

Houses in Multiple Occupation SPD



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Scarborough
Borough Council

November 2015

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Alternative Formats

Alternative Formats

Alternative Formats

Alternative Format Documents

On request this document will be made available in large copy print, audio cassette, Braille or languages other than English. If you require the document in one of these formats please contact:

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Introduction 1

1 Introduction

1 Introduction

Purpose

1.1 This Supplementary Planning Document (SPD) accompanies saved policies H.10 and H.12 of the Scarborough Borough Local Plan (1999) and sets out Scarborough Borough Council's approach to determining planning applications relating to Houses in Multiple Occupation (HMOs).

1.2 It aims to contribute towards sustainable communities in Scarborough Borough, by encouraging an appropriately balanced housing mix across the Borough, supporting a wide variety of households in all areas.

1.3 It is important to note that planning applications are assessed against national and local planning policy and all other material considerations.

Scope

1.4 A Supplementary Planning Document (SPD) is intended to expand policy or provide further detail and support policies in the Development Plan. It does not have Development Plan status, but it can be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of any SPD cannot, therefore, be regarded as prescriptive but they can provide a powerful tool in the interpretation and application of policy.

1.5 This document does this by setting out key decision making criteria for determining the following types of planning application:

- Applications for a change of use of buildings to large HMOs to accommodate more than 6 people, where there is a material change of use; and
- Applications for new purpose built HMOs.

Policy Context 2

2 Policy Context

2 Policy Context

Policy Context

National

2.1 The National Planning Policy Framework (NPPF) sets out the need to provide a mix of housing supply to provide for current and future generations and to “create sustainable, inclusive and mixed communities”.

2.2 The NPPF also states that local planning authorities should “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”.

Local

2.3 This SPD supplements Local Plan Saved Policies H.10 and H.12, which are set out below.

Policy H 10

Protection of Residential Amenity

Planning permission will not be granted for development that would have a serious effect on residential amenity. In considering proposals account should be taken of:-

- A. The extent of overlooking and loss of privacy;
- B. The proximity and relationship of new and existing buildings and whether there is an overbearing effect on existing property;
- C. Disturbance or danger resulting from the level of traffic likely to be generated by the development;
- D. Levels of noise, smell and other emissions and pollutants;
- E. The impact of the development on the appearance of the area; and
- F. The loss of significant open space or landscaped areas.

Policy H 12

The Conversion and Sub-Division of Buildings for Residential Use

With the exception of buildings to which Policy H11 applies, the conversion of buildings or the sub-division of existing dwellings to form smaller units of accommodation will only be permitted within the development limits of towns and settlements where self contained accommodation can be provided without:

- A. Affecting adversely the amenities of potential occupants or nearby residents; or
- B. External alterations likely to detract from the street scene; or
- C. Leading to a concentration of such uses, or otherwise likely to harm the character of the surrounding area.

Proposals for non self-contained accommodation will only be permitted where they satisfy the above criteria and are justified either by a proven housing need or a need to retain the special character and features of particular buildings, e.g. room sizes in listed buildings.

2 Policy Context

Background 3

3 Background

3 Background

Background

What is a House in Multiple Occupation (HMO)?

Basic Definition

3.1 Homes that provide purpose built shared accommodation or are properties that have been converted to provide accommodation for a group of unrelated adults who share basic amenities such as kitchen areas and bathroom facilities.

Planning Definition

3.2 Small HMOs fall within use class C4, which are defined as: small shared houses or flats occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

3.3 Planning permission is not required to change from a class C3 (dwelling house) to class C4.

3.4 Larger HMOs, occupied by more than six unrelated individuals, fall within the 'sui generis' use class (meaning of their own kind). Planning permission has always been required for proposals for large HMOs.

Impact of High Concentrations of HMOs

3.5 The Government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Responses' (CLG 2008) looks at the problems caused by high concentrations of houses in multiple occupation and considers the current and potential mechanisms to address these problems. Within this report, the following issues are associated with high concentrations of HMOs:

- 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 private rented sector at the expense of owner-occupation
- Pressure upon local community facilities; and
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.

Context

3.6 The private rented housing market in Scarborough Borough is complex, and there is a diverse demand for flexible housing. HMOs are occupied by a wide range of the population including young professionals, students and those on housing benefit. HMOs therefore have an important role to play in Scarborough's economy.

Background 3

3.7 HMOs have traditionally been more concentrated in certain wards of the Borough, particularly in the wards of Castle, Central, North Bay and Ramshill in Scarborough and West Cliff in Whitby.

3.8 This SPD will seek to manage the future growth and distribution of HMOs across the Borough, with the aim of creating balanced communities.

Previous Consultation

3.9 The Council consulted on an Issues and Options Paper from January to March 2015 and on a draft SPD in July to September 2015.

Defining the Local Community

3.10 The first requirement when preparing policy for HMOs is to determine on what basis the community is defined (the area of possible impact). This is of key importance in establishing the parameters of any decision.

3.11 A radius approach around the application site will be used to calculate the number of residential properties surrounding a site that is subject to a planning application to create a new HMO. Using a fixed radius is a clear and consistent way to assess the current percentage of HMOs in an area. A radius of 100m from an application site will be used to identify the area likely to be impacted by a planning application. This radius captures a good sample size when assessing the mix of properties in the area.

3.12 The number of residential properties (not including commercial properties such as public houses and hotels) falling within a 100m radius of the proposed HMO would be calculated. Dwellings that are either within purpose built blocks of flats or within houses that have been sub-divided into separate flats would be counted as one property. This will avoid counts becoming 'skewed' by a high proportion of flats in one small area, such as typically terraced streets, thus reducing the concentration of HMOs that are reported. When counting HMOs, properties that contain flats already in HMO use will only be counted as one HMO, irrespective of how many HMO flats are already in existence within the whole building. In instances where there are already several HMO flats within one building, the effect of allowing further HMO uses will be assessed in relation to the impact it would have on the character of the area. In essence, the focus is on determining the mix of buildings in the specified area, and a basis for assessing the impact of the application in question.

Acceptable Proportion of HMOs in a Local Community

3.13 It is important that a balance is struck between managing the concentration of HMOs with the need to ensure a mix of house tenures and types. This is critical to ensure housing is available to satisfy the full range of housing needs in the Borough's communities. Defining what constitutes a 'balanced community' is not an exact science and analysis of the thresholds that other authorities have utilised in formulating policy has helped to inform the approach which is being advocated in this document.

3 Background

3.14 The National HMO Lobby, a voluntary association of local community action groups which are concerned with the impacts of HMOs on their communities, has attempted to define a high concentration of HMOs, and the level above which new HMOs should be limited. The National HMO Lobby suggests that 10% of properties or 20% of the population is the 'tipping-point' for HMO presence in a local centre. (Note: In advocating the radius approach to define the community around an application site, impact can only be reliably assessed by using a threshold based on properties, as accurate population information is not available at such a local level).

3.15 When considering the appropriate approach for the Borough, evidence from across the country has been explored. Examples of thresholds used elsewhere are Bath and North East Somerset 25%, Exeter 20%, Milton Keynes 35%, Portsmouth 10%, Southampton 10-20%, Worcester 10%. Whilst this is not an exhaustive list it illustrates that no authority has tried to introduce a threshold below 10%. It is considered that the approach advocated by the National HMO Lobby of 10% is a reasonable threshold to adopt and will be used in the consideration of applications for HMOs in the Borough.

3.16 The following data will be used to identify the presence of HMOs:

- Licensed HMOs - records from the Council's Housing Section of those properties requiring an HMO licence will be utilised. This will cover both mandatory (those properties that are three storeys or over and are occupied by five or more persons) and additional licensing;
- Properties benefiting from C4 or sui generis HMO planning consent - in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties;
- Council tax exempt student properties; and
- Properties known to the Council to be HMOs.

Clustering of Properties

3.17 Another impact on communities could occur if there were a concentration of HMOs in a very small geographical area (clustering). The detrimental effect on the character of an area is often the prime reason for objections to applications for conversions to HMOs. An over concentration of any one particular type of housing or household would not be in-line with the aim of creating mixed communities. It is therefore considered beneficial to ensure a greater dispersal, or 'pepper potting', of HMOs. It is therefore proposed to apply criteria to prevent 'clusters' of HMOs in a small geographical area, including within individual streets and to prevent HMOs 'sandwiching' other residential properties or visitor accommodation.

Size of HMOs

3.18 The size of individual HMOs has raised concerns, with a consensus that they should be small in nature (i.e. 10 bedrooms or less). This is a difficult issue as there is no strong planning reason why a well-managed HMO of 10 or more bedrooms could not operate acceptably within

Background 3

a community. It also raises issues of viability where large buildings are limited in their potential uses by an arbitrary figure, which could result in dereliction and be detrimental to the appearance of an area.

3.19 However it is noted that larger HMOs (10 bedrooms or more) will have the propensity to affect the character or amenity of an area more so than smaller units. Therefore, it is important to ensure that all proposals, especially for those that involve the conversion of larger properties to HMOs, are considered very carefully from both a planning and licencing perspective to determine their suitability. Proposals that are unable to satisfy the Local Planning Authority that they can be accommodated successfully within the local community, in respect of their scale (including number of bedrooms) will not be supported.

3 Background

Supplementary Policy 4

4 Supplementary Policy

4 Supplementary Policy

Policy HMO 1

Houses in Multiple Occupation Policy

Subject to being in accordance with Local Plan policy, proposals to support mixed and balanced communities through the change of use of existing buildings to Houses in Multiple Occupation (sui generis) or the development of new Houses of Multiple Occupation (sui generis) will be supported where the following criteria are satisfied:

- a. It would not result in more than 10% of residential properties within 100m radius of the application site being Houses in Multiple Occupation;
- b. It would not result in there being two or more adjacent Houses in Multiple Occupation;
- c. It would not result in any residential property or visitor accommodation being 'sandwiched' between two Houses in Multiple Occupation;
- d. It would not result in there being four or more Houses in Multiple Occupation within any 200m stretch of a street (where the distance is measured 100m in either direction of the application site on either side of the street);
- e. The proposal does not have an adverse impact on the amenity of nearby properties in terms of:
 - Highway safety;
 - Sufficient provision for waste and recycling; or
 - Being excessive in size.

4.1 One of the critical factors in determining an application for a HMO is whether it would lead to an unacceptable proliferation of HMOs in an area. An over concentration of any one particular type of housing or household would not be in line with the aim of creating mixed communities. HMO occupants are generally perceived as being younger and more transient than other residents within a community. This can lead to wider effects on the character of an area and can give rise to a lack of community integration and cohesion, and less commitment to maintain the quality of the local environment.

4.2 In setting a threshold above which no further HMOs will generally be granted planning permission, a balance needs to be struck. There is a need to maintain a mix of dwelling types in areas of high demand for HMOs, whilst not reducing the overall supply of HMOs across the borough and therefore limiting the housing available to meet the needs of the population.

4.3 A 'non-clustering' or 'sandwiching' approach will be applied to prevent any one property being located between two Houses in Multiple Occupation. This will reduce the local impacts on neighbouring properties and will also prevent an over concentration at the very localised level. This can only be controlled where planning permission is required for the proposed unit (i.e. In most cases if a Class C4 unit is proposed this will not require planning permission where the existing property is a Class C3 dwelling).

Supplementary Policy 4

4.4 An illustrative example of the proposed radius method and comparison sketches of acceptable / unacceptable schemes based on clustering are shown at the end of this section

Submission Requirements for Applicants

4.5 In support of an application we would also expect a design statement which would cover the following matters:

- Waste and recycling;
- Car parking (if on site)
- Bicycle parking;
- Room size and layout;
- Communal facilities;
- Noise assessment;
- External amenity space; and
- Drying space.

4.6 Additionally a management plan will be required to demonstrate that satisfactory management procedures are adopted and put in place prior to the first occupation of the building.

4.7 In some cases specific additional requirements may be triggered as a result of assessing an application, such as provision of CCTV and other security measures.

Other Considerations

4.8 The Council has also introduced an Additional Licensing scheme for smaller HMOs in parts of the Castle, North Bay and Ramshill wards in Scarborough. The scheme applies to HMOs which are:

“two or more stories in height and occupied as a main or only home to at least three unrelated persons who share kitchen, bathroom or toilet facilities”

4.9 The scheme was introduced in March 2014 following extensive consultation and will initially run for a period of 5 years to 2019. One of the main reasons for introducing the Additional Licensing scheme was the concern that recent welfare reform changes would lead to increased demand for shared accommodation and growth of HMOs, especially within the inner area of Scarborough.

4 Supplementary Policy

Illustrations and Sketches

4.10 The first of the illustrations shows an example of a 100m radius from a central point; the application site. All properties that are fully or partly within this radius are included for the purposes of using Policy HMO1.

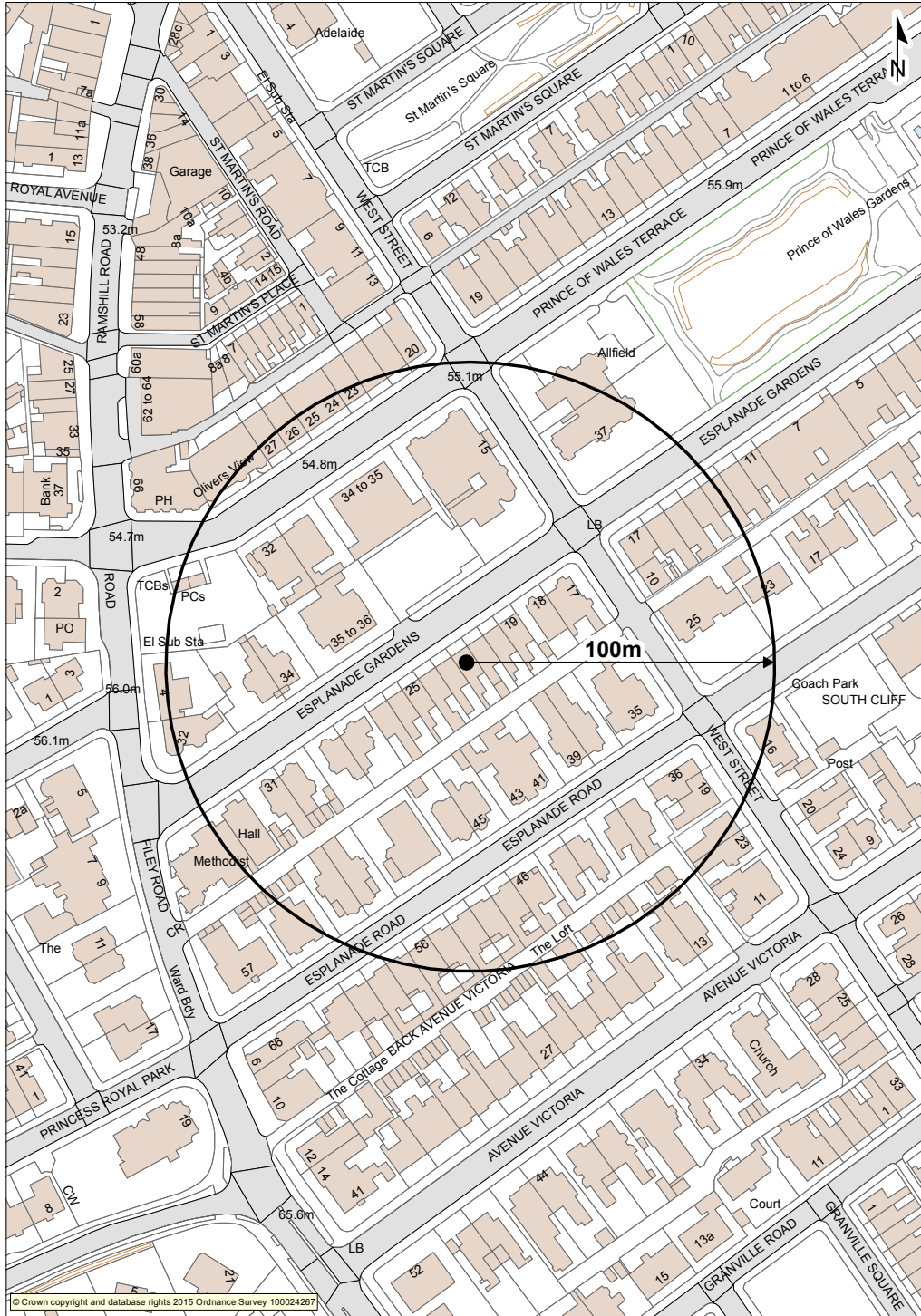


Figure 4.1 Illustration of 100m radius from an application site

Supplementary Policy 4

4.11 The following sketches show examples of where the criteria contained within Policy HMO1 would be satisfied and others where it would be considered inappropriate to site a HMO. Figure 2 below shows how a HMO should not be located directly adjacent to another HMO.

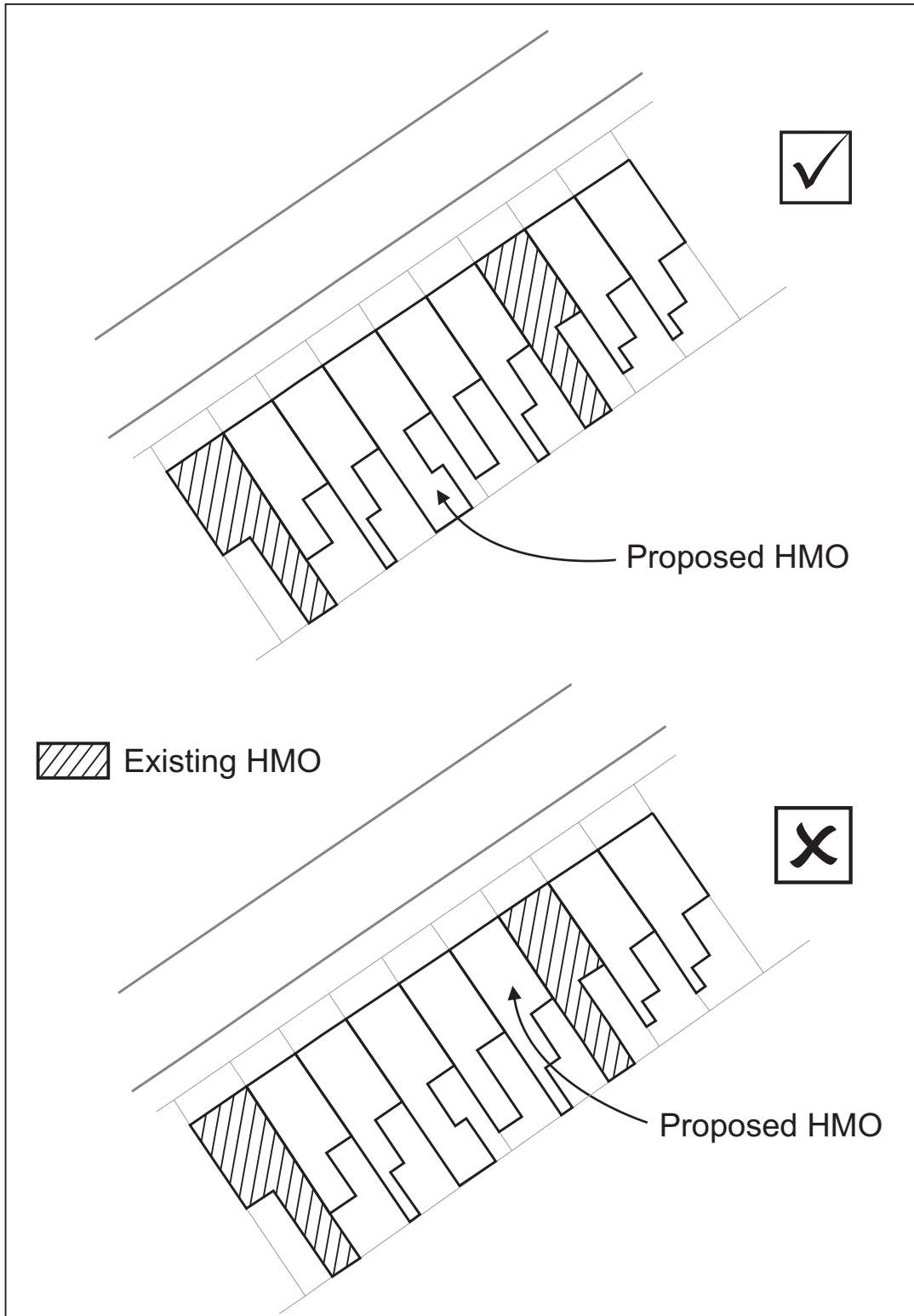


Figure 4.2 Preventing the clustering of HMOs (Part 1 - Adjacent Properties)

4 Supplementary Policy

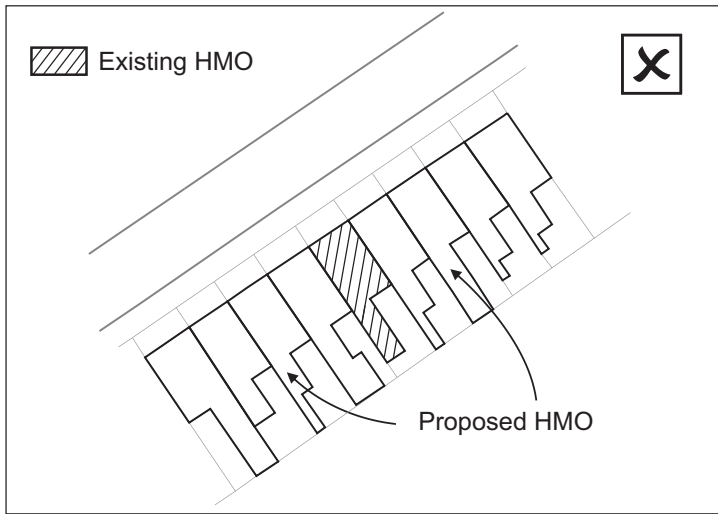


Figure 4.3 Preventing the clustering of HMOs (Part 2 - Sandwiching)

4.12 The adjacent sketch (Fig 4.3) demonstrates what is referred to by 'sandwiching'. Simply put, this prevents non-HMO properties from being hemmed in on both sides by a HMO and restricts clustering at the local level.

4.13 The final sketch below (Fig 4.4) shows how the policy seeks to restrict the number of HMO properties within a specified stretch of a street or road. In respect of Policy HMO1 the number of HMOs in any one 200m stretch (100m in each direction from the site) should not exceed three properties.

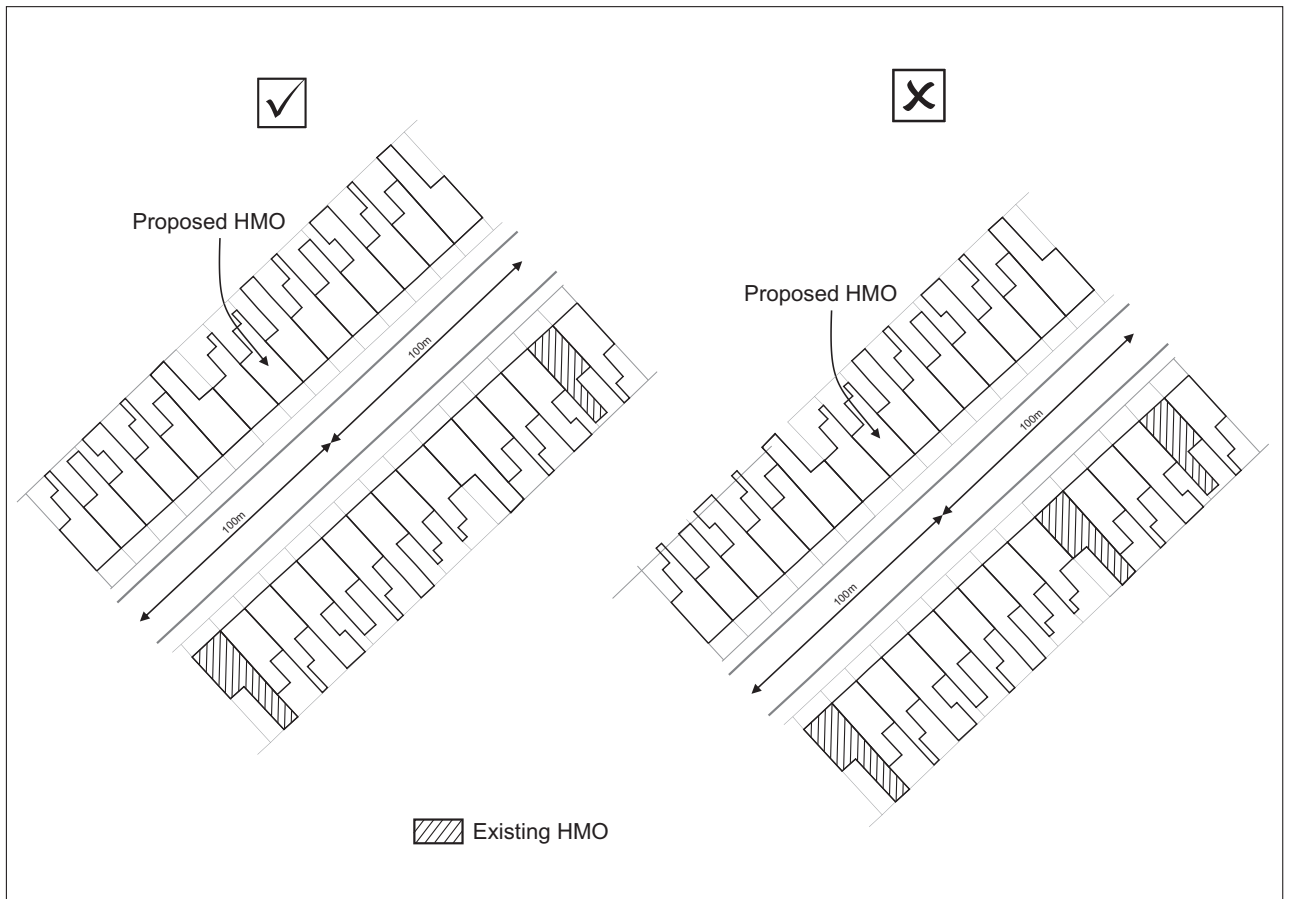
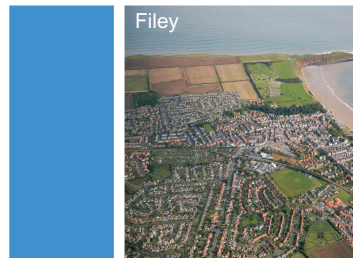


Figure 4.4 Preventing the clustering of HMOs (Part 3 - By Street)



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