

**APPENDIX 2**

Draft HMO SPD full document

Houses in Multiple Occupation – Supplementary Planning Document (SPD)

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**Introduction and Purpose.****Purpose of the Supplementary Planning Document**

This Supplementary Planning Document relates to Houses in Multiple Occupation. The terms 'SPD' and 'HMO' will be used throughout this document to refer to such terms. This SPD has been published to set out the Council's expectations for new HMO development. It will assist applicants - either landlords or developers - to make successful applications for development by having consolidated guidance for HMO development to aid the Council in making consistent and transparent decisions when determining applications and provide guidance for local residents regarding how applications for HMO development will be considered.

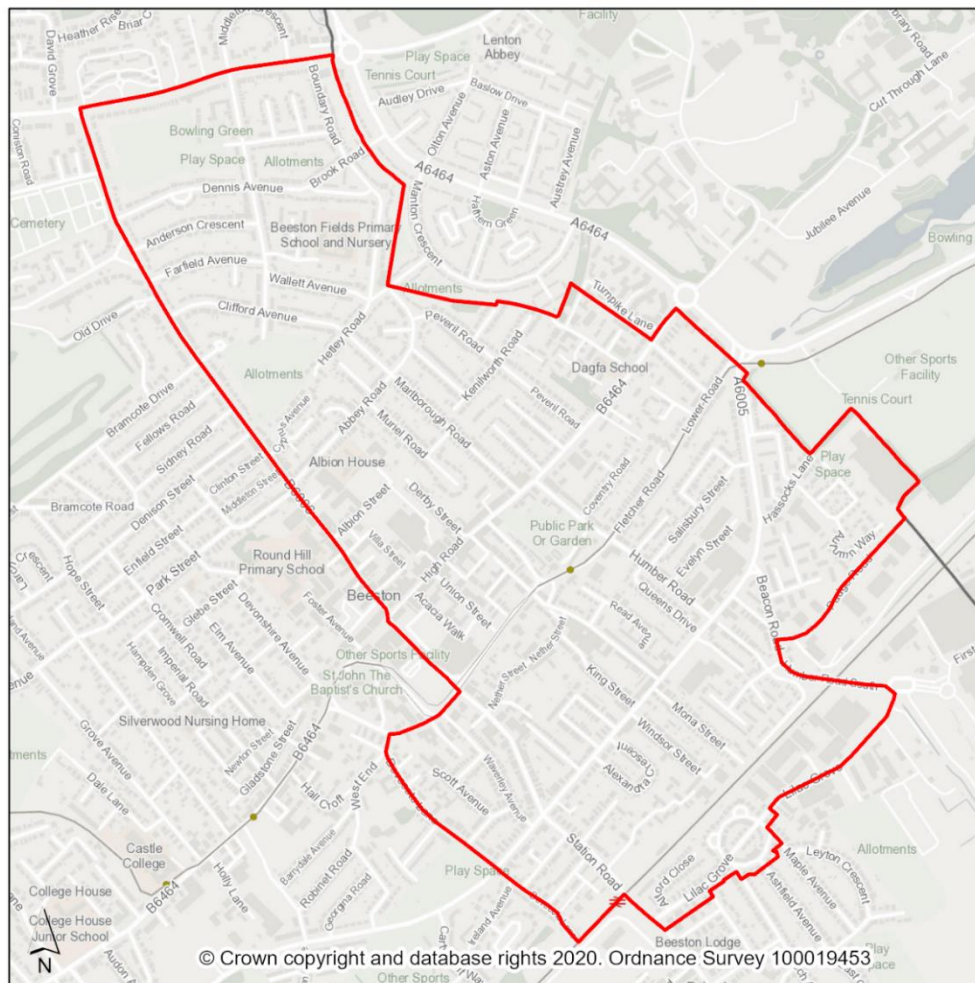
The guidance applies to the creation of new HMOs or the addition of rooms to existing HMOs. This SPD is a material consideration in the determination of planning applications.

**Article 4 Direction**

On 26 March 2022 an Article 4 Direction came into force within the Beeston area of Broxtowe Borough removing the permitted development right that allows a change of use from a dwellinghouse to what is sometimes called a 'small HMO' for use by up to 6 individuals. The use of an Article 4 direction does not mean development is not allowed, it means an application is required so that the proposal can be considered against relevant planning policies and considerations, including this SPD. By contrast, HMOs for the use of more than 6 persons (a 'large HMO') is a Sui Generis Use and planning permission for such use is always required across the whole of the Borough.

The area covered by the Article 4 for HMOs is set out below:

Figure 1: Area covered by Article 4



HMOs are a significant part of the housing mix within Broxtowe. The Council recognises their important role for providing accommodation to a range of individuals and there are also many property owners who wish to contribute to meeting the demand for HMOs. However, as with other types of development, an over concentration of a single type of dwelling may cause harm to an area and can make it difficult to create a sense of community cohesion, and as stated within the 'justification' text of Policy 8 of the Aligned Core Strategy, the increased numbers of student households and Houses in Multiple Occupation (HMOs) has altered the residential profile of some neighbourhoods dramatically, and has led to unsustainable communities and associated amenity issues.

The sections within this SPD therefore seek to provide guidance to manage the development of HMOs and their impact on character and appearance in addition to ensuring that they provide a high standard of living for existing and prospective residents and be in accordance with paragraph 3.8.8 of Policy 8's emphasis of 'creating and maintaining sustainable, inclusive and mixed communities'.

The principles within this SPD are applicable to all areas within the administrative boundary of the Article 4 Direction. Property owners who wish to use their premises for HMO purposes under Permitted Development Rights (where no planning permission is required) are also strongly encouraged to consider these principles so as to ensure a healthy living environment.

### **Definition of a House in Multiple Occupation:**

The definition of HMOs can be found by reference to Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987, in particular Class C4. This defines HMOs by reference to the Housing Act 2004 and the provisions are detailed. This SPD relates to all types of HMO, including 'small' and 'large' HMOs.

Put more simply, the official government website describes a HMO as “a property rented out by at least 3 people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen”. This is sometimes referred to as a 'house share'.

### **Aims of this SPD**

This SPD aims to provide guidance for applications to convert, use, or develop properties for multiple occupation. It will be used by those making applications to inform them about the Council's requirements and standards for HMOs and by Planning Officers to aid their assessment of such applications. It also provides a point of reference for local communities in respect of how planning applications for HMO development will be considered.

### **Making a Planning Application**

All planning applications relating to HMOs, either through new buildings, extensions or changes of use will need to have regard to the guidance and principles set out within this SPD. All applicants are also encouraged to use the Council's pre-application advice service in advance of making a formal application.

Prior to submitting any proposals or planning applications, applicants are able to go through the Council's pre-application process (including a fee of £166) which will enable an Officer to provide a detailed written response regarding the likelihood of a proposal for a HMO being granted permission. Further information can be obtained via: <https://www.broxtowe.gov.uk/for-you/planning/planning-applications-advice/>

Applications will need to be accompanied by the relevant supporting evidence. This includes, but is not limited to:

- Site Location Plan
- Layout plans including details of internal and external communal areas, parking provision, cycle storage, garden space, and waste and recycling storage

- Elevation plans where any extensions or new openings such as windows and doors are proposed
- Supporting statement including details of proposed parking provision
- Any required supporting evidence; for example, parking surveys.

### The Use Classes Order and Article 4 Direction:

The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provide details of the relevant Use Classes and permitted development rights applicable to HMOs.

More detail on the Use Classes Order can be found here on the Planning Portal website:

[https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)

### Is Planning Permission required in Broxtowe Borough Council?

Change	Do I need permission?
Change of use from Residential to large HMO	Permission is needed both within and outside of the Article 4 Area.
Change of use of residential property to a small HMO.	Permission is <b>only</b> needed within the Article 4 Area.
Change of use of a non-residential property to a small or large HMO.	Permission is needed both within and outside of the Article 4 Area.
Applications for change of use from residential to a large HMO (Sui Generis) occupied by more than 6 residents.	Permission is needed both within and outside of the Article 4 Area.
Construction of purpose-built HMO regardless of the number of persons sharing.	Permission is needed both within and outside of the Article 4 Area.

### HMO Licensing

The Housing Act 2004 introduced the requirement for certain HMO properties to be licensed. This is a separate procedure from applying for planning permission. Early discussions with both the Planning and Licensing teams are encouraged. **All HMOs must be properly managed in accordance with the Management of Houses in Multiple Occupation (England) Regulations 2006 SI 2006/372 and comply with local authority agreed conditions.** However, securing a licence does not necessarily mean that planning permission will be granted.

It is the responsibility of landlords to ensure that their property is operating with the correct licence and failure to do so is a criminal offence.

Further information on licensing and Broxtowe Borough Council's HMO Property Standards can be obtained from the Council's website:

<https://www.broxtowe.gov.uk/for-you/housing/private-sector-housing/houses-in-multiple-occupation-hmos/>

## **Planning Policy Context**

This SPD has been informed by national and local policies.

The National Planning Policy Framework (NPPF) (July 2021) sets out that achieving sustainable development means that the planning system has three overarching objectives: Social, Environmental and Economic. This SPD helps to ensure that within Broxtowe, these roles can be balanced to create and support strong, vibrant and healthy communities.

Neither the Aligned Core Strategy or Part 2 Local Plan contain a specific policy on HMOs, although there are specific policies that apply to the conversion of buildings.

This SPD expands on and provides guidance on the application of the following policies contained within the adopted Aligned Core Strategy (2014) and Broxtowe's Part 2 Local Plan (2019), as applicable to HMOs:

- Aligned Core Strategy Policy 8: Housing Size, Mix and Choice
- Aligned Core Strategy Policy 10: Design and Enhancing Local Identity
- Part 2 Local Plan Policy 17: Place-making, Design and Amenity

Policy 8 of the Aligned Core Strategy references the importance of residential properties maintaining, providing and contributing to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. It further notes that this will be partly informed by redressing the housing mix within areas of concentration of student households and Houses in Multiple Occupation (4e). This is supported by Policy 10 of the Aligned Core Strategy which states that all development should make a positive contribution to the public realm and sense of place as well as create an attractive, safe, inclusive and healthy environment – which in turn is strengthened by Policy 12 which seeks to support Healthy Lifestyles.

Broxtowe's Part 2 Local Plan expands upon the Policies within the Aligned Core Strategy at a more localised and concentrated level. Policy 17 includes that development will be granted permission which integrates into its surroundings; and provides sufficient, well-integrated, parking and safe and convenient access; and provides adequate external storage and amenity space; as well as ensures a satisfactory degree of amenity for occupier of the development and neighbouring properties. This will therefore be an important consideration when assessing any application received relating to a HMO.

## **Creating Well-Designed Spaces**

The SPD aims to ensure that the demand for HMO accommodation can be met across the Article 4 Area in a way that does not lead to adverse impacts on the character of



the area through a saturation of a single type of home. It helps to ensure that when determining planning applications for HMO development, including the extension of HMOs to add additional rooms, there is not an over-concentration either through new development or cumulative impacts through piecemeal extensions.

### **Maintaining Balanced, Inclusive and Mixed Communities**

Achieving an appropriate housing mix to meet Broxtowe's needs is vital to create the sustainable, inclusive and mixed communities envisaged within the Local Plan.

Broxtowe Borough Council recognise that HMOs form an important part of the housing mix through the provision of flexible, affordable rental accommodation.

The Iceni report indicates that student numbers are at an all-time high and notes that the NPPF requires local planning authorities to cater for this need. Indeed, the strong influence of the University of Nottingham has resulted in a relatively large student population within Broxtowe, particularly within the Beeston wards and Article 4 area.

However, an over-concentration of HMO accommodation can lead to identifiable impacts on amenity including: increases in waste associated problems due to inadequate or inappropriate waste storage; an increase in noise complaints and anti-social behaviour; visual impacts such as increased 'clutter' or unsympathetic creation of parking and waste storage areas over former garden spaces, and unsympathetic security measures and parking issues resulting in cumulative impacts on residential amenity. This SPD will therefore seek to address, prevent and mitigate the impact of these issues.

This SDP is intended to support the creation of sustainable, inclusive and mixed communities and minimise cumulative impacts on amenity by avoiding an over-concentration of HMOs in any single area.

### **Creating a Healthy Living Environment**

The majority of HMOs within the Borough of Broxtowe are formed through the conversion of existing residential properties. It is important that conversions result in a high-quality living environment for residents, taking into consideration space and facilities including room sizes, health and safety, natural light and ventilation, internal layouts and access to open space. This will ensure that HMOs will contribute towards achieving relevant Local Plan Policies.

Further useful information on this can be found in Broxtowe's HMO Property Standards: <https://www.broxtowe.gov.uk/media/5884/broxtowe-hmo-property-standards.pdf>

### **Preventing 'Clustering' and Managing the Concentration of HMOs**

Defining over-concentration of HMOs is commonly expressed as a percentage figure of the dwelling stock of a particular area, or, street within that area.



Proposals for the development of houses in multiple occupation will not be granted planning permission where the development would result in:

- more than 3 known consecutive HMOs on the same street or adjoining street (in the event of an application property being situated on a corner plot); or

*Figure 2*



- more than 2 known consecutive HMOs positioned opposite to 2 or more known consecutive HMO properties.

*Figure 3*

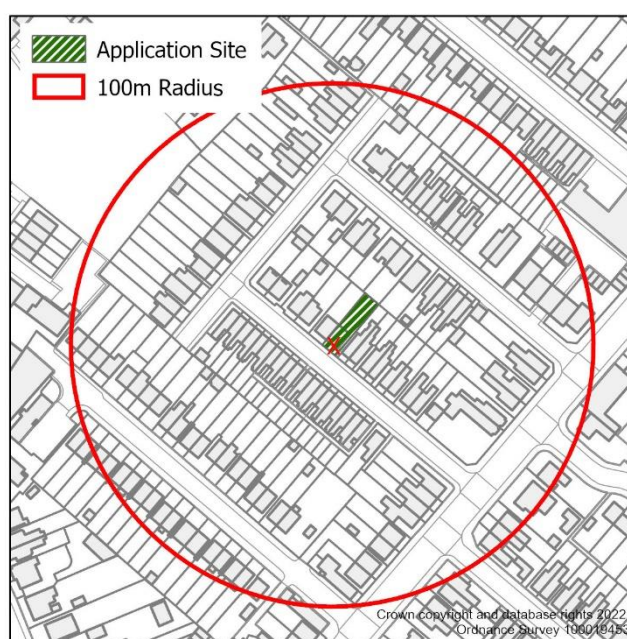


## Radius Approach

The radius will be measured in a straight-line distance from the mid-point of the front elevation of the subject property. If any part of a property boundary falls within the radius, that property will be included in the calculations.

Proposals for the development of houses in multiple occupation, will not be granted planning permission where the development would result in:

- The total number of known HMO properties exceeding 25% relative to the total number of properties within a 100m radius of the application property.



## Preventing 'Sandwiching'

A harmful concentration can arise at a localised level when an existing dwelling is sandwiched between two HMOs. This can intensify impacts on individual households even if few HMOs exist locally and can create an imbalance between HMOs and other housing at a street level.

Proposals for the development of houses in multiple occupation, will not be granted planning permission where the development would result in:

- A standard dwelling being positioned in-between two known houses in multiple occupancy either adjacently or to the front and rear.

Figure 6



Figure 7



## Living Space and Layout

Whilst there is no specified minimum size for properties to be considered suitable for conversion into an HMO, not every property will be suitable for conversion or extension. When considering if a property may be suitable for use as an HMO, the quality of the overall living space will be a key consideration. In general, properties will need to provide tenants with privacy, natural light and ventilation, appropriate facilities and suitable communal spaces commensurate with the size of the HMO and proposed number of occupants.

For some HMOs, particularly smaller properties, there may be little change made to the internal layout when converting the property for use as an HMO. However, others may require more extensive building work including the addition of new bathrooms and kitchens, the sub-division of larger rooms and the conversion of former living spaces to bedrooms (or bedsits). Regarding room size, it should be noted that room sizes are a matter for the Private Sector Housing team. Where properties are undergoing more significant change, careful consideration should be given to the configuration of spaces to provide a high-quality living environment, including accommodation that may be suited to prospective tenants with physical disabilities. In general, this will include:

- Opportunities to maximise natural light and ventilation;
- The avoidance of narrow corridors or configurations that lead to unsafe layouts;
- Ensuring that bedrooms are located away from kitchens and communal spaces, where possible.

Where possible, external alterations such as the addition or removal of windows should be avoided to minimise harm to the character of the street. However, modest alterations and the addition or relocation of window and door openings may be appropriate in some cases, for example, where they would improve privacy for local residents or future tenants. Desirably, these would be discussed as part of the pre-

application process and would be considered having regard to relevant policies of the Local Plan and other design guidance.

Further useful information on this can be found in Broxtowe's HMO Property Standards: <https://www.broxtowe.gov.uk/media/5884/broxtowe-hmo-property-standards.pdf>

### **Sound Reduction Measures**

Proposals for the development of HMOs may be subject to building regulations requirements relating to sound reduction. In some circumstances a condition seeking sound reduction may be attached to a planning permission for new HMO development exclusive of any building regulations requirement.

Prior to submitting an application, the Council would advise all applicants to consider the provision of a range of easy to install sound reduction measures where appropriate. Measures could include:

- Use of soft-closers on both internal and external doors;
- Sound-deadening material on stair treads;
- Sound insulation in partitions, floors and party walls;
- Location/design of bathroom sanitary ware to avoid noise transmission through party walls;
- Plan layouts that avoid positioning of communal rooms opposite bedrooms in adjoining properties.

### **Ensuring Safe Access and Adequate Parking**

Proposals for new HMOs should ensure that they can be safely accessed. The main access point should be from the street and be free from obstructions. New HMOs (and the addition of new HMO bed spaces in existing HMOs) should make provision for adequate car parking.

Proposals for the development of houses in multiple occupation will only be granted planning permission where the development would provide:

- 0.5 car-parking spaces per bedroom.

Where possible, it would be encouraged for this to be provided off-street within the curtilage of the property and with due regard to any impact on the street scene and character of the area, for example, the excessive 'concreting over' of gardens would be discouraged. It would also be favourable for on-site parking to be independently accessible from the application property, and for spaces which are directly accessed from the highway to have an appropriate dropped kerb crossover.

If car-parking spaces cannot be provided off-street, the applicant should submit a parking survey with the planning application setting out availability of parking provision on neighbouring streets (covering a range of times over evenings and weekends). Discussions between the landlord and tenants regarding car usage and parking expectations should also be encouraged.

## **Cycle Storage**

To help encourage and support residents to make sustainable choices, and to reduce additional motor vehicles occupying the street (with their likely impact upon neighbour amenity).

Proposals for the development of houses in multiple occupation will only be granted planning permission where the development would provide:

- Safe access and secure storage for bicycles.

If it is not possible or appropriate to provide cycle storage internally, external storage in a secure locker or shed (located to the rear of the property) may be acceptable, having regard to access, space and the visual amenity and character of the area.

## **Bin Storage and Waste**

HMO proposals, in line with the National Planning Policy for Waste (NPPW), should make sufficient provision for waste management and this should:

- Promote good design to secure the integration of waste management facilities through providing sufficient, discrete and unobtrusive bin storage to facilitate a frequent household collection service. These should still be readily available to residents and collectors.

It should also be noted that disposal of waste is a mandatory condition of HMO licensing and so applicants could be advised to seek further advice from Environmental Health in relation to household waste.

## **Monitoring and Review**

The implementation of this document and the Article 4 direction relating the HMOs will be monitored and reported on an annual basis as part of the Authority's Monitoring Report (AMR).