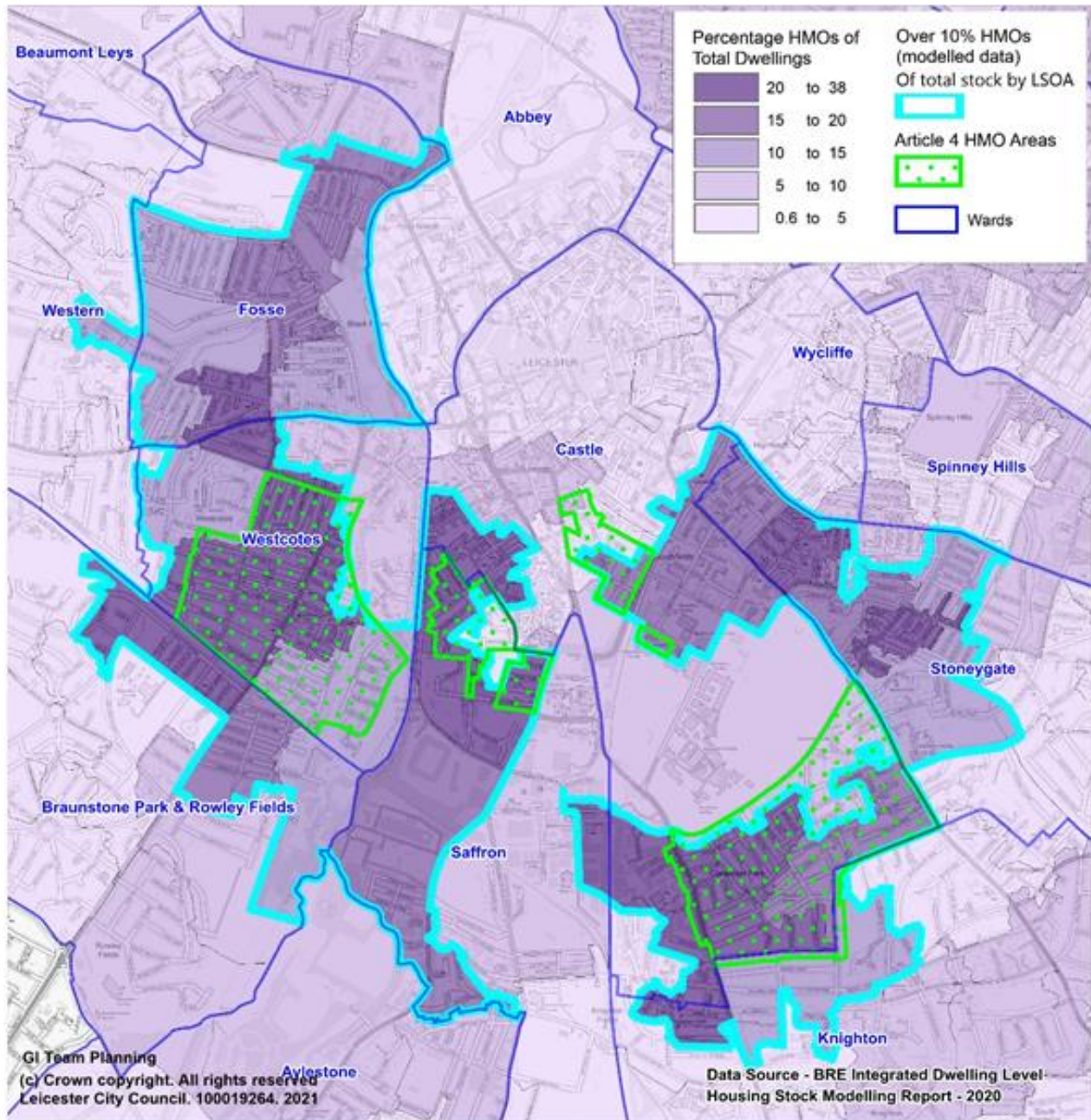
Appendix B Supporting Evidence

Fly Tipping & Noise, % of Dwellings with Case Against By LSOA

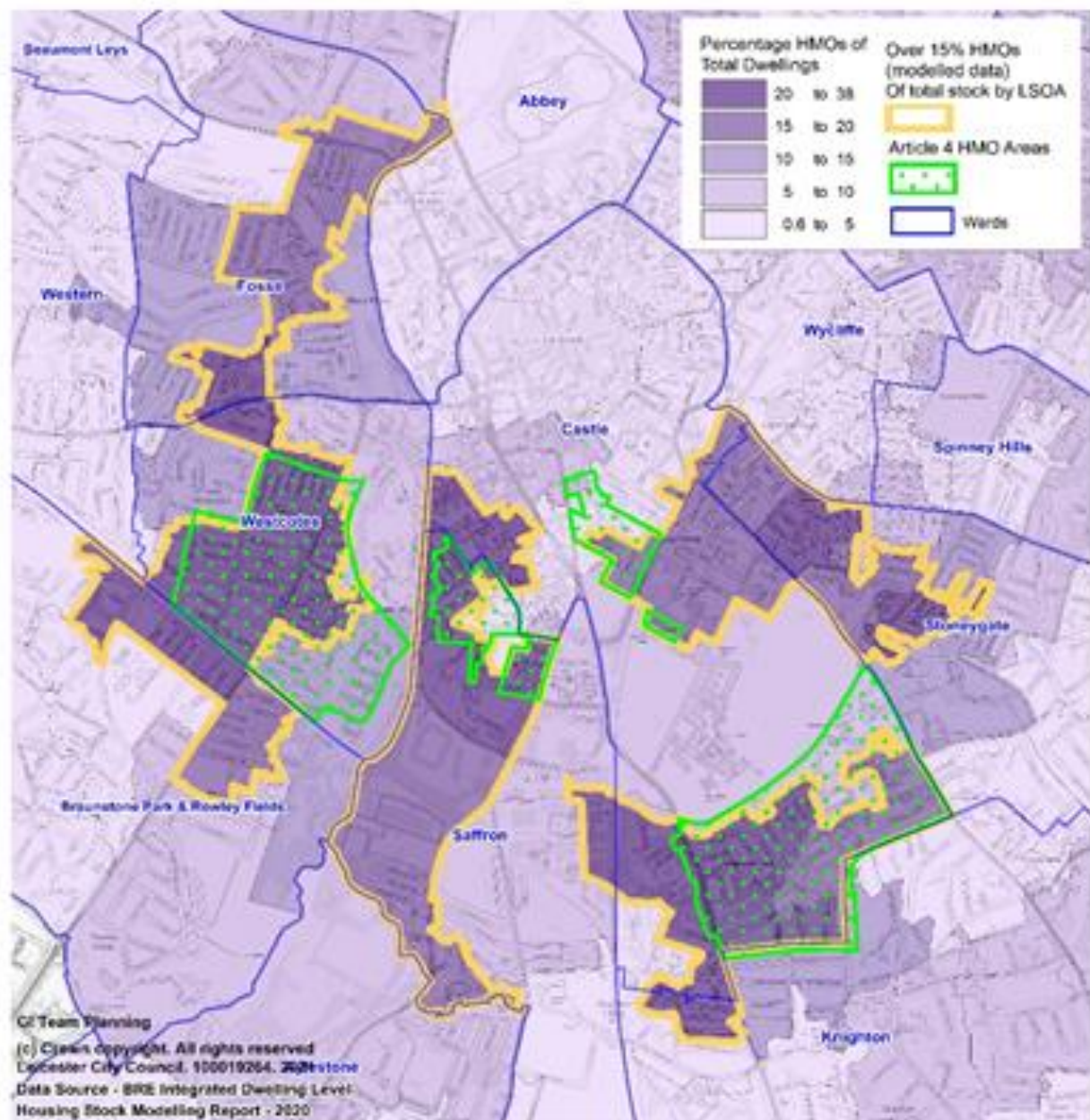


Appendix C Concentration Options considered

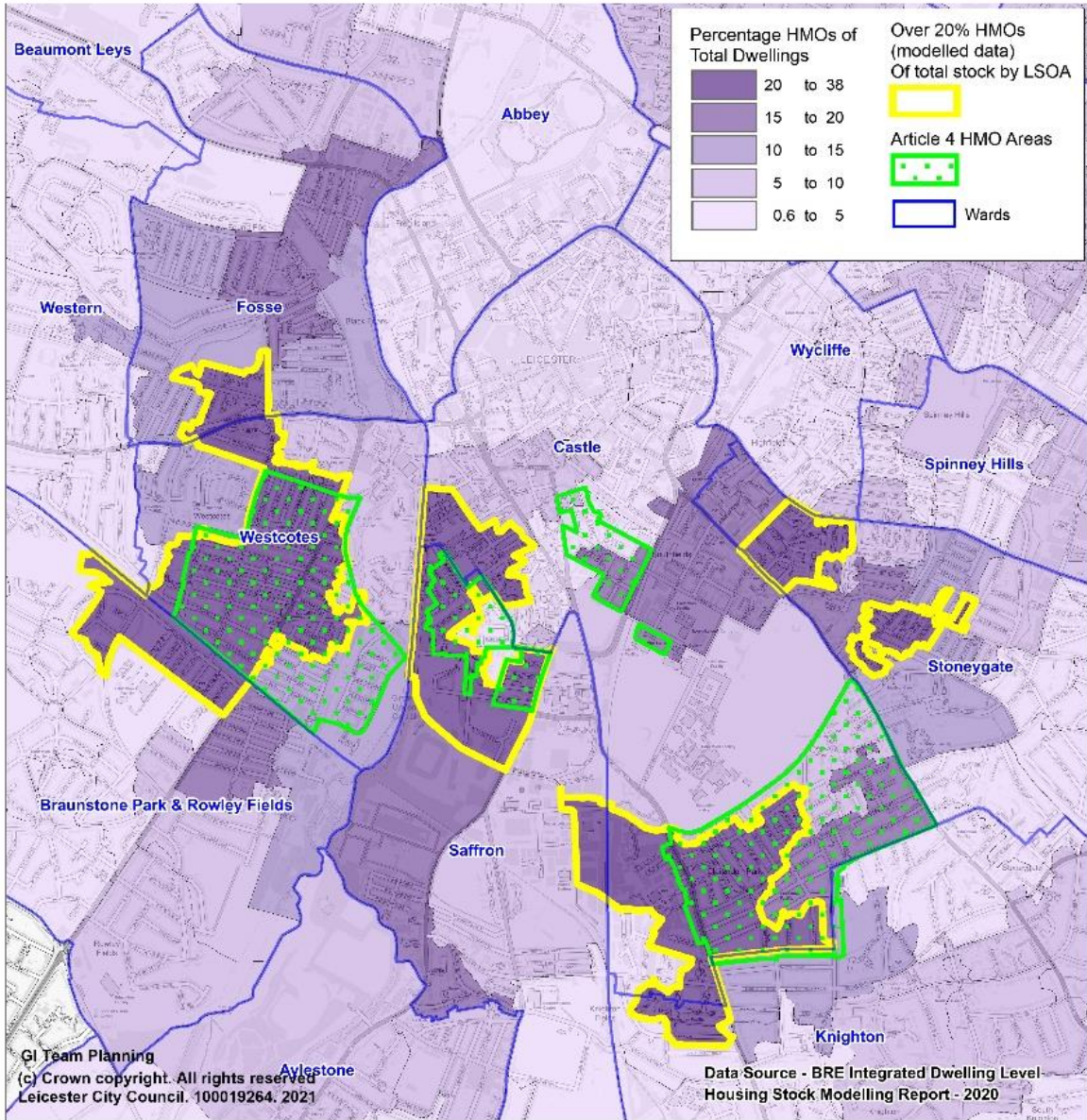
Percentage of HMOs of Total Stock By LSOA Area - Over 10%



Percentage of HMOs of Total Stock By LSOA Area - Over 15%



Percentage of HMOs of Total Stock By LSOA Area - Over 20%



Appendix D: Proposed Direction

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT (ENGLAND) ORDER 2015 (AS AMENDED)

DIRECTION MADE UNDER ARTICLE 4(1) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

LEICESTER CITY COUNCIL HMO ARTICLE 4 DIRECTION 2021 (“the Direction”)

WHEREAS LEICESTER CITY COUNCIL (hereafter called “the Council”) being the appropriate local planning authority within the meaning of article 4 (5) of the Town and Country Planning (General Permitted Development) Order 2015 (“the Order”), are satisfied that it is expedient that development of the description(s) set out in Schedule 1 below should not be carried out within the Land and/or properties shown edged red on the attached plans at Schedule 2 (“the Land”), unless planning permission is granted on an application under Part III of the Town and Country Planning Act 1990 as amended.

For the avoidance of doubt the Leicester City Council HMO Article 4 Direction 2021 shall apply to the following 3 areas:-

- Sub-Area – West
- Sub-Area – East
- Sub-Area – South

The following areas covered by the Article 4 Direction made on 8th August 2013 remain unchanged by the Direction:-

- Westcotes
- Clarendon Park
- Central area

AND WHEREAS the Council considers that development of the said descriptions set out in the Schedule below should not be carried out unless permission is granted by an application made under Part III of the Town & Country Planning Act 1990.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in Schedule 1.

THIS LEICESTER CITY COUNCIL HMO ARTICLE 4 DIRECTION 2021 was made on 16th November 2021 under Article 4(1) Section 1 of the said Order. In accordance with Paragraphs 1(11) and 1 (12) of the Order, the Council confirmed the Article 4(1) Direction on 17th November 2022 and shall take effect on 24th November 2022

SCHEDULE 1

Development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, being development comprised within Class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, being development comprised within any other Class.

**Made under the Common Seal of
Leicester City Council**

Authorised Signatory

This 16th day of November 2021

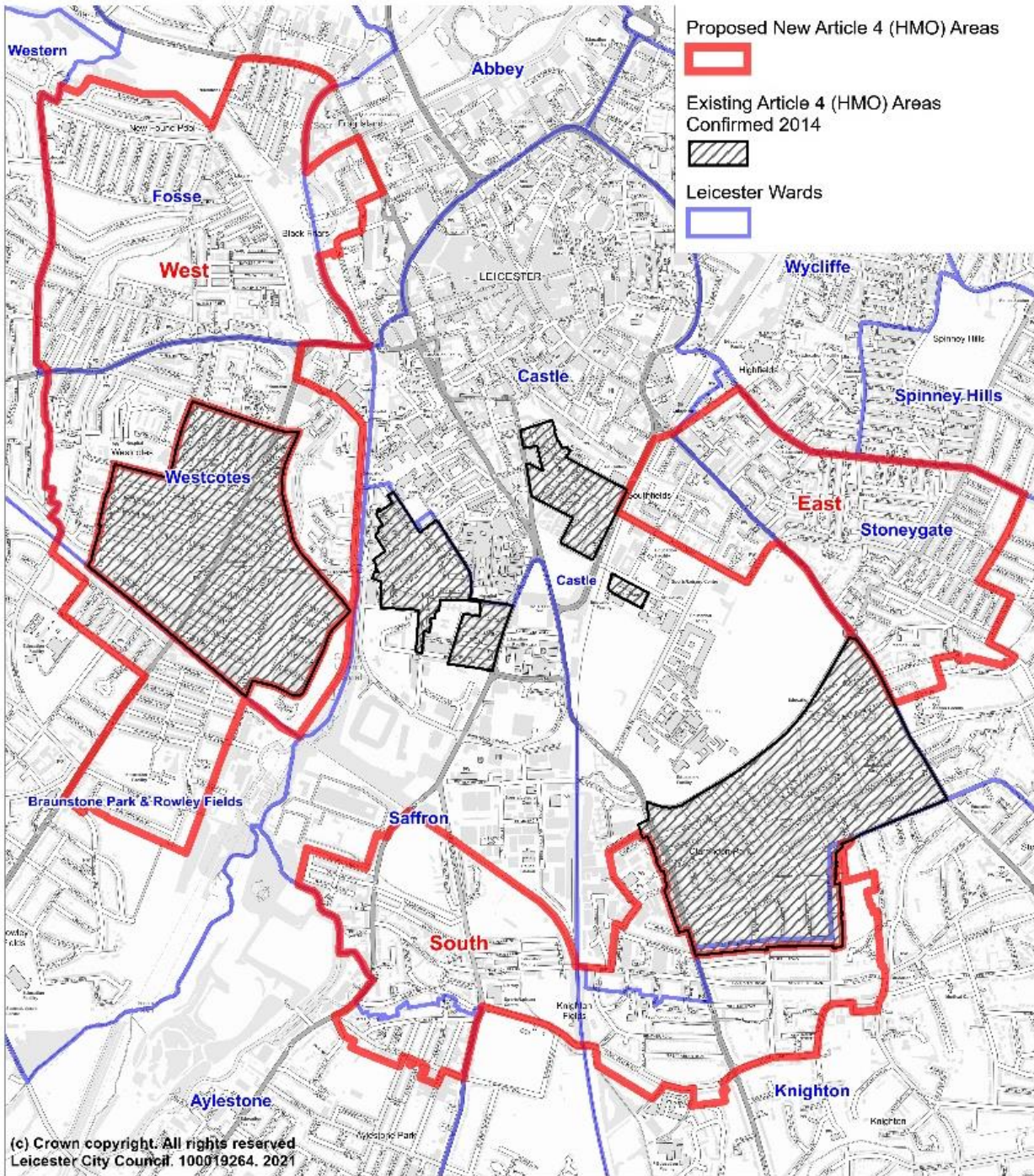
**Confirmed under the Common Seal of
Leicester City Council**

Authorised Signatory

This day of 2021/2

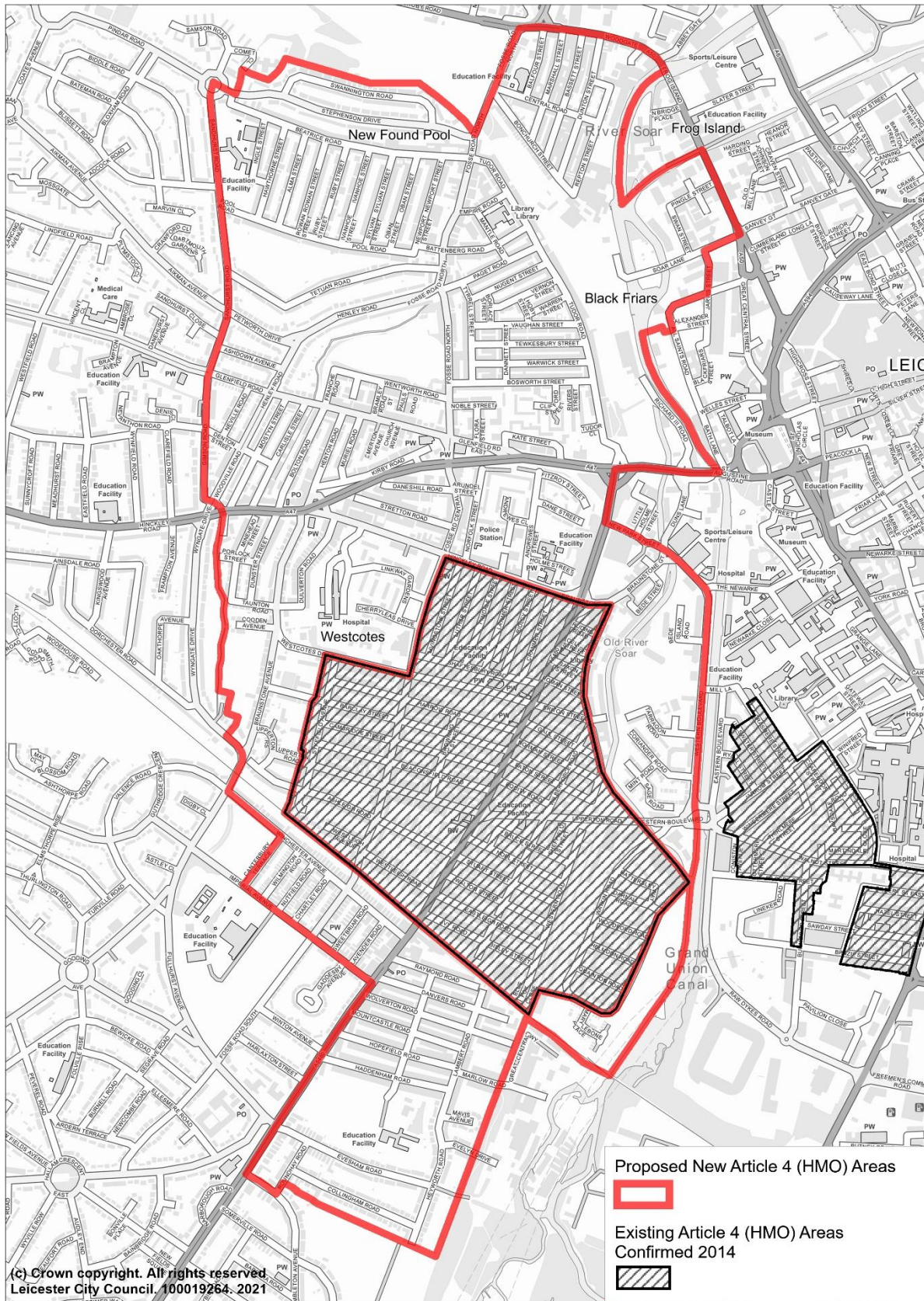
SCHEDULE 2
PLANS/ADDRESS LIST

Proposed Article 4 (HMO) Area



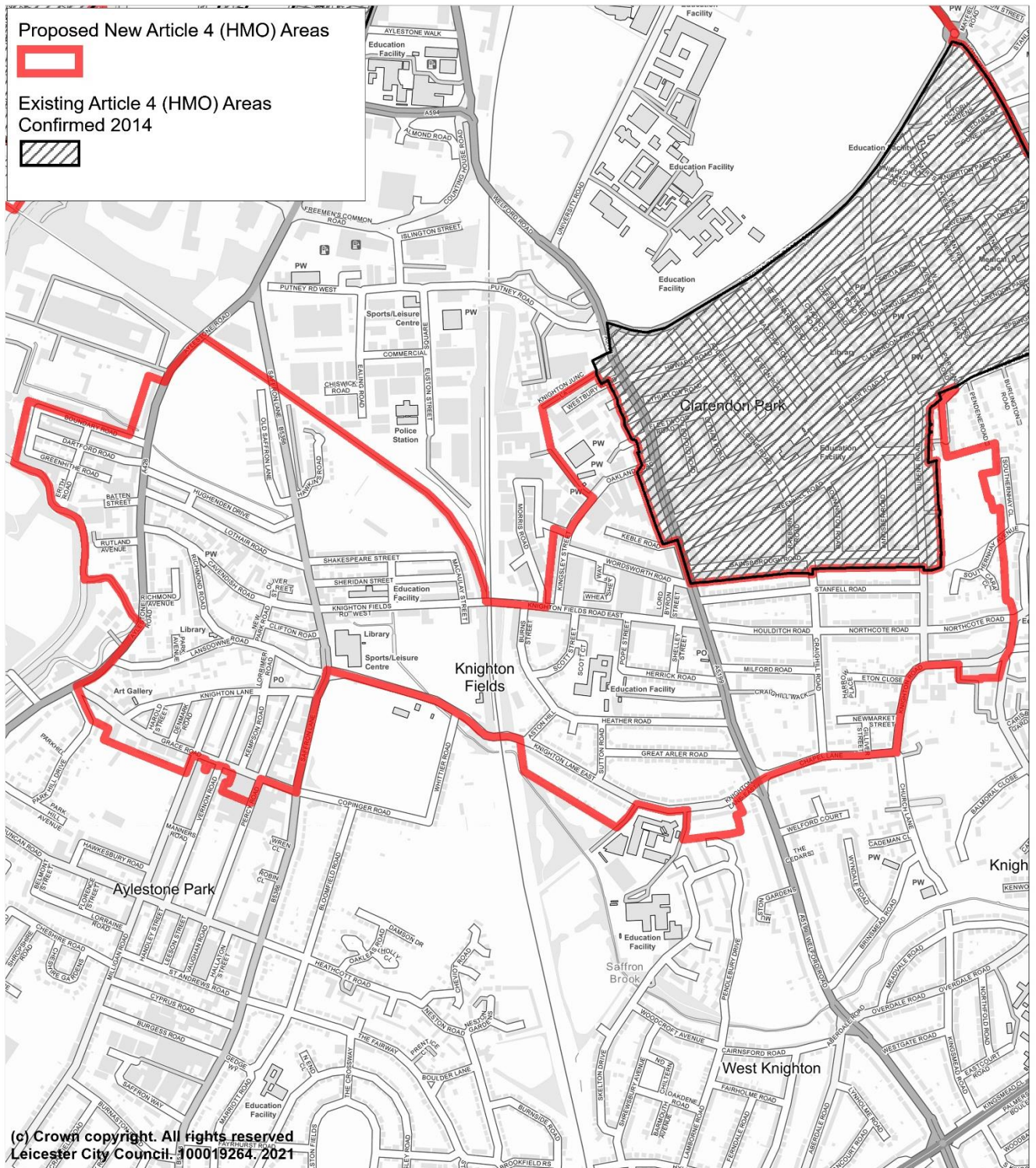
Area 1

Proposed Article 4 (HMO) Area - West



Area 2

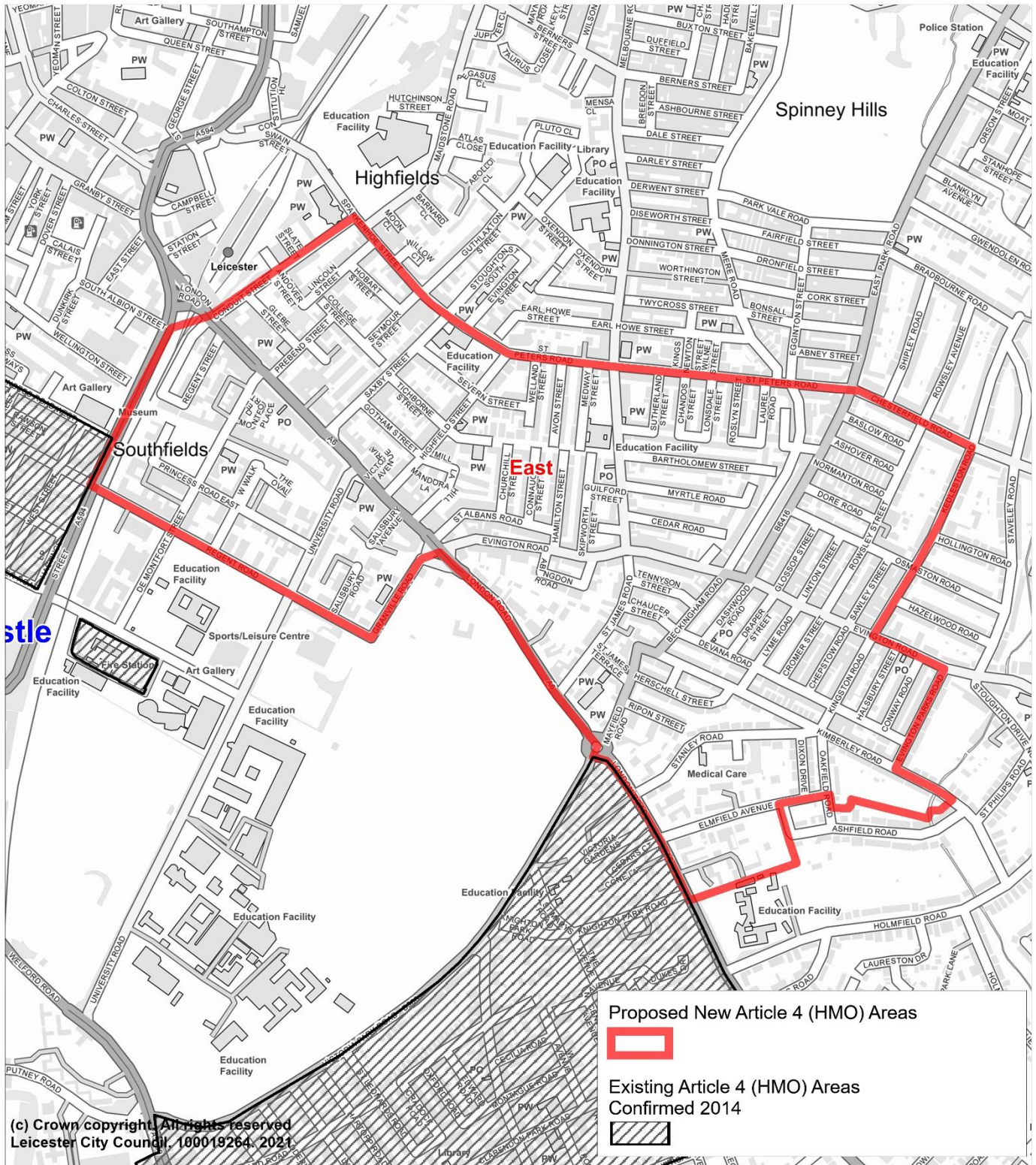
Proposed Article 4 (HMO) Area - South



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Area 3

Proposed Article 4 (HMO) Areas - East



List of Streets in Proposed Article 4 Area

STREET	Note where not whole street (refer to map)	Area
Abingdon Road		East
Abingdon Walk		East
Alma Street		West
Andover Street		East
Andrewes Close		West
Andrewes Street		West
Andrewes Walk		West
Arundel Street		West
Ashdown Avenue		West
Ashford Road		South
Ashleigh Road	Part (Remainder in existing Article 4 area)	West
Ashover Road		East
Aston Hill		South
Avenue Road	Part (Part in existing Article 4 area / Part outside)	South
Avenue Road Extension	Part (Remainder in existing Article 4 area)	South
Avon Street		East
Aylestone Road	Part (Part in existing Article 4 area / Part outside)	South
Balfour Street		West
Barclay Street	Part (Remainder in existing Article 4 area)	West
Barradale Court		East
Bartholomew Street		East
Baslow Road		East
Bassett Street		West
Batten Street		South
Battenberg Road		West
Beatrice Road		West
Beckingham Road		East
Bede Island Road		West
Bede Street		West
Biddulph Avenue		East
Biddulph Street		East
Bolton Road		West
Bonchurch Street		West
Borlace Street		West
Bosworth Street		West
Boundary Road		South
Bowood Court		South
Bramley Road		West
Braunstone Avenue	Part (Remainder outside Article 4 Area)	West
Braunstone Gate	Part (Remainder in existing Article 4 area)	West
Brentwood Road	Part (Remainder in existing Article 4 area)	South
Briton Street	Part (Remainder in existing Article 4 area)	West
Brookhouse Avenue		East

Brookhouse Street		East
Brookland Road	Part (Remainder in existing Article 4 area)	South
Brooksby Street		South
Burns Street		South
Calluna Close		South
Canterbury Terrace		West
Cara Close		South
Carisbrooke Road	Part (Remainder outside Article 4 Area)	South
Carlisle Street		West
Catesby Street		West
Cavendish Mews		South
Cavendish Road		South
Cedar Road		East
Central Road		West
Chandos Street		East
Chapel Lane	Part (Remainder outside Article 4 Area)	South
Chartley Road		West
Chaucer Street		East
Chepstow Road		East
Cherryleas Drive		West
Chesterfield Road	Part (Remainder outside Article 4 Area)	East
Church Avenue		West
Churchill Street		East
Clifford Street		West
Clifton Road		South
College Avenue		East
College Street		East
Collingham Road		West
Compton Road		West
Conduit Street	Part (Remainder outside Article 4 Area)	East
Conifer Close		East
Connaught Street		East
Conway Road		East
Cooden Avenue		West
Coriander Road		West
Cowper Street		South
Craighill Road		South
Cromer Street		East
Dane Street		West
Daneshill Road		West
Dannett Street		West
Dannett Walk		West
Danvers Road		West
Dartford Road		South
Dashwood Road		East
De Montfort Mews		East
De Montfort Place		East

De Montfort Square		East
De Montfort Street	Part (Remainder outside Article 4 Area)	East
Denmark Road		South
Denton Street		West
Devana Road		East
Dixon Drive		East
Dore Road		East
Draper Street		East
Dulverton Road		West
Dumbleton Avenue	Part (Remainder outside Article 4 Area)	West
Dunster Street		West
Dunton Street		West
East Park Road	Part (Remainder outside Article 4 Area)	East
Elmfield Avenue		East
Empire Road		West
Erith Road		South
Estima Close		South
Eton Close		South
Evelyn Drive	Part (Remainder outside Article 4 Area)	West
Evesham Road		West
Evington Footway		East
Evington Parks Road	Part (Remainder outside Article 4 Area)	East
Evington Place		East
Evington Road	Part (Remainder outside Article 4 Area)	East
Fitzroy Street		West
Flora Street		West
Fosse Road Central		West
Fosse Road North		West
Fosse Road South	Part (Part in existing Article 4 area / Part outside)	West
Foxon Street		West
Franche Road		West
Gilliver Street		South
Gimson Road	Part (Remainder outside Article 4 Area)	West
Glebe Street		East
Glenfield Road	Part (Remainder outside Article 4 Area)	West
Glenfield Road East		West
Glossop Street		East
Gordon Avenue		East
Gotham Street		East
Grace Road	Part (Remainder outside Article 4 Area)	South
Granville Road	Part (Remainder outside Article 4 Area)	East
Great Arler Road		South
Greenhithe Road		South
Guilford Street		East
Haddenham Road		West
Halsbury Street		East
Hamilton Street		East

Harold Street		South
Harrow Place		South
Hawkins Road		South
Hawthorne Street		West
Heather Road		South
Henley Road		West
Henton Road		West
Herrick Road		South
Herschell Street		East
Heyworth Road		West
Highfield Street		East
Hinckley Road	Part (Part in existing Article 4 area / Part outside)	West
Hobart Street		East
Hoby Street		West
Hopefield Road		West
Houlditch Road		South
Hughenden Drive		South
Imperial Avenue	Part (Remainder outside Article 4 Area)	West
Ingle Street		West
Ivanhoe Street		West
Kate Street		West
Keble Road		South
Kedleston Road	Part (Remainder outside Article 4 Area)	East
Kempson Road		South
Kimberley Road	Part (Remainder outside Article 4 Area)	East
King Richards Road		West
Kingsley Street		South
Kingston Road		East
Kirby Road		West
Knighton Fields Road East	Part (Remainder outside Article 4 Area)	South
Knighton Fields Road West		South
Knighton Junction Lane	Part (Remainder outside Article 4 Area)	South
Knighton Lane		South
Knighton Lane East	Part (Remainder outside Article 4 Area)	South
Knighton Road	Part (Remainder outside Article 4 Area)	South
Lambert Road		West
Lansdowne Road		South
Laurel Road		East
Lavender Road		West
Lincoln Street		East
Linkway Gardens		West
Linton Street		East
London Road	Part (Part in existing Article 4 area / Part outside)	East
Lonsdale Street		East
Lord Byron Street		South
Lorrimer Road		South
Lothair Road		South

Lyme Road		East
Macaulay Street		South
Mandora Lane		East
Mantle Road		West
Maris Lane		South
Marlow Road	Part (Remainder outside Article 4 Area)	West
Marshall Street		West
Marylebone Place		West
Mavis Avenue		West
Mayfield Road		East
Medway Street		East
Melcroft Avenue		West
Mere Road	Part (Remainder outside Article 4 Area)	East
Merton Avenue		West
Milford Road		South
Mill Hill Lane		East
Milligan Road	Part (Remainder outside Article 4 Area)	South
Minehead Street		West
Mint Road		West
Morris Road	Part (Remainder outside Article 4 Area)	South
Mostyn Street		West
Mountcastle Road		West
Mundella Street		East
Muriel Road		West
Musgrove Close		West
Myrtle Road		East
Narborough Road	Part (Part in existing Article 4 area / Part outside)	West
Nelson Street		East
Neville Road		West
New Park Road		South
New Park Street	Part (Remainder outside Article 4 Area)	West
New Walk	Part (Part in existing Article 4 area / Part outside)	East
Newmarket Street		South
Newport Street		West
Noble Street		West
Nook Street		West
Norfolk Street		West
Norfolk Walk		West
Normanton Road		East
Northcote Road		South
Nugent Street		West
Nutfield Road		West
Oakfield Road	Part (Remainder outside Article 4 Area)	East
Oakland Road	Part (Part in existing Article 4 area / Part outside)	South
Oban Street		West
Old Saffron Lane		South
Oliver Street		South

Onslow Street		East
Osmaston Road	Part (Remainder outside Article 4 Area)	East
Oxford Avenue		East
Paget Road		West
Park Avenue		South
Pentland Close		South
Percy Road	Part (Remainder outside Article 4 Area)	South
Petworth Drive		West
Pool Road		West
Pope Street		South
Porlock Street		West
Prebend Street		East
Princess Road East		East
Queens Road	Part (Remainder in existing Article 4 area)	South
Raymond Road		West
Regent Road	Part (Part in existing Article 4 area / Part outside)	East
Regent Street		East
Repton Street		West
Richard III Road		West
Richmond Avenue		South
Richmond Close		South
Richmond Road		South
Ripon Street		East
Rivers Street		West
Roslyn Street		East
Roundhay Road		West
Rowan Street		West
Rowsley Street		East
Ruby Street		West
Rugby Street		West
Rutland Avenue		South
Saffron Hill Road		South
Saffron Lane	Part (Remainder outside Article 4 Area)	South
Sage Road		West
Salisbury Avenue		East
Salisbury Road		East
Salisbury Road Backways		East
Sandhurst Road	Part (Remainder outside Article 4 Area)	West
Sawley Street		East
Saxby Street		East
Scholars Walk		East
Scott Court		South
Scott Street		South
Severn Street		East
Seymour Street		East
Shakespeare Street		South
Shelley Street		South

Sheridan Street		South
Skipworth Street		East
Soar Lane		West
Southernhay Avenue		South
Sparkenhoe Street	Part (Remainder outside Article 4 Area)	East
St Albans Road		East
St Augustine Road		West
St Dunstan Road		West
St James Road		East
St James Terrace		East
St Pauls Road		West
St Peters Road	Part (Remainder outside Article 4 Area)	East
St Stephens Road		East
Stanfell Road		South
Stanley Road		East
Stephenson Drive	Part (Remainder outside Article 4 Area)	West
Storey Street		West
Stretton Road		West
Sutherland Street		East
Sutton Road		South
Swannington Road		West
Swanscombe Road		South
Sweetbriar Road		West
Sykefield Avenue	Part (Remainder in existing Article 4 area)	West
Sylvan Street		West
Tarragon Road		West
Taunton Road		West
Tennyson Street		East
Tetuan Road		West
Tewkesbury Street		West
Thackeray Street		South
The Oval		East
Thorpe Street		West
Thyme Close		West
Tichborne Street		East
Tudor Close		West
Tudor Road		West
Tyrrell Street		West
University Road	Part (Remainder outside Article 4 Area)	East
Upper New Walk		East
Upper Tichborne Street		East
Upperton Rise		West
Upperton Road	Part (Remainder in existing Article 4 area)	West
Vaughan Street		West
Vernon Road	Part (Remainder outside Article 4 Area)	South
Vernon Street		West
Victoria Avenue		East

Victoria Terrace		East
Warren Street		West
Warwick Street		West
Watkin Road	Part (Remainder in existing Article 4 area)	West
Welford Road	Part (Part in existing Article 4 area / Part outside)	South
Welland Street		East
Wentworth Road		West
West Walk		East
Westbury Road	Part (Remainder in existing Article 4 area)	South
Westcotes Drive	Part (Remainder in existing Article 4 area)	West
Western Boulevard	Part (Remainder outside Article 4 Area)	West
Western Road	Part (Remainder in existing Article 4 area)	West
Wheatsheaf Court		South
Wheatsheaf Way		South
Wilmington Road		West
Winchester Avenue		West
Wolverton Road		West
Woodbine Avenue		East
Woodgate	Part (Remainder outside Article 4 Area)	West
Woodville Road		West
Wordsworth Road		South