

Houses in Multiple Occupation in Bath

Supplementary
Planning Document



Consultation Draft
September 2012

**Bath & North East
Somerset Council**

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Bath and North East Somerset
Local Development Framework

For more information on *Houses in Multiple Occupation in Bath* please contact the Planning Policy team at: hmo_spd@bathnes.gov.uk

This document can also be viewed on our website: www.bathnes.gov.uk/hmo

Houses in Multiple Occupation in Bath can be made available in a range of languages, large print, Braille, on tape, electronic and accessible formats by contacting Planning Policy on: Telephone: 01225 477548 Fax: 01225 394199

Photographs courtesy of Jonathan Pilbeam and Jordan Green (August 2012)

Design by SteersMcGillanEves www.steersmcgillaneves.co.uk

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1.0 Introduction

1.1 Purpose

This Supplementary Planning Document (SPD) accompanies **saved policy HG.12 from the Local Plan** and sets out Bath & North East Somerset Council's approach to the distribution and dispersal of Houses of Multiple Occupation.

It aims to encourage a sustainable community in Bath, by encouraging an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas.

The SPD does this by setting out criteria for assessing planning applications required by the introduction of an Article 4 Direction¹ for the change of use from Family Homes (Use Class C3) to Houses of Multiple Occupation (Use Classes C4 of Sui Generis).

It is important to note that planning applications are assessed against national and local planning policy and all other material considerations. Requiring an application to be submitted does not mean that all will be refused; rather it allows the Council to assess each case against agreed criteria before making a decision.

¹ To be confirmed, but due to be effective from 1st July 2013

1.2 Scope

A Supplementary Planning Document (SPD) is intended to expand policy or provide further detail supporting policies in the Development Plan. It does not have Development Plan status, but it will 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 indicative tool in the interpretation and application of policy.

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 from a C3 (dwellinghouse) to C4 HMO where permitted development rights have been withdrawn via an Article 4 Direction covering the entire City of Bath (**see map 1**)
- Applications for change of use to HMOs for more than 6 people; and
- Applications for new purpose built HMOs.

1.3 Policy Context

National

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

Policy HG.12

Development for the use of buildings for residential purposes within the ambit of Policies HG.4 and 6 involving the sub-division of existing dwellings, conversion of non-residential buildings, the re-use of buildings for multiple occupation in the form of non self contained accommodation or re-use of existing empty dwellings will be permitted provided that it:

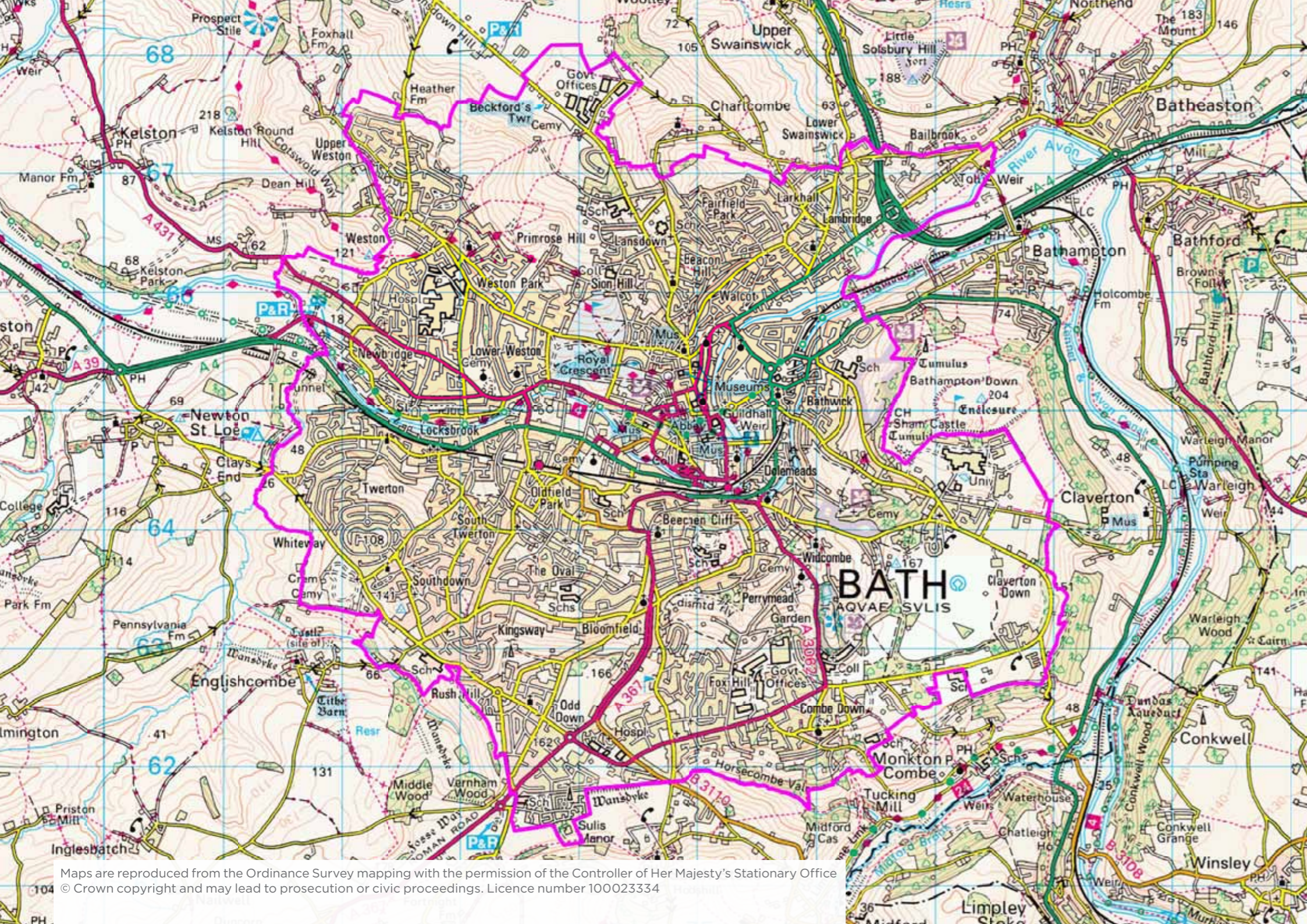
- i) is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development;
- ii) does not seriously injure the amenities of adjoining residents through loss of privacy and visual and noise intrusion;

Local

This SPD supplements Local Plan Saved Policy HG.12, which is set out below. Also of relevance are Draft Core Strategy Policies CP10 (Housing Mix), B1 (Bath Spatial Strategy) and B5 (Strategic Policy for Bath's Universities).

- iii) is not detrimental to the residential amenities of future occupants; and
- iv) does not result in the loss of existing accommodation which, either by itself or together with other existing or proposed dwellings in the locality, would have a detrimental effect on the mix of size, type and affordability of accommodation available in the locality.

Development of commercial premises which prejudice suitable opportunities for re-use of upper floors for residential accommodation will not be permitted.



Map 1

Coverage of the Article 4 Direction is the entire City of Bath

Legend

— Administrative boundary for the City of Bath

2.0 Background

2.1 What is an HMO?

Houses of Multiple Occupation (HMOs) can be defined as houses with 3 or more people from two or more families living together in a residence.

Under the Housing Act 2004² a House in Multiple Occupation (HMO) is defined as a building or part of a building (e.g. a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or
- which is occupied by more than one household and which is a converted building which does not entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are occupied under short tenancies.

And the households comprise:

- families (including single persons and co-habiting couples (whether or not of the opposite sex); or
- any other relationship that may be prescribed by regulations, such as domestic staff or fostering or carer arrangements.

In 2010, the legislative planning framework for Houses in Multiple Occupation (HMOs) changed significantly with the introduction of a new planning Use Class (C4); an HMO with 3 or more people. This change aligns the Use Classes Order with the definition of a HMO within the Housing Act 2004. This is in addition to the previous planning definition of 6 or more people living together (sui generis).

However, in accordance with Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation, properties that contain the owner-occupier and up to two lodgers do not constitute HMOs for these purposes. To classify as an HMO, a property does not need to be converted or adapted in any way.

Flow chart 1 overleaf, sets out the process for determining whether or not your house qualifies as an HMO.

2.2 Context

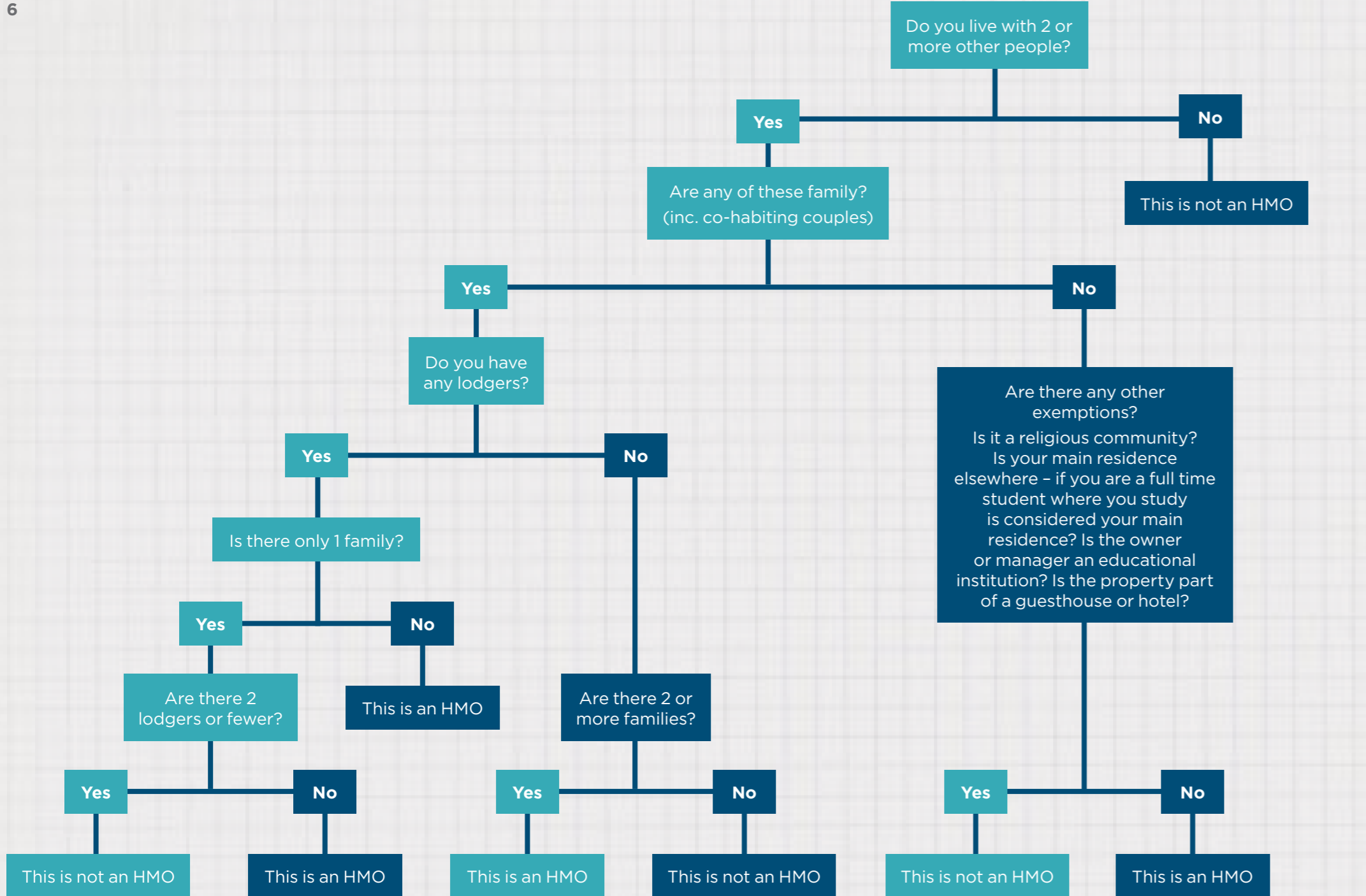
The private rented housing market in Bath is complex, and there is a diverse demand for flexible housing. HMOs are occupied by a wide range of groups including young professionals, students, immigrants, asylum seekers, those on housing benefit and contract workers. HMOs therefore have an important role to play in Bath's economy. HMOs have traditionally been more concentrated in certain areas of the city, particularly in the wards of Oldfield Park, Westmoreland and Widcombe.

The combination of an Article 4 Direction and this SPD will manage the future growth and distribution of HMOs across the City, with the aim of creating more balanced communities.



² Housing Act 2004, Part 254, <http://www.legislation.gov.uk/ukpga/2004/34/section/254>

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Flow Chart 1

Do you live in an HMO?

This is a guide only. For a legal definition of HMOs, please refer to the Housing Act 2004.

3.0 Supplementary Policy

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupancy) or the development of new houses as C4 dwellings or sui generis (HMOs) will not be permitted where;

Stage 1 Test: The application property is within or less than **50 metres from a Census Output Area** in which HMO properties represent more than **25%** of households; and

Stage 2 Test: HMO properties represent more than **25%** of households **within a 100 metre radius** of the application property.

HMOs will be defined as falling within one or more of the following categories:

- Recorded on B&NES Housing team's database as a licensed HMO.
- A property benefiting from C4 or sui generis HMO planning consent
- Any other properties held on B&NES Housing team's database as HMOs.

A threshold of 25% has been set, based on a number of factors, including the key facts and figures as set out in the table below.

Key Facts and Figures

Private rented properties in B&NES	18%
Proportion of Bath's population who are students	18%
Proportion of Bath's student population not in halls	13%

Students make up one part of the HMO population in Bath and the threshold set needs to account for this population plus others (which the Council have less reliable statistics on).

The Stage 1 test ensures that potential applicants are given an early indication of whether their application is likely to be successful, without the need for detailed analysis.

The Stage 2 test ensures a fair policy across the city, ensuring that the application site forms the centre point. A 100m radius has been set, which represents approximately a two minute walk, or your immediate neighbourhood.

The following datasets will be used to determine the proportion of HMOs in any area:

- licensed HMOs - records from the Council's Housing team 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

properties known to the Council to be HMOs - this can be established through site visits undertaken by the Council's Housing team in response to complaints, or properties registered through the Council's accreditation scheme, for example.

These data sets will be used to calculate the proportion of HMOs as a percentage of all households.

It is considered that these sources will provide the best approach to identifying the numbers and location of HMOs in an area, although it is accepted that it may not be possible to identify all properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent.

Data will be updated on a twice yearly basis (on 1st December and 1st July each year) to ensure that changes of over time are captured and that the latest data can be used in determining a planning application. Applicants will need to take account of the current map on the date that their application is registered.

4.0 Threshold Assessment for Planning Applications

4.1 Stage 1

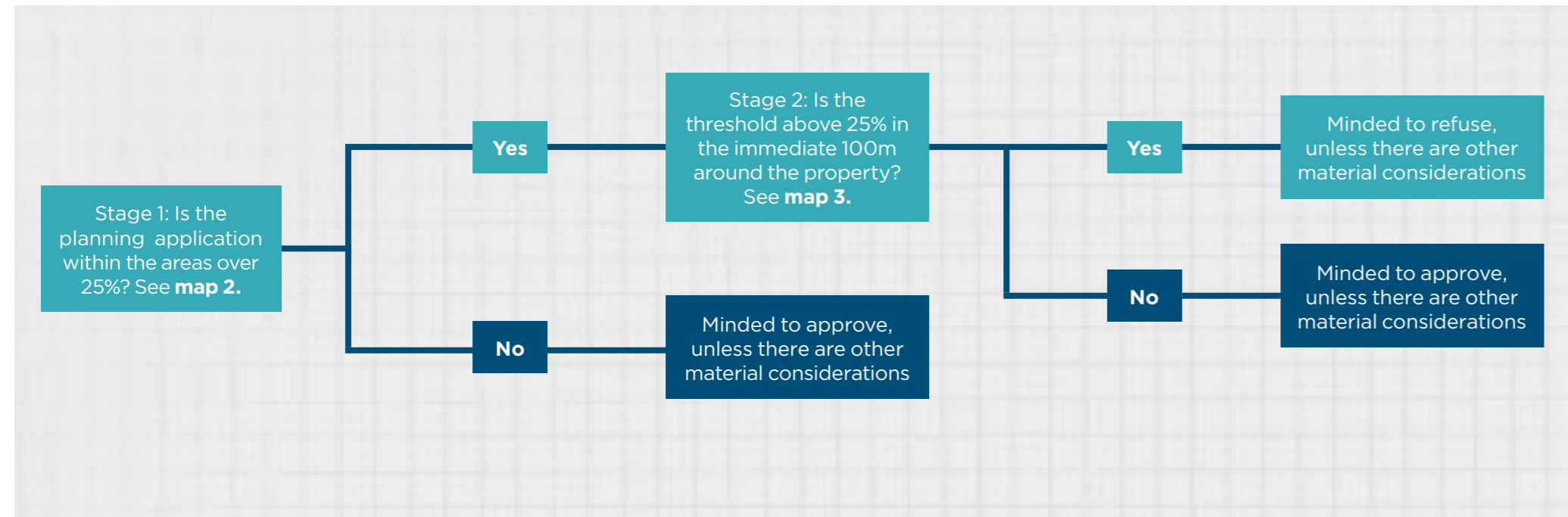
The threshold assessment that will form the basis for planning decisions in Bath is set out in the flowchart below:

This first stage will simply assess whether or not the application is within any of the areas identified on the publicly available HMO density map. As the map is updated on a twice yearly basis, the latest map on the date of validation of the application will be used for analysis.

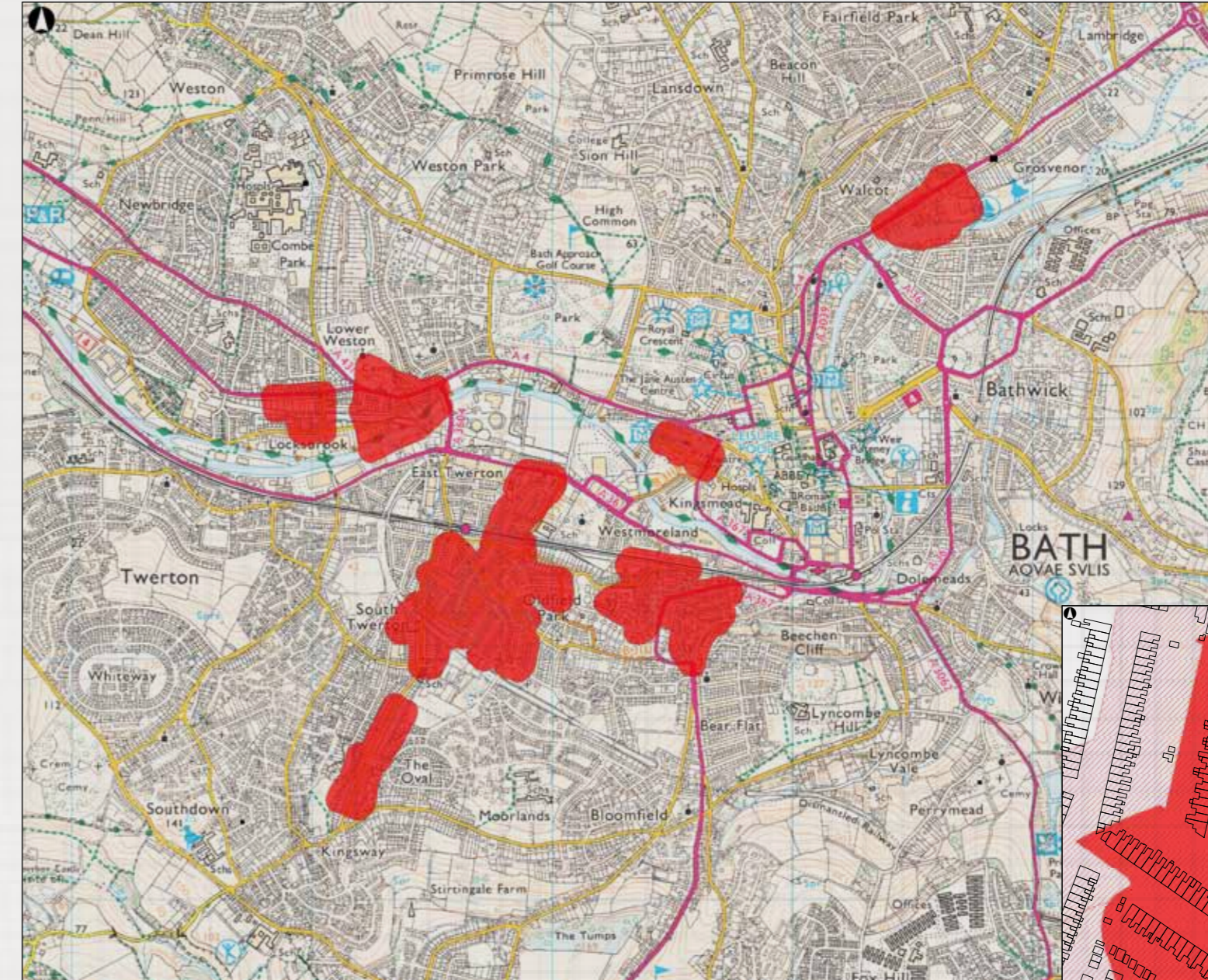
The HMO density map will show which Census Output Areas (COA) across the City are currently at or above the 25% threshold. A COA includes an average of approximately 125 households and is defined by the Office for National Statistics (ONS).

This can be seen to represent a "home-patch" as defined in *Shaping Neighbourhoods: A guide for health, sustainability and vitality* (Barton et al, 2003). In order to ensure that properties that may be surrounded by a high concentration of HMOs (but that lie just outside the relevant Census Output Area) are not excluded from the assessment, a buffer of 50m has been applied to the COAs with over 25% HMOs, an example can be seen in **map 2**.

Flow Chart 2
An overview of the threshold assesment approach

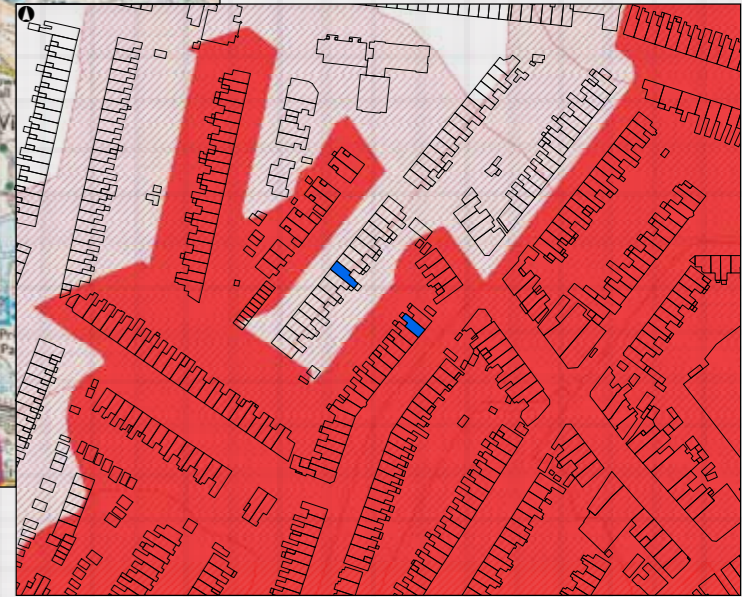


Stage 1 Example Assessment Map (August 2012)
City wide mapping for Stage 1 assessments will updated on a twice yearly basis and will be made available online www.bathnes.gov.uk/hmo



Legend
Areas with over 25% HMOs (inc 50m buffer)

Inset Legend
Example properties (blue square)
COAs with >25% HMC (red square)
50m buffer (hatched square)



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4.0 Threshold Assessment for Planning Applications

4.2 Stage 2

A Stage 2 assessment will only be undertaken where a Stage 1 assessment has shown that the application property is within a Census Output Area (COA) or its buffer that has over 25% density of HMOs.

The 100m radius of the application property is calculated using a buffer zone surrounding the application property from a central point in the property, as defined by the Local Land and Property Gazetteer (LLPG). For properties on the edge of the 100 metre radius buffer zone; they will be included only if their central point (as defined by LLPG) is within the buffer zone. This is demonstrated in map 3.

Map 3
Stage 2 Example Assessment
(August 2012)

Legend

- Example property ■
- Included properties ■
- 100m buffer ■



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5.0 Monitoring

Changes in HMO numbers will be continually monitored and maps will be updated on a twice yearly basis (on 1st of July and 1st December each year), which will identify any changes in the HMO density in "hot-spot" areas (as defined in Stage 1).

A key aspect of monitoring will be to look at possible displacement effects within or beyond the Article 4 area. It is possible, that there will be some displacement to other parts of the city of Bath.

6.0 Submission Requirements for Applicants

Applicants will be expected to submit the following details with their planning application:

- Application Form
- Block plan of the site (e.g. at a scale of 1:100 or 1:200) showing any site boundaries
- Existing and proposed elevations (e.g. at a scale of 1:50 or 1:100)
- Existing and proposed floor plans (e.g. at a scale of 1:50 or 1:100)
- Existing and proposed site sections and finished floor and site levels (e.g. at a scale of 1:50 or 1:100)

- Roof plans (e.g. at a scale of 1:50 or 1:100)
- Design and Access Statement

Within the Design and Access Statement, in addition to requirements set out elsewhere, we would expect the applicant to cover

- Waste and recycling
- Bicycle parking
- Room size and layout
- External amenity space
- Drying space

7.0 Other considerations

The Council also operates licencing schemes for HMOs in Bath. In addition to the current Mandatory HMO licensing, the Council is current considering introducing an Additional Licensing scheme for HMOs with shared facilities, in and around the wards of Oldfield Park, Westmoreland and Widcombe.

For more informaton, see www.bathnes.gov.uk/hmo



