

Appendix D

Case Study of Salford City Council actions regarding Article 4

Small houses in multiple occupation: evidence to justify the purpose and extent of an Article 4 Direction

Salford City Council

October 2017

1. Purpose of this report and background

- 1.1 This report provides the evidence to justify the purpose and extent of an Article 4 Direction in parts of Salford to require planning permission for the change of use of a Use Class C3 dwellinghouse to a Use Class C4 small house in multiple occupation.

Houses in multiple occupation

- 1.2 Houses in multiple occupation (HMOs) can be defined in a number of different ways, but broadly speaking they are considered to be properties occupied by unrelated individuals who share basic amenities such as a kitchen or bathroom. The traditional source of HMOs tends to be larger, older family dwelling houses.
- 1.3 HMOs make an important contribution to the housing supply, generally providing low-cost private sector accommodation for those on low incomes, students, and those seeking temporary accommodation. They are normally located in areas with good access to public transport (in particular bus routes) and local services.
- 1.4 However, high concentrations of HMOs can sometimes have a detrimental impact on local housing areas. For example, they can involve a more intense use of dwellings that may increase noise pollution or car parking demands, they can increase pressures on local services, and they can impact on social cohesion given that they often have a higher turnover of residents and therefore a more transient population.

National legislation

- 1.5 In 2010 changes to the General Permitted Development Order (GPDO) introduced a new Use Class, C4, covering the following uses that had previously been within Use Class C3 (dwellinghouses):
 - Small shared dwelling houses occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom
 - Small bedsits
- 1.6 Social housing, care homes, children's homes, bail hostels and small religious communities are excluded from Use Class C4. Properties containing the owner and up to two lodgers are also excluded. Some of these uses are in Use Class C3, others in other Use Classes, whilst some are treated as sui-generis.
- 1.7 Use Class C3 was amended accordingly to reflect this new C4 use, so that C3 use now consists of the following:

- Class C3a - Those living as a single household as defined by the 2004 Housing Act 2004 (basically a 'family' where there is no limit on the number of members of the household)
- Class C3b - Not more than six people living together as a single household and receiving care
- Class C3c - Not more than six people living together as a single household who do not fall within the C4 definition of a HMO (for example a small religious community, or homeowners with up to 2 lodger/s)

1.8 In planning terms, the change of use of a Use Class C3 dwellinghouse to shared housing occupied by more than 6 people (a large *sui-generis* HMO) requires an express grant of planning permission.

1.9 Planning permission is not currently required to convert a Use Class C3 dwellinghouse into a Use Class C4 small HMO. That conversion can be done under the permitted development rights set out in the General Permitted Development Order (Paragraph A of Class I in Part 3 to Schedule 2).

Use of Article 4 Directions

1.10 Article 4 Directions can be used by local planning authorities to remove permitted development rights in part or all of their area, thereby requiring planning permission for a change of use that would otherwise be permitted development. Article 4 Directions have tended to be used in conservation areas so as to exert greater control over extensions or other changes to buildings¹. However, they are also a means by which local planning authorities can exert greater control over the proliferation of small HMOs (i.e. through requiring planning permission for the change of use of a dwellinghouse in Use Class C3 to a small HMO in Use Class C4). Importantly however, the introduction of an Article 4 Direction does not mean that all planning applications for a change of use from a dwellinghouse to a Use Class C4 HMO will be refused. The Direction only relates to requiring the submission of a planning application for consideration by the Local Planning Authority, and any application will be determined on its merits having regard to the development plan and any other material considerations

1.11 The National Planning Policy Framework (paragraph 200) requires the use of Article 4 Directions to be limited to situations where it is 'necessary to protect local amenity or the wellbeing of the area', and should not be used unless there is 'clear justification' for doing so. The national Planning Practice Guidance (PPG) further states that evidence is required to justify the purpose and extent of the Direction, to demonstrate that such action is needed to protect local amenity or well-being of the area. The PPG also requires the potential harm that the Direction is intended to address to be clearly identified. Finally, it requires there to be a "particularly strong" justification if a Direction is to relate to a wide area (for example covering the entire area of a local

¹ There is currently only one Article 4 Direction in Salford, which requires planning permission for the replacement of windows in the Mines Rescue Conservation Area

planning authority).

2. Estimate of the number of HMOs in Salford

2.1 The city council holds data that enables it to build up a picture of the location of HMOs in the city, with some HMO properties having to be registered as a result of landlord licensing requirements. However, the issue is complicated by the fact that planning permission is not currently needed in Salford for a change of use from a C3 dwellinghouse to a small C4 HMO, and there is no way of identifying small HMOs that existed before the Use Class changes in 2010.

Mandatory HMO Licensing

2.2 Mandatory Licensing of HMOs was introduced under the 2004 Housing Act. HMOs which need to have a licence are those where there are five or more tenants, forming two or more households, which use shared facilities such as toilets, bathrooms, kitchens and so on; and the property has three or more floors (this includes cellars, basements and loft conversions).

2.3 It is an offence for landlords not to license any HMO which is required to be licensed, and landlords can be prosecuted, have control of their unlicensed properties taken away from them, and be liable to repay any rents paid by their tenants or the council. The local authority must ensure that satisfactory management arrangements are in place and that the property meets the required minimum standards for the number of tenants housed.

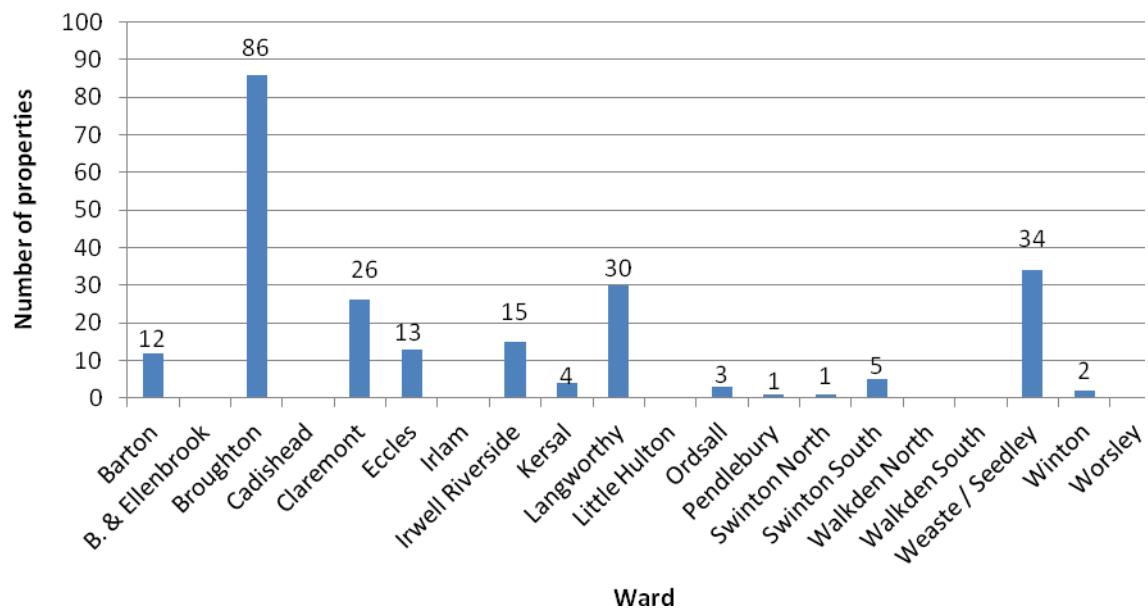
2.4 The Government announced in October 2016 that it intends to remove the existing “three storey” rule so that all buildings meeting the above criteria, regardless of the number of floors, will fall within the scope of mandatory licensing. It is also intended that flats which are occupied by five persons or more, in households of two or more, will also be subject to mandatory licensing if the flat:

- Is in a converted building; or
- In certain circumstances is in a building where part of the building is used for commercial or other non-residential purposes.

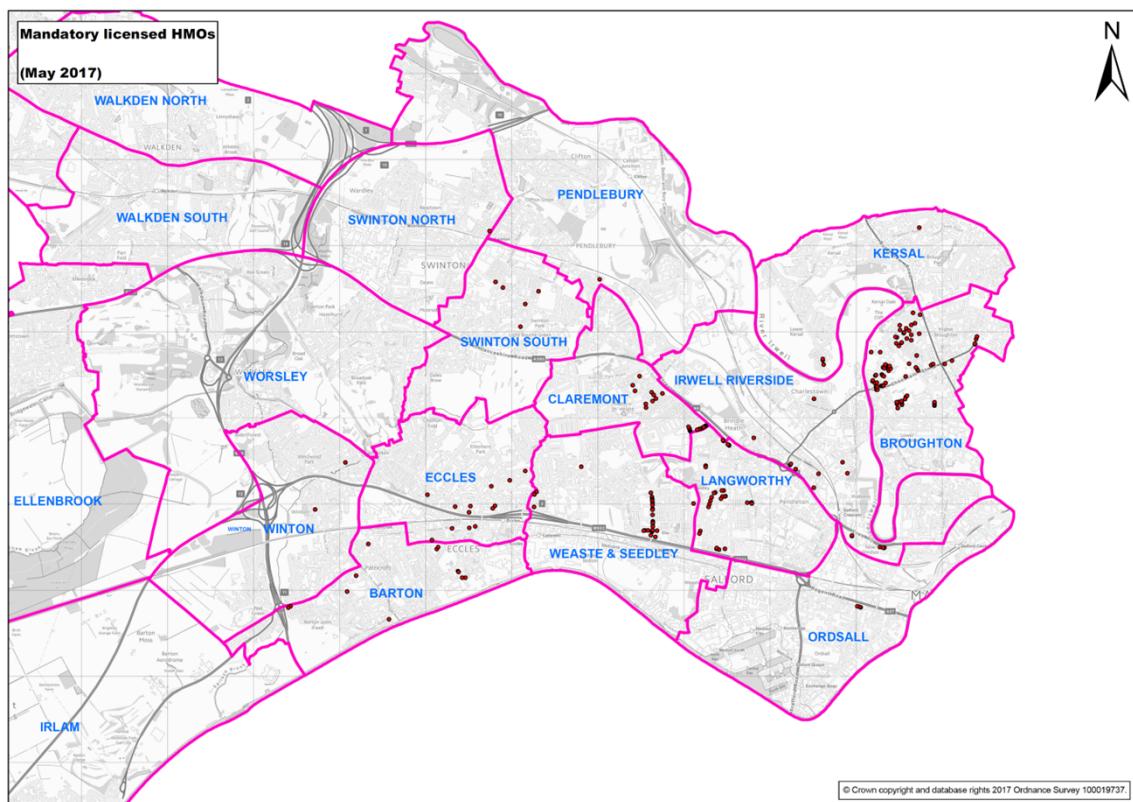
2.5 It is estimated by government that the proposals will make around 174,000 additional HMOs (including flats in multiple occupation) subject to mandatory licensing.

2.6 As of May 2017 there were 232 mandatory licensed HMO properties within the city, compared with 182 in September 2010. The graph below shows the distribution of these properties by ward:

Number of mandatory licensed HMOs (May 2017)



2.7 The graph above shows that the ward of Broughton contains the most mandatory licensed HMOs of all wards in the city. The map below shows all mandatory HMOs in Salford, and demonstrates that there are particular concentrations within parts of wards including Broughton (clustered around Great Cheetham Street West and Great Clowes Street), Langworthy (streets off Langworthy Road) and Weaste and Seedley (Weaste Lane). There are also smaller pockets of mandatory HMOs in parts of the wards of Claremont and Eccles.



Selective licensing

2.8 The city council can also introduce licensing to all privately rented property in selected areas, where the area is experiencing one or more of the following:

- Low housing demand (or is likely to become such an area)
- A significant and persistent problem caused by anti-social behaviour
- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime

2.9 This form of licensing is known as Selective Landlord Licensing. Within Salford there are currently three designated selective licensing areas in parts of: Broughton; Langworthy, Weaste and Seedley; and Barton and Eccles.

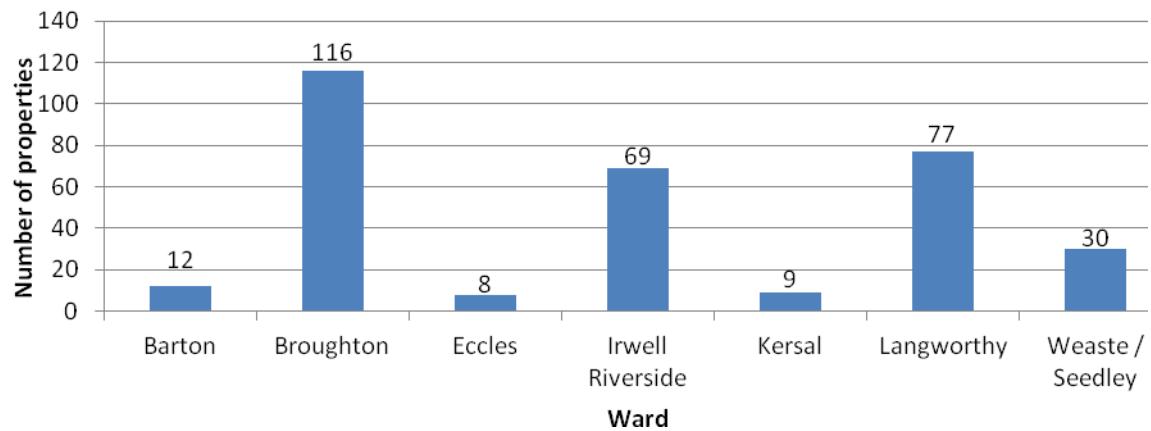
2.10 Between 3 April 2017 and 12 June 2017 the city council consulted on designating parts of Charlestown and Lower Kersal as an area where selective licensing would apply. The responses received to this consultation were considered by the city council; approval was granted by the City Mayor in consultation with his Cabinet on 8 August 2017 to extend selective landlord licensing to cover Charlestown and Lower Kersal. This will commence on 15 November 2017.

2.11 Anyone who owns or manages a property which falls within a selective licensing area must apply to the council for a licence. The council will issue a licence if it is satisfied (amongst other things) that the proposed management standards are satisfactory.

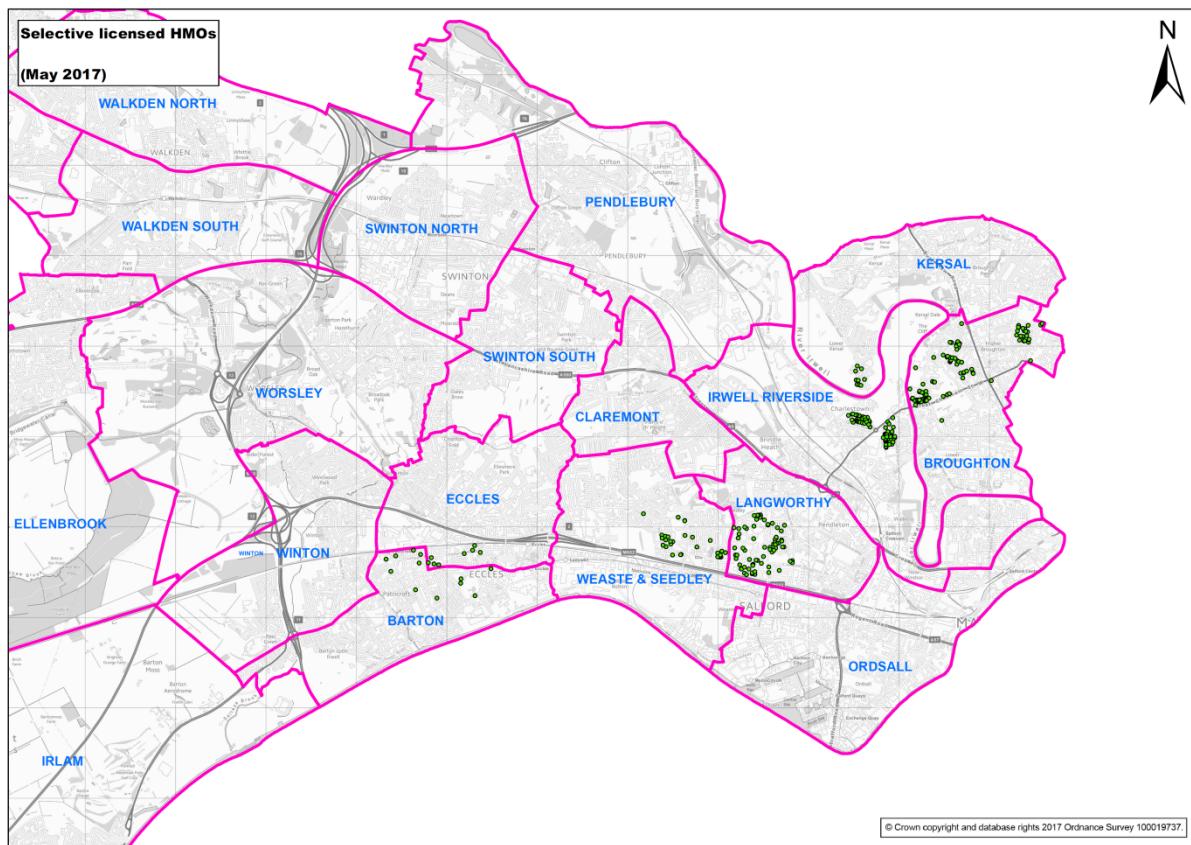
2.12 As of May 2017 there were 321 selective licensed properties that are HMOs across the 3 areas identified above, compared to 61 in September 2010². The selective licensed HMOs are additional to the mandatory HMOs. The distribution of these properties by ward is shown in the graph below.

² Part of this increase can be explained by the addition of Weaste to the Langworthy and Seedley licensing area, and the addition of Barton/Eccles as a new licensing area.

Number of selective licensed HMOs (May 2017)



2.13 The map below shows there are particular concentrations of selectively licensed HMOs: to the north of Camp Street / Upper Camp Street in Broughton; in close proximity to the former Castle Irwell Student Village in Irwell Riverside; and north of the M602 in the wards of Langworthy and Weaste and Seedley.



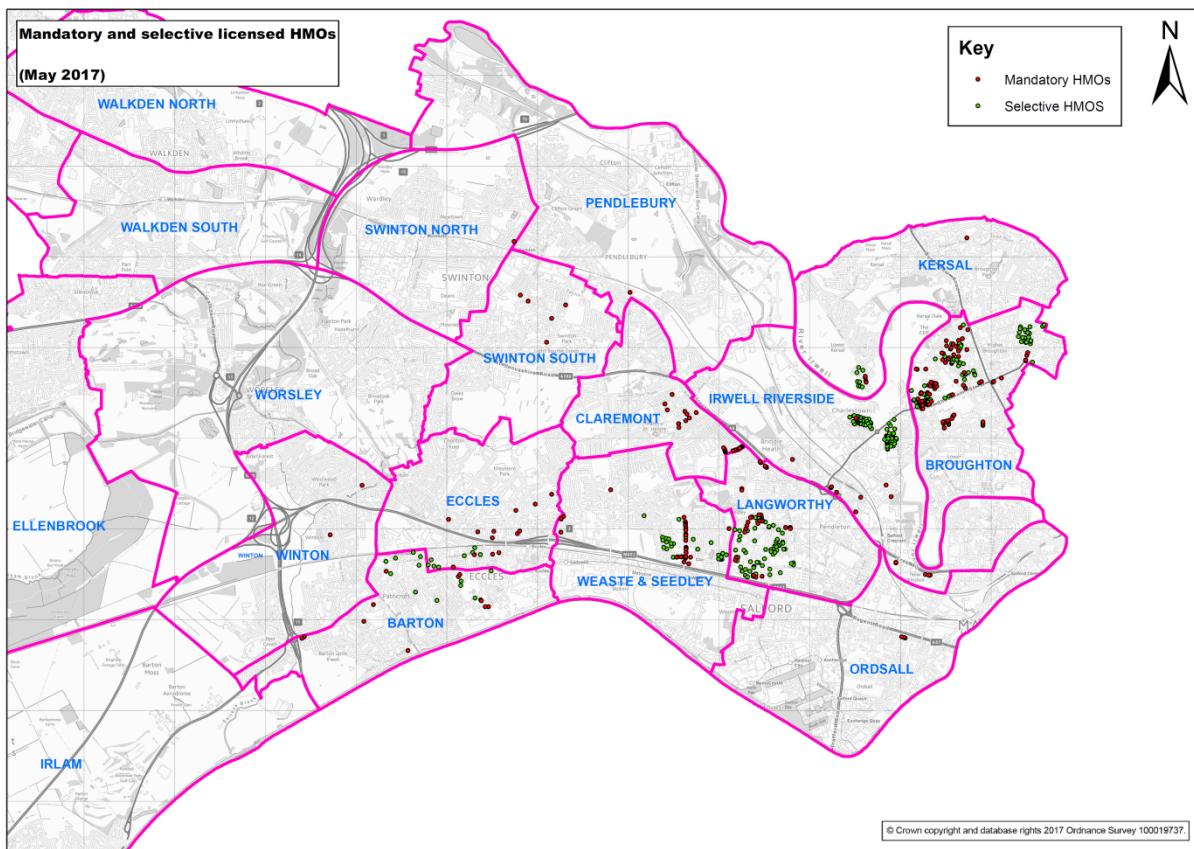
Total mandatory licensed HMOs and selective licensed HMOs

2.14 The table below shows that across the city there are 553 HMOs that are covered by landlord licensing (mandatory and selective combined). Broughton has the highest number of HMOs (202) followed by Langworthy (107). There

are no licensed HMOs in the 7 wards of Boothstown and Ellenbrook, Cadishead, Irlam, Little Hulton, Walkden North, Walkden South and Worsley. It should be noted that there will be additional HMOs across the city that are not included in these figures, as they do not fall within the mandatory or selective licensing requirements.

Ward	Mandatory HMOs	Selective HMOs	Total mandatory and selective HMOs
Barton	12	12	24
Boothstown and Ellenbrook	0	0	0
Broughton	86	116	202
Cadishead	0	0	0
Claremont	26	0	26
Eccles	13	8	21
Irlam	0	0	0
Irwell Riverside	15	69	84
Kersal	4	9	13
Langworthy	30	77	107
Little Hulton	0	0	0
Ordsall	3	0	3
Pendlebury	1	0	1
Swinton North	1	0	1
Swinton South	5	0	5
Walkden North	0	0	0
Walkden South	0	0	0
Weaste and Seedley	34	30	64
Winton	2	0	2
Worsley	0	0	0
TOTAL	232	321	553

2.15 The map below shows the spatial distribution of the mandatory and selective licensed HMOs as of May 2017.

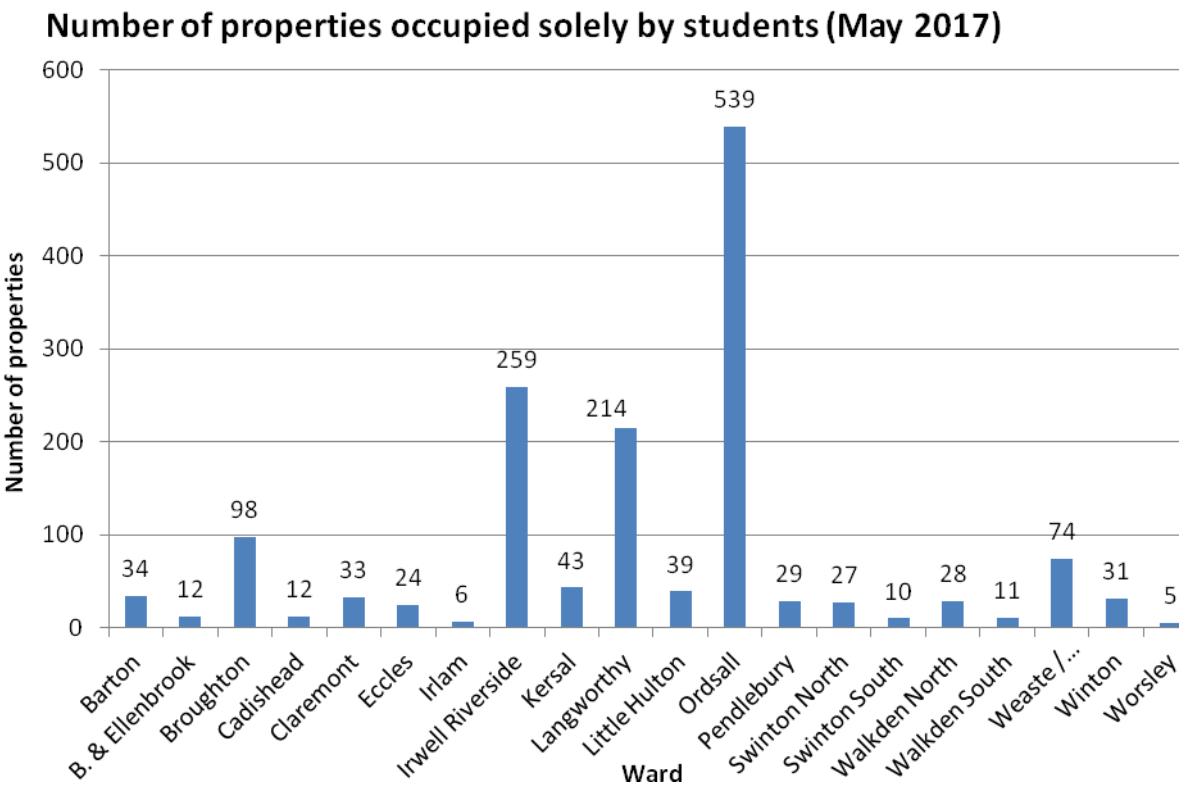


Student dwellings

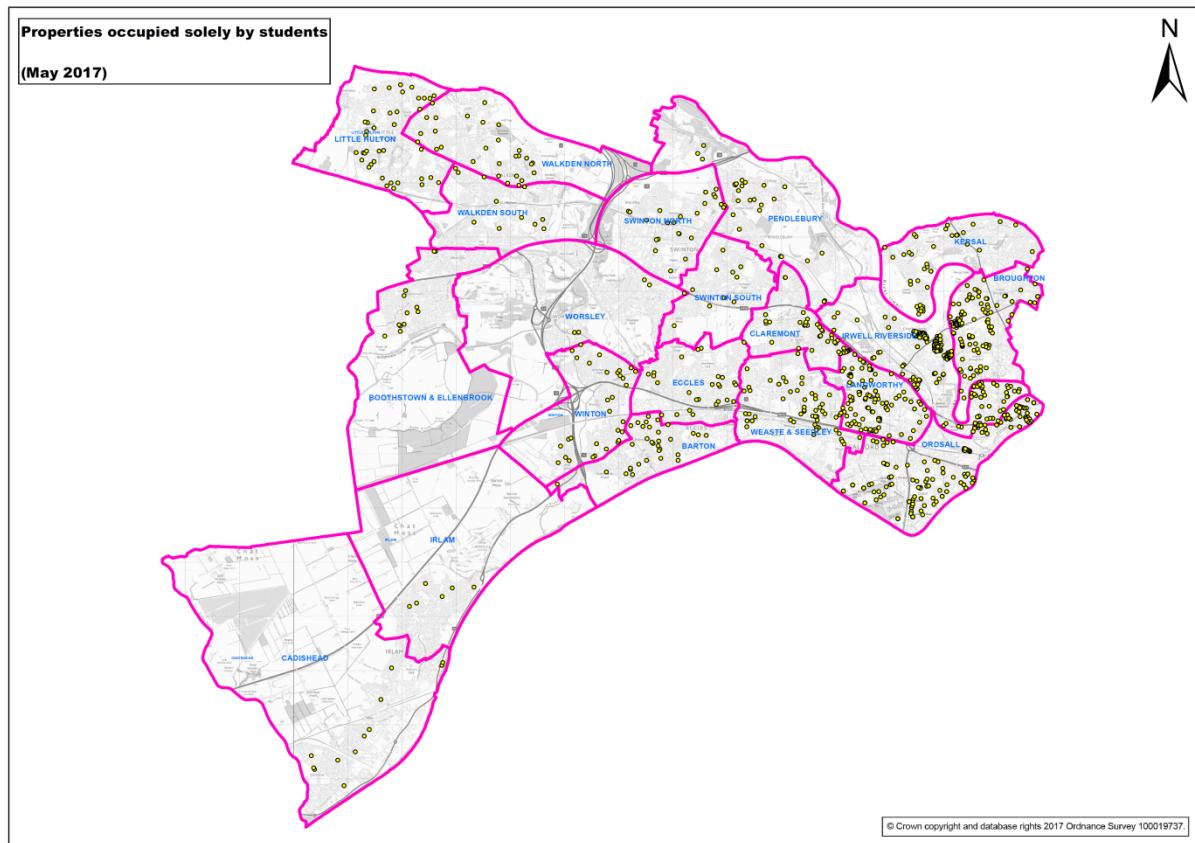
2.16 Council Tax data is also available in relation to properties occupied solely by students given such households are exempt from paying Council Tax; however this data needs to be treated as only an indication of where there may be student HMOs as some student properties that are exempt from paying council tax will not fall under the definition of a HMO (for example they may be solely occupied by only one or two students). There is no way to quantify how many of the student exempt properties are HMOs from the available data, although it is likely that many exempt properties in the City Centre and Salford Quays are not HMOs due to the nature of the accommodation in these areas (i.e. high density apartments).

2.17 As of May 2017, Council Tax records indicated that 1,649 properties in the city were occupied solely by students. There is some overlap between student households and the mandatory / selective licensed HMOs. The council tax data has been analysed against the landlord licensing data and this found that 56 of the 1,649 student properties are mandatory licensed HMOs and that an additional 65 are HMOs covered by the selective licensing regime. Given this, once HMO dwellings that are covered by landlord licensing are discounted from the total student properties exempt from paying Council Tax, there are 1,528 other dwellings occupied by students some of which could be HMOs. The graph below shows how these 1,528 dwellings are distributed by ward. It

clearly shows that Ordsall has more than double the number of student households when compared to any other ward.



2.18 The map below identifies the location and concentrations of student dwellings.



Total number of HMOs and student dwellings

2.19 Taking the above data into account, it is possible to estimate the proportion of dwellings that are known to be HMOs, and dwellings that are exempt from paying Council Tax due to them being occupied solely by students (some of which are potentially HMOs), as a proportion of the total number of dwellings at a ward level. There are also likely to be additional HMOs in the city that have been formed through a change of use from a Use Class C3 dwellinghouse to a Use Class C4 small HMO given planning permission is not required for this. There is also no way of identifying HMOs that existed before the Use Class changes in 2010 unless they fall under the mandatory or selectively licensed regimes.

2.20 The table below identifies that the average city wide proportion of known HMOs and dwellings occupied solely by students; it shows that across the city 1.8% of the total number of dwellings falls within these categories. In 13 of the 20 wards the proportion is less than 1% with the highest proportion being 5.7% in Irwell Riverside.

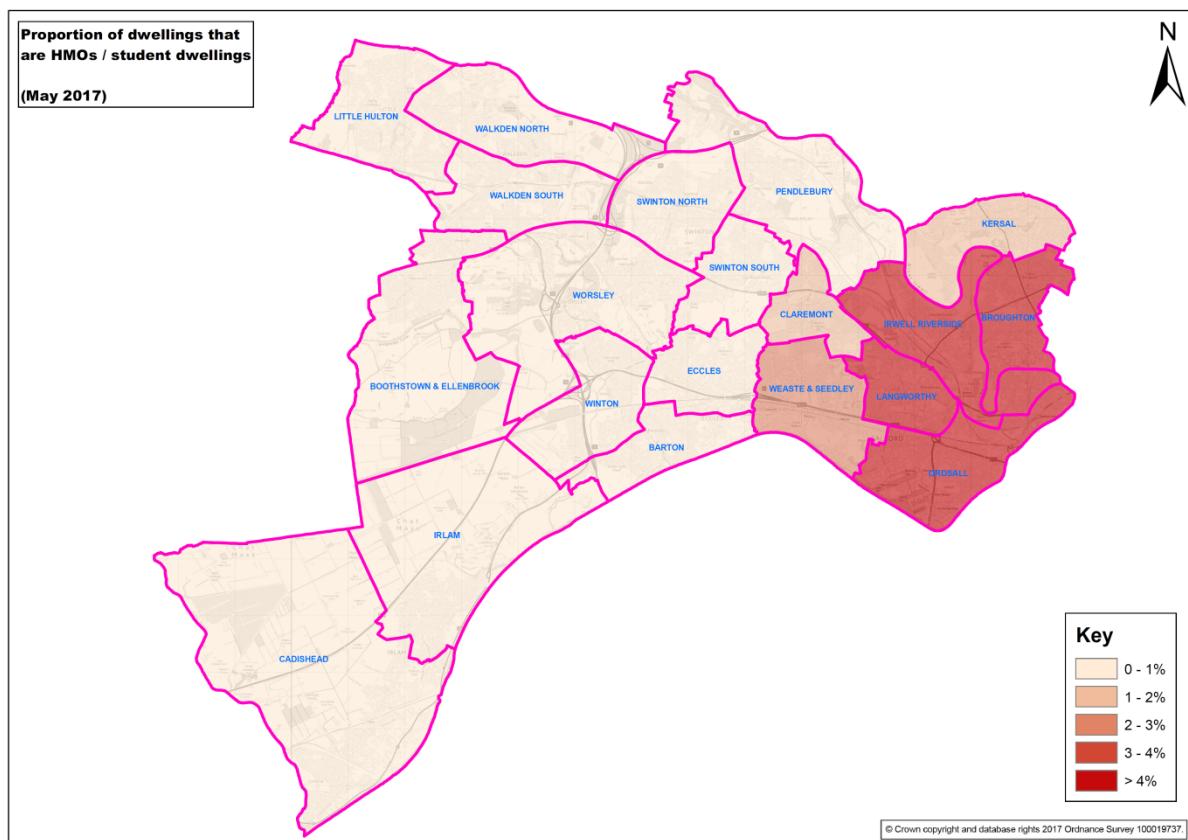
Ward	Total number of dwellings ³	Licensed HMOs (mandatory + selective) ⁴	Student dwellings exempt from paying council tax ⁵	Total HMOs + student properties	% HMO and student accommodation of total dwellings
Barton	6,245	24	34	58	0.9
Boothstown and Ellenbrook	4,070	0	12	12	0.3
Broughton	7,078	202	98	300	4.2
Cadishead	4,937	0	12	12	0.2
Claremont	4,611	26	33	59	1.3
Eccles	5,873	21	24	45	0.8
Irlam	4,098	0	6	6	0.1
Irwell Riverside	5,989	84	259	343	5.7
Kersal	5,243	13	43	56	1.1
Langworthy	7,066	107	214	321	4.5
Little Hulton	6,061	0	39	39	0.6
Ordsall	10,670	3	539	542	5.1
Pendlebury	5,713	1	29	30	0.5
Swinton North	5,366	1	27	28	0.5
Swinton South	4,898	5	10	15	0.3
Walkden North	5,962	0	28	28	0.5
Walkden South	4,744	0	11	11	0.2
Weaste and Seedley	5,971	64	74	138	2.3
Winton	5,663	2	31	33	0.6
Worsley	4,545	0	5	5	0.1
TOTAL	114,803	553	1,528	2,081	1.8

³ Source: Salford City Council, Council Tax records (May 2017)

⁴ Source: Salford City Council, landlord licensing section (May 2017)

⁵ Source: Salford City Council, Council Tax records. Student properties that are either licensed HMOs through selective or mandatory regulations excluded to avoid double counting (May 2017)

2.21 The map below identifies that the highest concentrations of HMOs and student dwellings, at a ward level, are in the wards that make up Central Salford (i.e. Broughton, Claremont, Irwell Riverside, Kersal, Langworthy, Ordsall, and Weaste and Seedley).



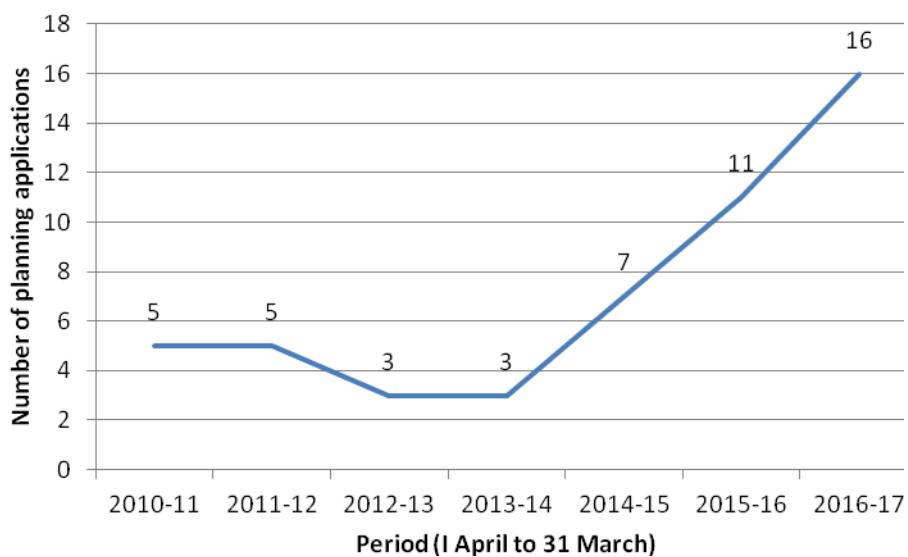
Planning applications for HMOs

2.22 Between 1 April 2010 and 31 March 2017 the city council received 50 planning applications for the change of use of property to a HMO⁶. These are generally for the change of use from a dwellinghouse to a large *sui generis* HMO given this change is not permitted development. 15 of the applications were for retrospective permission or a certificate of lawfulness, with many of these applications being the result of enforcement investigations into changes of use that had occurred without planning permission being in place.

2.23 The graph below shows the number of planning applications determined on a per annum basis between 1 April 2010 and 31 March 2017. The number of applications determined increased from a low of 3 in 2012/13 and 2013/14, to 16 in 2016/17.

⁶ Between 1 April 2017 and the end of May 2017 a further 6 applications were determined.

Number of planning applications determined for change of use to HMO



2.24 The distribution of determined planning applications for HMOs by ward over the period 1 April 2010 to 31 March 2017, and the decision, is shown in the table below. The table includes the decision of the planning inspectorate to refuse planning permission for two applications and to approve a further two applications in the Broughton ward at appeal, after the city council had initially refused them.

Ward	Planning applications received	Decision		
		Approve	Refuse	Withdrawn
Barton	5	5	0	0
Boothstown and Ellenbrook	0	0	0	0
Broughton	10	7	2	1
Cadishead	0	0	0	0
Claremont	3	1	2	0
Eccles	4	2	1	1
Irlam	1	1	0	0
Irwell Riverside	12	9	3	0
Kersal	0	0	0	0
Langworthy	4	3	1	0
Little Hulton	0	0	0	0
Ordsall	2	2	0	0
Pendlebury	0	0	0	0
Swinton North	0	0	0	0
Swinton South	3	3	0	0
Walkden North	0	0	0	0
Walkden South	0	0	0	0
Weaste and Seedley	5	4	1	0

Ward	Planning applications received	Decision		
		Approve	Refuse	Withdrawn
Winton	1	1	0	0
Worsley	0	0	0	0
TOTAL	50	36	12	2

2.25 Of the 50 applications determined between 1 April 2010 to 31 March 2017, 12 (24%) were ultimately refused with the principal reasons being the impact on the character of the area and the impact on the amenity of neighbouring properties, contrary to saved UDP policy H5. 2 (4%) applications were withdrawn from being determined by the applicant whilst the remaining 36 applications (72%) were approved. In 9 out of the 20 wards there were no determined planning applications for the change of use to a HMO; the highest number were in Irwell Riverside (12) and Broughton (10).

Multi-person households

2.26 The 2011 Census includes information on household type by tenure, including the number of “multi-person” households⁷. These households include those solely occupied by full-time students, and “other” multi-person households. The “other” multi-person households will include many households that are living in accommodation that are not HMOs, for example households comprising of two young professionals sharing an apartment.

2.27 The table below shows that there were a total of 2,442 multi person households across Salford at the time of the 2011 Census (2.4% of total households) in private rented accommodation that was being rented from a private landlord or letting agent⁸. The ward of Ordsall had the highest number (990) and the highest proportion of total households at 12.3%. The ward with the second highest number and proportion of multi-person households is Irwell Riverside, with 410 households representing 7.8% of the total households in the ward. Many of these households in Ordsall and Irwell Riverside are unlikely to be living in HMOs given the nature of the accommodation in these locations (generally one and two bed high density apartments).

2.28 In 17 of the 20 wards across the city, the proportion of multi-person households in private rented dwellings is 3% or less. The lowest proportion is in Worsley (0.3%).

⁷ Other household types identified in the Census are: one person households; married couples, same sex civil partnership couples, cohabiting couples, and lone parent households with or without dependent children.

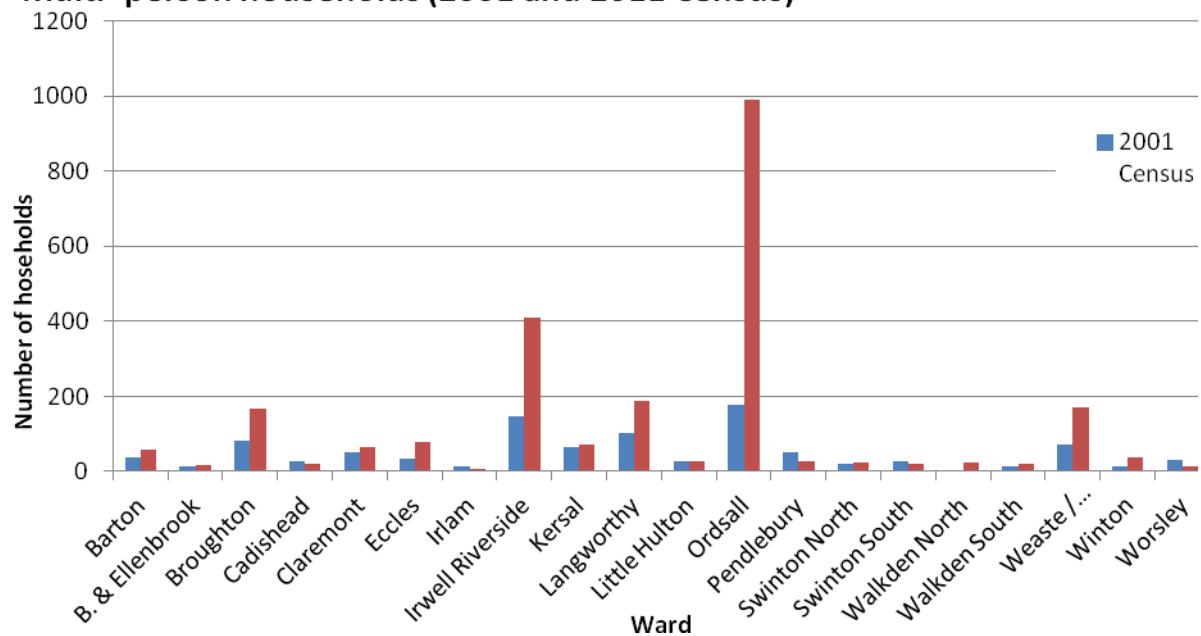
⁸ Some owner occupied accommodation might be small HMOs but this is likely to be quite limited.

Ward	All full time students	Multi-person household: other	Total multi person households in private rented sector	% of total households
Barton	4	55	59	1.0
Boothstown and Ellenbrook	1	16	17	0.4
Broughton	49	119	168	2.9
Cadishead	1	18	19	0.4
Claremont	25	39	64	1.5
Eccles	5	74	79	1.5
Irlam	1	7	8	0.2
Irwell Riverside	147	263	410	7.8
Kersal	8	63	71	1.5
Langworthy	48	139	187	2.9
Little Hulton	4	22	26	0.5
Ordsall	173	817	990	12.3
Pendlebury	5	23	28	0.5
Swinton North	0	25	25	0.5
Swinton South	3	19	22	0.5
Walkden North	2	23	25	0.5
Walkden South	0	21	21	0.5
Weaste and Seedley	22	149	171	3.2
Winton	1	37	38	0.7
Worsley	3	11	14	0.3
TOTAL	502	1,940	2,442	2.4

2011Census table DC4408EW – tenure by household composition.

2.30 Data is on household composition by tenure is also available from the 2001 Census (table CS053) which shows that there were 1,004 multi-person households in private rented accommodation at that time. Given this, between 2001 and 2011 there was an increase of 1,153 multi-person households living in private rented accommodation in Salford (i.e.143%). The graph below compares the 2001 and 2011 Census in relation to multi-person households living in private rented accommodation at a ward level.

Multi- person households (2001 and 2011 Census)



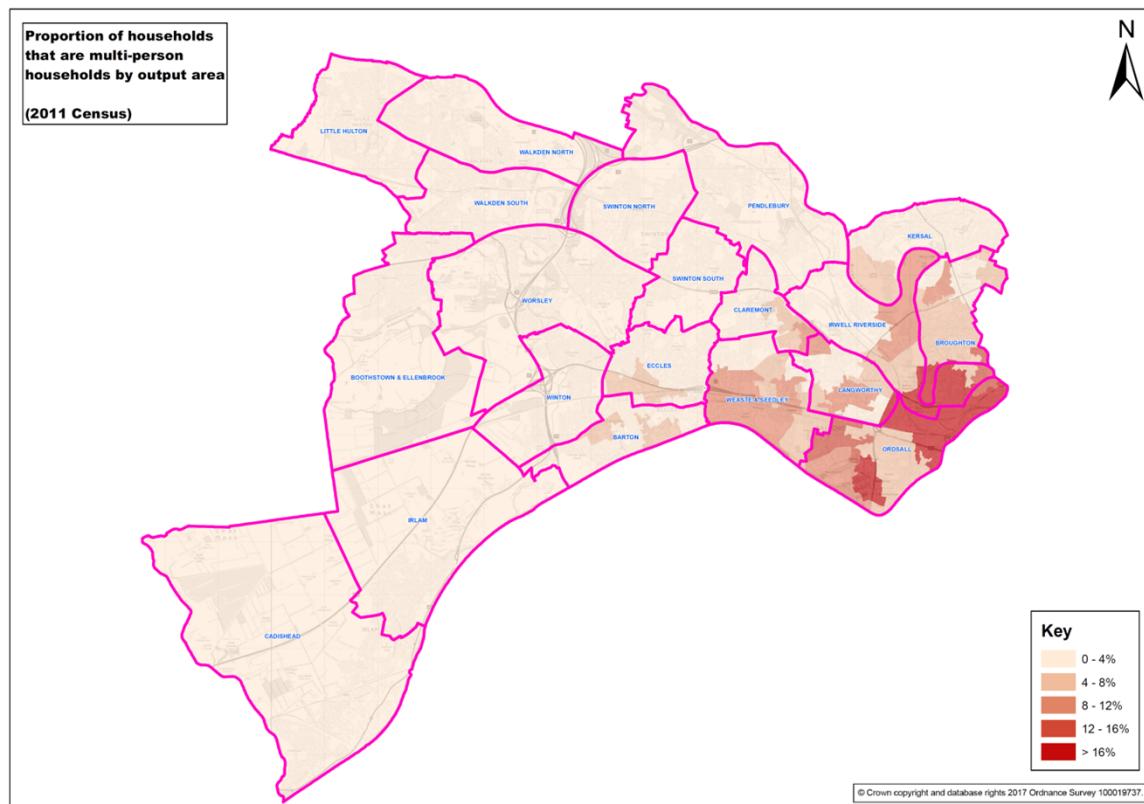
2.31 The graph clearly shows an increase in multi-person households in some wards over the period 2001 to 2011, with significant increases in Broughton, Irwell Riverside, Ordsall and Weaste and Seedley. There was a small decrease in some wards, particularly those in West Salford such as Cadishead, Irlam, Pendlebury and Worsley.

2.32 The proportion of households living in private rented dwellings that are multi-person as a proportion of the total number of households at the time of the 2001 and 2011 censuses are shown in the table below. It shows that the proportion of multi-person households as a proportion of total households increased from 1.1% in 2001 to 2.4% in the city. The highest percentage point increases on a ward level were in Ordsall (6.5%) and Irwell Riverside (5.9%). In 6 of the 20 of the wards there was a percentage point decrease in multi-person households.

Ward	2001 Census – % multi- person households in private rented sector	2011 Census - % multi- person households in private rented sector	Percentage point difference between 2001 and 2011
Barton	0.8	1.0	0.2
Boothstown and Ellenbrook	0.3	0.4	0.1
Broughton	2.2	2.9	0.7
Cadishead	0.6	0.4	-0.2
Claremont	1.2	1.5	0.3
Eccles	0.9	1.5	0.6
Irlam	0.4	0.2	-0.2
Irwell Riverside	1.9	7.8	5.9

Ward	2001 Census – % multi- person households in private rented sector	2011 Census - % multi- person households in private rented sector	Percentage point difference between 2001 and 2011
Kersal	1.4	1.5	0.1
Langworthy	2.3	2.9	0.6
Little Hulton	0.5	0.5	0
Ordsall	5.8	12.3	6.5
Pendlebury	0.7	0.5	-0.2
Swinton North	0.6	0.5	-0.1
Swinton South	0.6	0.5	-0.1
Walkden North	0.0	0.5	0.5
Walkden South	0.4	0.5	0.1
Weaste and Seedley	1.4	3.2	1.8
Winton	0.4	0.7	0.3
Worsley	0.5	0.3	-0.2
TOTAL	1.1	2.4	1.3

2.29 2011 Census data on household composition for all tenures is available at a lower super output level⁹. The map below shows that there is a concentration of multi-person households across all tenures in large parts of Central Salford, particularly in and around the City Centre where in places over 16% of households are multi-person (see map below).



⁹ Household composition by different tenures is not available for lower super output areas.

All households in the private rented sector

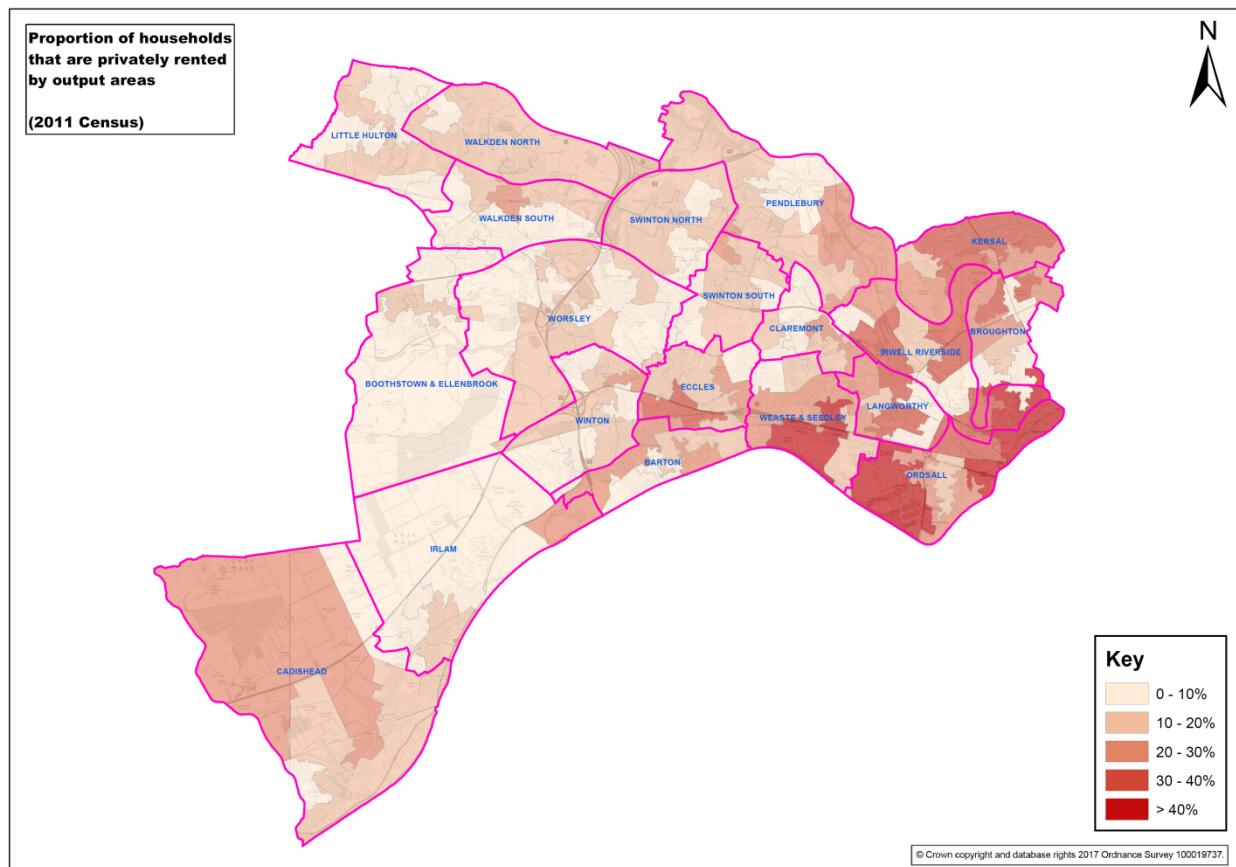
2.30 The table below identifies the number of households in the private rented sector at the time of the 2001 and 2011 Censuses. It shows that there was an increase from 7,767 households in 2001 to 19,420 in 2011, which represents an increase of 150%. The lowest change was in Langworthy where there was a 41% increase, and the highest was in Ordsall where there was a 566% increase from 661 to 4,405 households. The private rented sector has continued to grow in Salford since the time of the 2011 Census, and it is likely that part of the growth in this tenure is for HMOs.

2.31 As of the 2011 Census, Irlam had the lowest number of private rented sector households (362). There were 5 wards where the proportion of private rented households as a proportion of households in that ward was above 20%; these were the wards of Broughton, Irwell Riverside, Kersal, Ordsall, and Weaste and Seedley.

Ward	2001 Census – households in private rented sector	2011 Census - households in private rented sector	% change between 2001 and 2011	% of total households in 2011
Barton	500	933	87	16.1
Boothstown and Ellenbrook	127	371	192	9.6
Broughton	647	1,177	82	20.0
Cadishead	191	610	219	13.9
Claremont	302	542	79	13.1
Eccles	536	1,046	95	19.8
Irlam	130	362	178	8.9
Irwell Riverside	633	1,377	118	26.3
Kersal	712	1,219	71	25.7
Langworthy	904	1,277	41	19.6
Little Hulton	175	498	185	9.1
Ordsall	661	4,405	566	54.7
Pendlebury	299	755	153	13.8
Swinton North	330	686	108	13.7
Swinton South	299	637	113	13.2
Walkden North	244	715	193	13.5
Walkden South	157	527	236	11.5
Weaste and Seedley	454	1,202	165	22.2
Winton	330	662	101	12.6
Worsley	136	419	208	9.8
TOTAL	7,767	19,420	150	18.8

2.31 The map below identifies the concentrations of private rented households by lower super output area from the 2011 Census. It clearly shows that there are concentrations within parts of wards where over 40% of households are

private rented; these areas include Salford Quays, the City Centre, and Weaste and Seedley. As noted elsewhere it is unlikely that many of the private rented households will in Salford Quays and the City Centre are HMOs due to the nature of the dwellings in these areas.



3. Justification for introducing an Article 4 Direction in Salford

3.1 In 2008 the Department for Communities and Local Government published a report prepared on their behalf by Ecotec titled “Evidence Gathering – Housing in Multiple Occupation and possible planning responses”. The report identified the following impacts that can occur as a result of high concentrations of HMOs, including:

- Anti-social behaviour, noise and nuisance
- Imbalanced and unsustainable communities
- Negative impacts on the physical environment and streetscape
- Pressures upon parking provision
- Increased crime
- Growth in the private rented sector at the expenses of owner-occupation
- Pressure upon local community facilities

3.2 As noted earlier in this report, there are 553 HMOs that are known to the city council through mandatory and selective landlord licensing data. This is an under-estimate of the number of HMOs given:

- Some areas of the city are not covered by selective landlord licensing
- Planning permission is not currently needed in Salford for a change of use from a C3 dwellinghouse to a small C4 HMO, and there is no way of identifying HMOs that existed before the Use Class changes in 2010
- There are 1,528 dwellings solely occupied by students that are not covered by landlord licensing, some of which will be HMOs

3.3 Taking into account the number and proportion of known HMOs and student dwellings, there is not a particularly high level in the city and in some individual wards. However, the key issue is not necessarily the relatively low overall total and proportion of such dwellings that is the cause for concern. Rather, the concern is that are particular clusters and concentrations within some areas of the city. This is potentially contrary to saved UDP policy H1 which requires that a balanced mix of dwellings is provided in relation to the size, type, tenure and affordability.

3.4 The impacts of HMOs are frequently raised by members of the public to the council and its councillors, and also at Community Committee meetings (particularly those for Claremont and Weaste, and East Salford). The main issues raised usually relate to car parking problems, issues with bins and refuse, anti-social behaviour and noise nuisance.

3.5 Furthermore, the city council is aware through the work of the landlord licensing team of a significant increase in the number of dwellings that are being converted to small HMOs over the last couple of years in particular. This is leading to complaints from local residents relating to the HMOs having an impact on community balance. Although it is considered that existing management arrangements of mandatory / selective HMOs are effective and

working well, landlord licensing cannot prevent properties being converted to small HMOs under permitted development rights. As such, the significant increase in these HMOs is creating over-concentrations of such properties in parts of the city and impacting on local amenity. Although there are areas of the city where new small HMOs are creating problems these areas are not eligible under selective licensing powers; this is because such areas would not meet criteria set by government that would enable them to be designated as selective licensed areas.

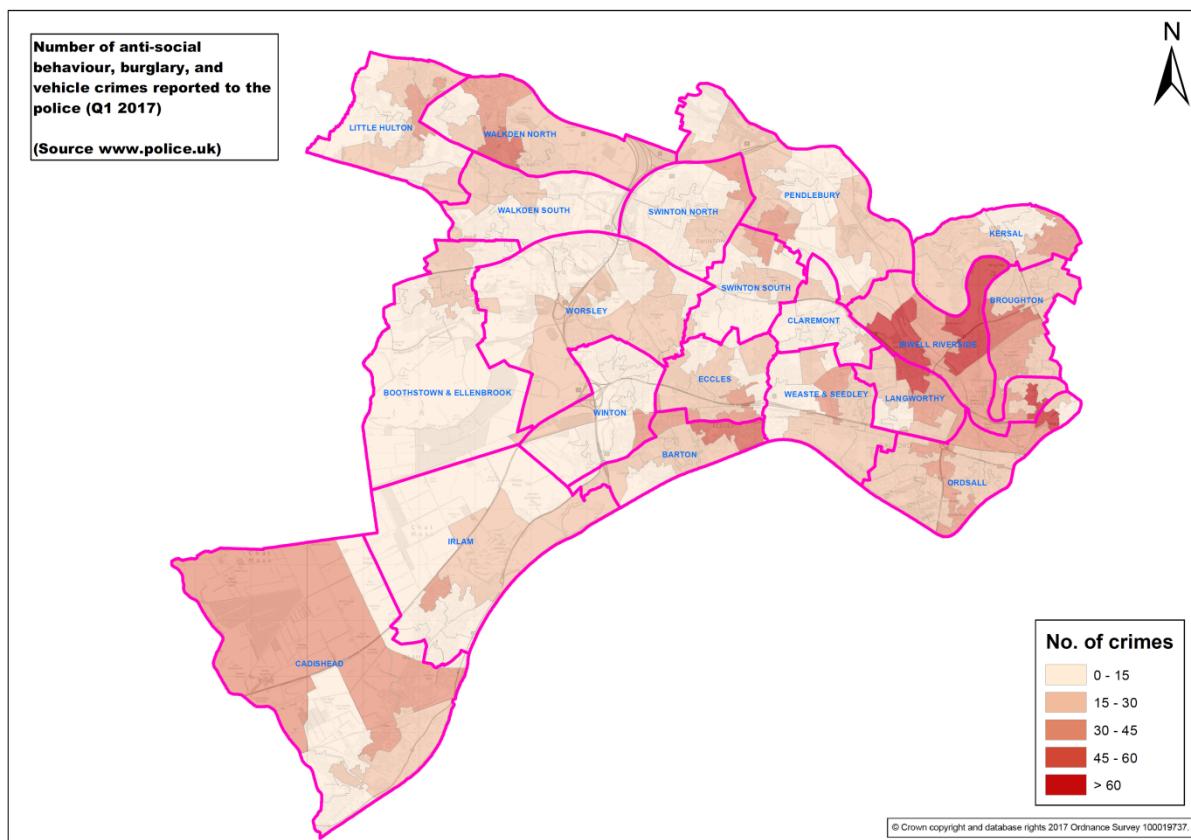
- 3.6 The city council is aware that the change of use of dwellings into small HMOs in Salford is seen as a highly attractive investment opportunity for property developers, including those based in London. Property investors are telling the council's licensing team that Salford is specifically being highlighted at property investment conferences as an area that is in close proximity to Manchester and does not have an Article 4 Direction in place (i.e. there are opportunities for changing dwellings into small HMOs without planning permission in Salford that could appeal to those who would otherwise invest / live in Manchester). Inappropriate concentrations of HMOs could therefore increase unless small HMOs are brought under planning control.
- 3.7 As well as a visible increase in the number of small HMOs that are coming forward under permitted development rights, the number of selective and mandatory licensed properties is increasing . The total number of mandatory HMOs was 182 in September 2010; as of May 2017 there are 232 such properties, whilst the total selective licensed HMOs across the city there has been an increase from 61 dwellings to 321 over the same period¹⁰. Census data referred to above also demonstrates an increase in multi-person households between 2001 and 2011 from 3,088 to 4,377 households.
- 3.8 The 2008 DCLG report identified that high concentrations of HMOs can be associated with antisocial behaviour and increased crime within an area. Concentrations of young and transient social groups, living in relatively insecure accommodation can lead to increased levels of burglary and crime in an area.
- 3.9 Details of crimes reported to the police are available from www.police.uk; there are 16 categories of crime including anti-social behaviour¹¹, burglary¹² and vehicle crime¹³. The city council has collated data relating to the three types of crimes noted above for the first quarter of 2017. The map below shows that the highest number of reported crimes is in parts of the wards of Irwell Riverside and Langworthy, which corresponds to particular concentrations of HMOs and student dwellings.

¹⁰ Part of this increase can be explained by the addition of Weaste to the Langworthy and Seedley licensing area, and the addition of Barton/Eccles as a new licensing area.

¹¹ This includes personal, environmental and nuisance anti-social behaviour.

¹² This includes offences where a person enters into a house or other building with the intention of stealing.

¹³ This includes theft from or of a vehicle or interference with a vehicle.



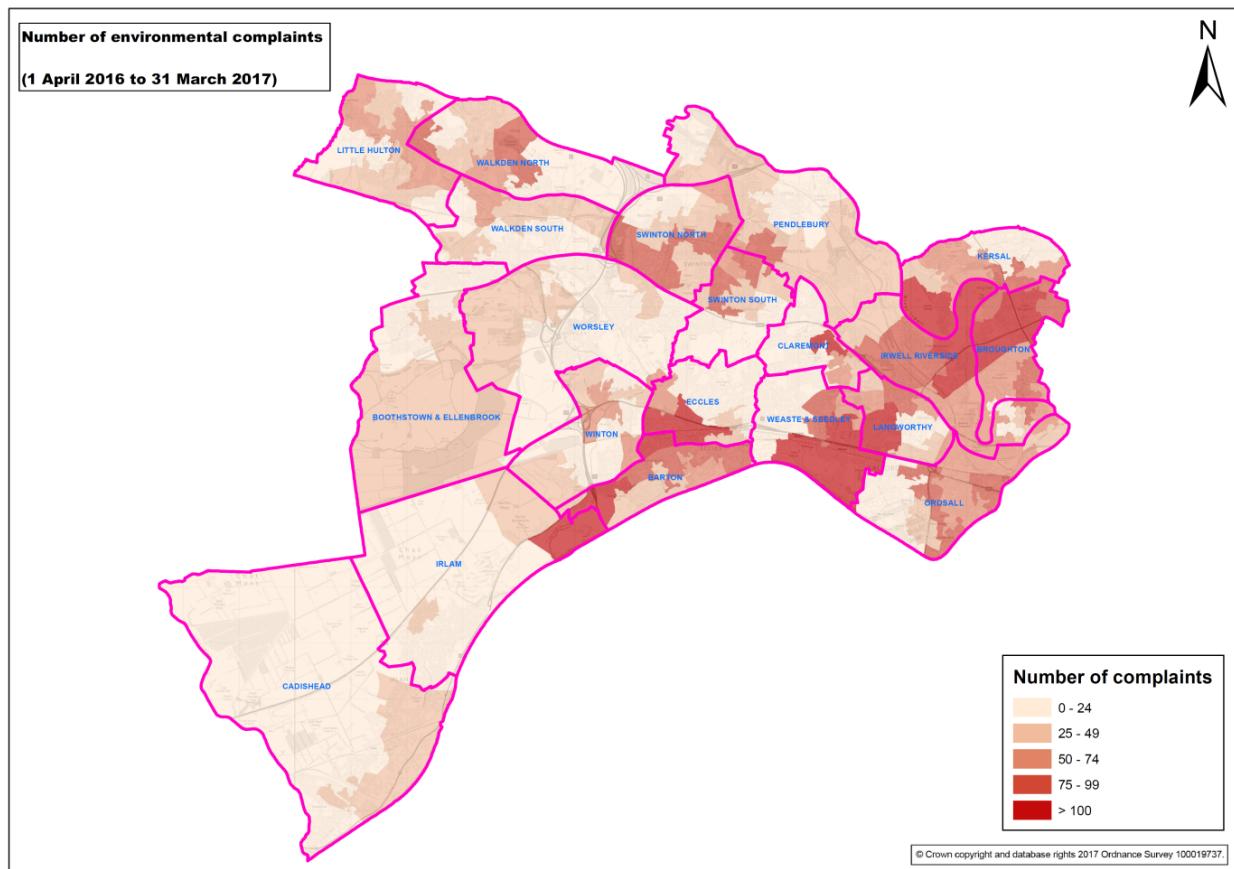
3.10 HMOs can have negative impacts on the physical environment and streetscape due to more people living in a HMO than would generally live in the same size house occupied by a family, and also higher levels of transience meaning that people feel less desire to look after the area if they are only staying for a short time. It is likely that an increase in HMOs in particular areas will lead to an increase in environmental complaints in that area based on current experiences.

3.11 The table below shows the number of complaints received by the city council on a ward level basis between 1 April 2016 and 31 March 2017 relating to dumping, fly-tipping, littering and accumulations of waste.

Ward	Number of complaints	% of city total
Barton	648	8.7
Boothstown and Ellenbrook	94	1.3
Broughton	879	11.8
Cadishead	142	1.9
Claremont	245	3.3
Eccles	295	4.0
Irlam	124	1.7
Irwell Riverside	742	10.0
Kersal	332	4.5
Langworthy	582	7.8
Little Hulton	343	4.6

Ward	Number of complaints	% of city total
Ordsall	474	6.4
Pendlebury	268	3.6
Swinton North	397	5.3
Swinton South	278	3.7
Walkden North	379	5.1
Walkden South	206	2.8
Weaste and Seedley	619	8.3
Winton	283	3.8
Worsley	101	1.4
TOTAL	7,431	100

3.12 Broughton, Irwell Riverside, and Weaste and Seedley had the highest number of complaints, cumulatively accounting for around 30% of the total complaints in the city. The map below shows the environmental complaints between 1 April 2016 and 31 March 2017 using the 2011 Census lower super output areas for display purposes. It shows that there were over 100 complaints in some of the Census lower super output areas.



4. Appropriate area on which to apply the Direction

4.1 The National Planning Practice Guidance requires there to be a “particularly strong” justification if a Direction is to relate to a wide area (for example covering the entire area of a local planning authority).

4.2 The table below ranks the different wards in Salford against some of the data that is set out in this report, with 1 being the highest rank. As an example, Broughton is ranked 1 in relation to the number of mandatory and selective HMOs; this means that out of the 20 wards in the city it has the highest number of mandatory and selective HMOs. The wards that are highlighted in grey in the table are those in Central Salford, whilst the un-highlighted wards are in Salford West.

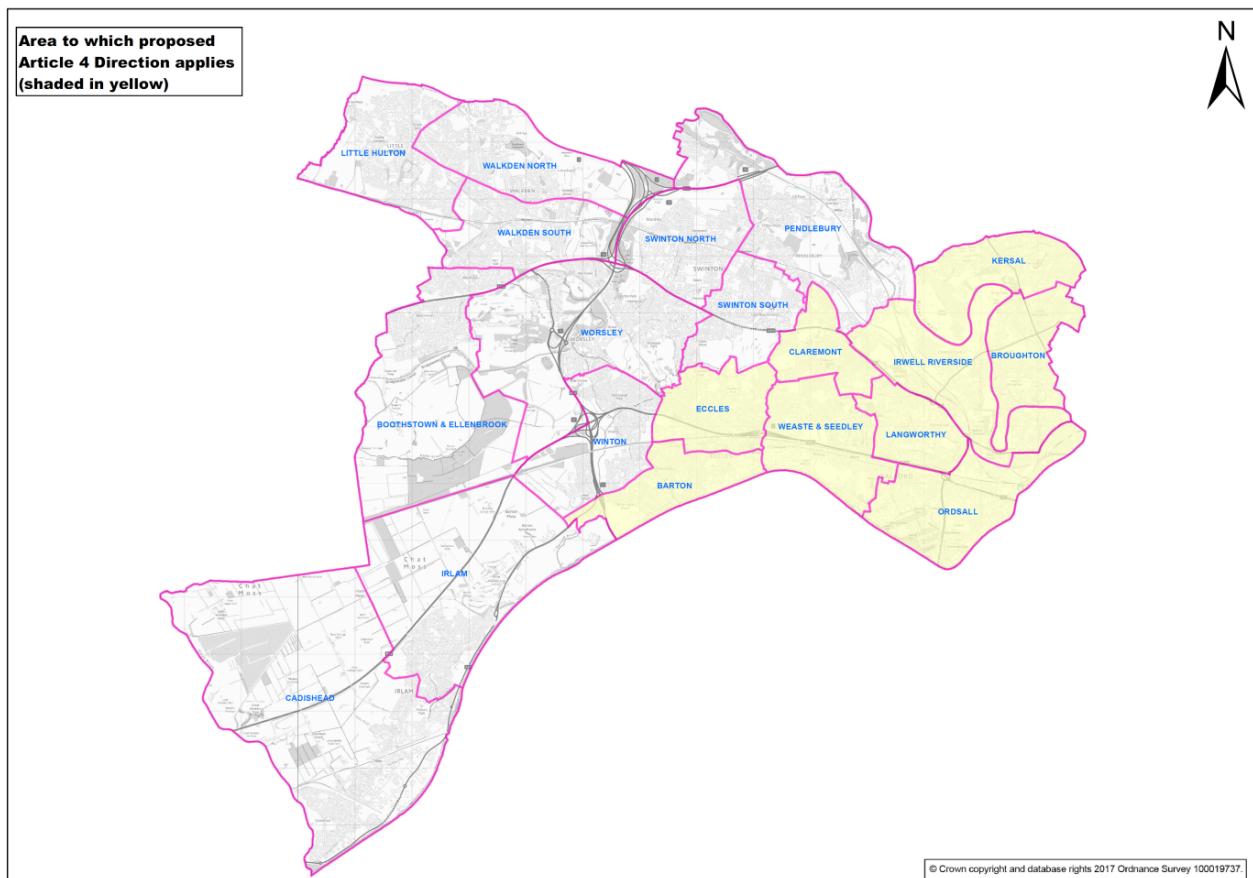
Ward	Rank compared to other wards					
	Mandatory and selective HMOs	Student exempt dwellings	Planning applications for HMOs	Multi-person households (2011)	Private rented dwellings (2011)	Environmental complaints
Barton	6	8	3	9	8	3
Boothstown and Ellenbrook	14	15	12	18	19	20
Broughton	1	4	2	5	6	1
Cadishead	14	15	12	17	14	17
Claremont	5	9	7	8	15	15
Eccles	7	14	5	6	7	11
Irlam	14	19	10	20	20	18
Irwell Riverside	3	2	1	2	2	2
Kersal	8	6	12	7	4	10
Langworthy	2	3	5	3	3	5
Little Hulton	14	7	12	12	17	9
Ordsall	10	1	9	1	1	6
Pendlebury	12	11	12	11	9	14
Swinton North	12	13	12	14	11	7
Swinton South	9	18	7	15	13	13
Walkden North	14	12	12	13	10	8
Walkden South	14	17	12	16	16	16
Weaste and Seedley	4	5	3	4	5	4
Winton	11	10	10	10	12	12
Worsley	14	20	12	19	18	19

4.3 Having regard to the evidence set out in this report, it is not considered that there is a “particularly strong” justification to apply an Article 4 Direction city-wide. In several wards in the west of the city there are relatively few HMOs and student dwellings and there are no apparent concentrations or clusters. This means that it is unlikely that harm to local amenity or well-being of these areas will arise from the change of use of Use Class C3 dwellinghouses to Use Class C4 small HMOs.

4.4 The evidence does however show that it would be appropriate to introduce an Article 4 Direction covering all of the wards in Central Salford (Broughton, Claremont, Irwell Riverside, Kersal, Langworthy, Ordsall, and Weaste and Seedley) and the wards of Barton and Eccles. In these wards there is evidence of concentrations of HMOs and student properties and this is having a detrimental effect in relation to amenity, character and well-being of areas. These areas also suffer from relatively high levels of crime and environmental complaints, compounding the impacts of concentrations of HMOs. This amounts to a compelling reason for bringing Use Class C4 small HMOs within full planning control and is in the public interest. It will ensure that Salford can respond in a timely way to the emergence of new concentrations of HMOs to prevent harm to areas.

4.5 It is considered most appropriate to apply the Article 4 Direction to whole wards, rather than to smaller areas where there are the existing concentrations of HMOs. This is on the basis that if the Direction was to apply to such areas it is likely that there would be an increase in the number of HMOs created through permitted development rights in the areas directly adjacent to those not within the scope of the Direction. With regards to the wards not covered by the Direction, the city council will monitor the situation to ensure that issues are not merely dispersed to these wards.

4.6 The map below shows the area to which it is proposed that the Article 4 Direction applies.



4.7 It is important to note that the Article 4 Direction only has the effect of bringing certain changes of use, which would otherwise not require planning permission, within planning controls. The city council would need to determine any associated planning applications for changes of use of dwellinghouses to small HMOs in accordance with the development plan and other material considerations, and would only be able to refuse an application if it could clearly demonstrate that the proposed HMO would be likely to give rise to unacceptable harm to an interest of acknowledged importance (for example the amenity of neighbouring residents because of an over concentration of such uses). The city council would also have to identify why a small HMO would give rise to any greater harm than a family living together in a single dwelling.