

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday 11 th December 2018
Report Subject	Draft Interim Houses in Multiple Occupation (HMO) Developer Advice Note
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

Following changes made to the Permitted Development Order by Welsh Government in 2016 that required the change of use from a private residential property to a House in Multiple Occupation (HMO) to require planning consent, the Planning Committee has received and dealt with an increasing number of such applications.

As a matter of principle, the development of HMOs has its place as part of meeting housing needs in Flintshire particularly for affordable, short term single person accommodation. However Planning Committee Members have found it increasingly difficult to positively consider such applications in the absence of specific policy guidance in the adopted Unitary Development Plan. Although there are suitable policies against which to assess applications for HMOs, Members have particularly struggled to be confident that the living conditions of future residents and neighbours are properly assessed. They are further concerned about the impacts HMO development (particularly multiple HMOs in one area) can have on the character of an area.

It is not possible to retrospectively add a specific policy to the adopted UDP, and a draft HMO policy in the emerging Local Development Plan does not yet have any weight for use in decision making. As an interim measure a HMO Developer Advice Note has been produced to clarify for developers the standards and requirements expected in the submission of applications for HMOs, it includes guidance on key areas such as parking requirements; the impact on the living conditions of neighbours, and controls relating to the concentration of HMOs in an area.

To carry weight as a material planning consideration when used to assess applications for HMOs, the Developer Advice note needs to be approved and released for public consultation prior to being adopted.

RECOMMENDATIONS

1	That the Committee endorses the Cabinet's decision to approve the content of the Draft Interim HMO Developer Advice Note attached to this report, and for it to be published for public consultation at the earliest possible opportunity.
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REPORT DETAILS

1.00	CONTEXT
1.01	Members have previously raised concerns relating to the lack of specific policy controls when dealing with an increasing pattern of applications for HMO development being considered at Planning Committee.
1.02	It is acknowledged that there is no specific policy in the UDP that relates to the considerations required to assess the suitability of an application for a HMO. However the plan needs to be read as a whole and it does contain a number of relevant policies that allow the proper assessment of HMO applications and the main issues related to such considerations, as identified in the paragraph above. Nevertheless, there is clear benefit from ensuring that an appropriate policy is included in the LDP.
1.03	Whilst this policy is under development, it cannot be used for Development Management purposes until the LDP is adopted. That said, it is also recognised that there are significant benefits in developing an interim form of planning advice to guide both applicants and Members of the Planning Committee in considering applications for HMOs. This has involved the development of 'developer advice' that supports the policy context within the UDP as a material consideration, allowing clear guidance to be provided to prospective developers of HMOs on the key standards, assessments and evidence that the LPA require to properly consider and assess applications. The attached Draft Interim HMO Developer Advice Note (appendix 1) has been produced to fulfil this requirement and Cabinet have considered and approved the content of the advice note, and agreed to its publication for public consultation, at its meeting on 9 th October 2018. This committee is asked to endorse this outcome and their views on the draft Advice Note are welcomed.
1.04	The guidance provided in the Advice Note essentially comprises three key parts: <ul style="list-style-type: none"> 1. Standards relating to room space, general amenity, provision of

	<p>facilities, and parking relating to the development of a HMO and the living conditions relating to its future occupants;</p> <p>2. Additional standards and requirements to those in Part 1, relating to the development of stand-alone flats or mixed flat and bedsit accommodation;</p> <p>3. Specific requirements relating to the consideration of the living conditions of neighbouring non-HMO properties, including impacts on the character of an area.</p>
1.05	Part 3 of the Advice Note is specifically drafted to address previous Member concerns, as it goes as far as it can (without creating new UDP policy) to define specific 'policy controls' relating to the acceptability or otherwise of proposing the development of HMOs in certain residential contexts.
1.06	The next steps will be to make the Advice Note available for consultation (as if it were a form of supplementary planning guidance) in order to then consider any responses, amend as appropriate/if required, and formally adopt as a material planning consideration alongside the UDP.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Six week public consultation period required following approval of the draft Interim Advice Note by Cabinet, and endorsement by this committee.

4.00	RISK MANAGEMENT
4.01	None.

5.00	APPENDICES
5.01	Appendix 1 Draft Interim HMO Developer Advice Note.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Andy Roberts, Service Manager Strategy Telephone: 01352 703211 E-mail: andy.roberts@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>(1) House in Multiple Occupation: Houses in Multiple Occupation (including self-contained flats where relevant) provide small, affordable, flexible and safe accommodation for a wide variety of people including single people, students, low paid and seasonal workers, those on short term contracts and are an essential part of the housing market. They can also offer temporary accommodation for people who are saving to purchase a home. Houses that provide accommodation for at least 3 people who are not all members of the same family are known as 'Houses in Multiple Occupation' (HMOs).</p>