

DRAFT

Strategic Environmental Assessment (SEA) Screening Assessment

Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from dwellinghouse (Use Class C3) to Small HMO (Use Class C4)

Prepared by:
London Borough of Lewisham

For consultation with statutory consultees

17 May 2022

CONTENTS

		Page
1.0	Introduction	2
2.0	SEA Screening Procedure	2
3.0	Scope	3
4.0	Assessment of Environmental Effects	4
5.0	Draft Determination	9

1 Introduction

- 1.1 This Screening Assessment report has been prepared to determine whether a Strategic Environmental Assessment (SEA) is required for the use of an Article 4 Direction for the remainder for the borough to withdraw permitted development rights for the change of use from dwelling house (Use Class C3) to small HMO's (Use Class C4), in line with the Strategic Environmental Assessment Directive (Directive 2001/42/EC), transposed into law by the Environmental Assessment of Plans and Programmes Regulations (the 'SEA Regulations') 2004.
- 1.2 Recognising that the Article 4 Direction will withdraw permitted development rights and require planning permission to be sought in accordance with our development plan unless material considerations indicate otherwise, the council is required to consider whether the Article 4 Direction has the potential to result in significant environmental effects, particularly where such effects may not have already been assessed during the preparation of the council's statutory Development Plan.
- 1.3 This Screening Report has been prepared in accordance with Regulation 9 of the SEA Regulations 2004.
- 1.4 This is a draft screening assessment for consultation with the prescribed statutory consultation bodies. A final determination will be published by the council having regard to all representations received.

2 Scope of the Article 4 Direction

- 2.1 The proposed Article 4 Direction Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from dwellinghouse (Use Class C3) to small HMO's (Use Class C4).
- 2.2 The making of an Article 4 Direction is considered to be in compliance with the NPPF and would enable the Council to better manage the impact of small HMOs across the borough and balance their demand with the need for family housing.

3 SEA Screening Procedure

3.1 The SEA screening procedure generally comprises of 6 stages, as detailed below:

1. Preliminary Assessment: to determine whether screening is necessary;
2. Assessment of likely Environmental Effects: if screening is required the an assessment of the likely environmental effects, including any significant effects, will be undertaken in accordance with the SEA Regulations 2004;
3. Draft Screening Report: a draft screening report will be prepared summarising the results of Stage 2 and including a draft determination as to whether the SPD is likely to have significant environmental effects;
4. Consultation with statutory bodies.
5. Final Screening Report: consideration to be given to the responses from the three statutory bodies and then a final version of the screening report prepared confirming:
 - a. The result of the screening;
 - b. Responses from the consultation bodies;
 - c. The final determination, and
 - d. The statement of reasons if no SEA is required
6. Final Screening Report made publically available: the Council will issue the Final Screening Report to each of the three statutory consultees and make it publicly available for inspection.

3.2 This is the stage 3 report, with the current consultation being stage 4.

4 Assessment of Environmental Effects

4.1 The council, as the “responsible authority”, must determine whether the plan or programme (in this case, the use of an Article 4 Direction) is likely to have significant environmental effects. The criteria for determining the significance of effects are set out in Schedule 1 of the SEA Regulations 2004, which are set out in the Table 4.1 below. The proposal has been assessed against each of these criteria and the results are also detailed in Table 4.1.

Table 4.1 - SEA Screening Assessment

SEA Directive Criteria	Assessment	Likely Significant Effects?
1. Characteristics of the plan or programme		
(a)	<p>the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</p> <p>It is not considered that this programme will significantly influence or set the framework for other projects or activities. The Article 4 Direction is not a statutory development plan document or a strategic plan, and does not set a framework for allocating resources.</p> <p>The proposed Article 4 Direction is a targeted intervention, which will help give effect to the adopted spatial development strategy for the borough.</p>	No
(b)	<p>the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p> <p>The National Planning Policy Framework (NPPF) 2021 paragraph 53 states that.</p> <p><i>the use of Article 4 directions to remove national permitted development rights should be... limited to situations where this is necessary to protect local amenity or the well-being of the area [and]...be based on robust evidence, and apply to the smallest geographical area possible).</i></p> <p>The HMO Review May 2022 has evidenced that the situation has changed significantly since the last HMO Review was undertaken in 2018. Firstly, there has been a significant increase in HMOs, with over concentrations occurring across</p>	No

		<p>the borough in many wards with either a low, medium or high presence of HMOs traditionally. Secondly, the evidence suggests a link between HMOs and anti-social behaviour, including rubbish and fly-tipping worsening the street quality</p> <p>The making of an Article 4 Direction is considered to be in compliance with the NPPF and would enable the Council to better manage the impact of small HMO's within the borough and balance their demand with the need for family housing.</p> <p>It is important to note that an Article 4 Direction merely removes the permitted development right, it does not remove the right of a person to make an application for planning permission to carry out the development.</p> <p>In Lewisham's case, the development plan includes the London Plan, the Core Strategy, the Development Management Plan, the Site Allocations Plan and the Lewisham town centre Local Plan.</p>	
(c)	<p>the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>The use of an Article 4 Direction will help ensure that the impact of small HMO's within the borough are better managed and their demand is balanced with the need for family housing.</p> <p>And that HMOs are in appropriate, sustainable locations in line with DM Policy 6 Houses in multiple occupation (HMO) as part of a balanced mix of housing.</p> <p>The relevant policies relating to Homes in Multiple Occupation (HMOs) in the Lewisham Development Management Plan are policy DM Policy 6 Houses in multiple occupation (HMO)</p> <p><i>1. The Council will only consider the provision of new Houses in Multiple Occupation where they:</i></p>	No

		<p>a. are located in an area with a public transport accessibility level (PTAL) of 3 or higher</p> <p>b. do not give rise to any significant amenity impact(s) on the surrounding neighbourhood</p> <p>c. do not result in the loss of existing larger housing suitable for family occupation, and</p> <p>d. satisfy the housing space standards outlined in DM Policy 32.</p> <p>2. The Council will resist the loss of good quality Houses in Multiple Occupation.</p> <p>The self containment of Houses in Multiple Occupation, considered to provide a satisfactory standard of accommodation for those who need shorter term relatively low cost accommodation will not be permitted, unless the existing floorspace is satisfactorily re-provided to an equivalent or better standard.</p>	
(d)	environmental problems relevant to the plan or programme;	It is not anticipated that any environmental problems will be introduced or intensified as a result of the proposed Article 4 Direction.	No
(e)	the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	<p>The concentration of HMOs in inappropriate locations can often lead to negative impacts.</p> <p>A report produced by then Department for Communities and Local Government (DCLG), Housing in Multiple Occupation and possible planning response (2008) noted the following negative impacts that can be experienced in such circumstances:</p> <ul style="list-style-type: none"> • anti-social behaviour, noise and nuisance; • poor refuse management; • imbalanced and unsustainable communities; • negative impacts on the physical environment and streetscape; 	No

		<ul style="list-style-type: none"> • pressures upon parking provision; • increased crime; • growth in private rented sector at the expense of owner-occupation; and • pressure upon local community facilities and restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population. <p>The making of an Article 4 Direction would enable the Council to better manage the impact of small HMOs within the borough.</p>	
2. Characteristics of the effects and of the area likely to be affected			
(a)	the probability, duration, frequency and reversibility of the effects,	The impact of the Article 4 is likely to be overwhelmingly positive, with the document having the potential to have positive impacts in the short, medium and longer term.	No
(b)	the cumulative nature of the effects	<p>Once in place the Article 4 Direction will be relevant to all properties that fall within the proposed area, and only where an application for a change of use to a small HMO is made.</p> <p>The Article 4 Direction will enable the council to better manage the impact of small HMO's within the borough and is expected to have a positive cumulative impact, however these are not considered to result in likely significant environmental effects.</p>	No
(c)	the trans-boundary nature of the effects of the SPD	There are no trans-boundary effects anticipated from the proposed Article 4 Direction.	No
(d)	the risks to human health or the environment (for example, due to accidents)	HMOs are most frequently occupied by low income, transient people. The proposal for an Article 4 Direction will assist in delivering better quality HMOs and regulate their concentration improving the living	No

		<p>conditions for occupants and those nearby.</p> <p>There are no anticipated risks to human health or the environment.</p>	
(e)	<p>the magnitude and spatial extent of the effects</p> <p>(geographical area and size of the population likely to be affected),</p>	<p>The proposed Article 4 Direction will cover 16 wards (2520ha in size) and an estimated population of 242,295.</p> <p>The extent of the Article 4 Direction covers a significant proportion of the borough but a small proportion of the sub-region; the proposal is not considered to result in likely significant environmental effects.</p>	No
(f)	<p>the value and vulnerability of the area likely to be affected due to:</p> <p>i) special natural characteristics or cultural heritage</p> <p>ii) exceeded environmental quality standards or limit</p>	<p>The area does contain many statutory designated heritage assets. The Article 4 Direction is not expected to have any significant impact on these assets.</p> <p>There are a number of Sites of Importance Nature Conservation (SINC) and also Metropolitan Open Land (MOL). The Article 4 Direction is not expected to have any significant impact on these assets.</p>	No
(g)	<p>the effects on areas or landscapes which have a recognised national, Community or international protection status</p>	<p>There are a number of Sites of Importance Nature Conservation (SINC) and also Metropolitan Open Land (MOL). The Article 4 Direction is not expected to have any significant impact on these assets.</p>	No

5 Draft Determination

- 5.1 The screening assessment detailed in table 4.1 indicates that that the use of an Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from dwelling house (Use Class C3) to small HMO's (Use Class C4), will not result in any significant environmental impacts. It is noted that the SEA Regulations 2004 do not specify the nature of effects (i.e. positive or negative) that would give rise to a full SEA. However, this assessment has identified that the Article 4 Direction is unlikely to generate significant environmental effects by itself, and there are no negative effects on the environment anticipated. The spatial extent of the Article 4 covers the remainder of the borough and will enable the council to better manage the impact of small HMO's across the borough and balance their demand with the need for family housing.
- 5.2 Any effects resulting from higher tier planning documents including the 'parent policies' relevant to HMOs have already been considered and assessed by a separate full SEA through the Development Plan process.
- 5.3 The Article 4 Direction does not propose any new policies, or the amendment of existing policies, and will not allocate resources or direct other higher level plans and programmes.
- 5.4 In conclusion, the draft determination is that a SEA will not be required.

Next Stage

- 5.5 The draft determination is that a SEA will not be required for the Article 4 Direction. However, before a final determination is made it will be necessary to:
- 1 Consult on this draft determination with statutory consultees
 - 2 Prepare a final screening report, which is to be made publicly available.