

Report of the Director of Place

Planning Committee – 10 January 2017

SUPPLEMENTARY PLANNING GUIDANCE ON HOUSES IN MULTIPLE OCCUPATION AND PURPOSE BUILT STUDENT ACCOMMODATION – DRAFT FOR CONSULTATION

Purpose:	This report provides an overview of the draft Houses in Multiple Occupation and Purpose Built Student Accommodation Supplementary Planning Guidance (SPG) document and seeks authorisation to undertake public and stakeholder consultation.
Policy Framework:	City & County of Swansea Unitary Development Plan (Adopted November 2008); Planning (Wales) Act 2015; Planning Policy Wales 2016 (as amended) and related Guidance
Reason for Decision:	To approve the draft SPG as a basis for public and stakeholder consultation.
Consultation:	Legal, Finance, Access to Services, Housing & Public Health.
Recommendation(s):	The draft SPG as attached at Appendix A is approved for the purpose of public consultation.
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Finance Officer:	Paul Roach
Legal Officer:	Jonathan Wills
Access to Services:	Phil Couch
Housing & Public Health:	Mark Wade

1.0 Introduction

- 1.1 This report seeks authority to undertake a 6 week public and stakeholder consultation exercise on the draft Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance (SPG). A copy of the draft SPG is attached as an appendix to this report.
- 1.2 The draft SPG has been prepared to assist the determination of planning applications for HMOs (to accommodate students or other occupiers) and PBSA developments in Swansea. The document will be used to help assess and determine planning applications, and is supplemental to the relevant policies of the adopted Unitary Development Plan (UDP), namely HC5, HC11, EV1, EV2, EV3, and AS6.

1.3 Once the consultation process is concluded, a schedule of comments and responses to all representations received will be reported to this Committee for consideration, along with an amended version of the SPG document.

2.0 Planning Strategy and Policy Context

2.1 Building sustainable communities is one of five priorities in the Council's Corporate Plan (2016/17). This is in alignment with the Planning Act¹, National Planning Policy², and the Well-being of Future Generations Act³, which requires the Council to achieve defined well-being goals including maintaining cohesive communities that are attractive, viable, safe and well-connected.

2.2 There are no specific national HMO or PBSA policies/guidance that prescribe how local planning authorities (LPAs) should determine such development proposals, however relevant policy requirements include ensuring development proposals are considered in terms of their effect on amenity and existing use of land/buildings in the public interest. Consideration of impact on the surrounding neighbourhood is a material planning consideration. National Planning Policy states that the effect of a proposal on the amenity of neighbouring properties should be assessed on general principles reflecting wider public interest (including a standard of 'good neighbourliness'), rather than concerns of the individual. The cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes impact on neighbouring dwellings.

2.3 National policy requires LPAs to have a clear understanding of the factors influencing housing requirements in their area and to facilitate the provision of sufficient housing and choice.

2.4 The extant local planning framework is provided by the adopted Swansea UDP. The most relevant UDP policies relating to HMO and PBSA developments are:

- Policy HC5 'HMOs' – which sets out the criteria to be used to determine a conversion to a HMO.
- Policy HC11 'Higher Education (HE) Campus Development' which sets out the acceptable parameters for HE campus development and that the Council favours appropriate City Centre sites for student accommodation.

2.5 This SPG sets out an integrated planning strategy that clarifies and augments UDP policy for the purpose of determining planning applications for PBSA and HMOs. It seeks to promote PBSA in appropriate City Centre locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; and the potential associated regeneration benefits. In tandem, the SPG acknowledges the important role of HMOs in providing affordable, flexible tenancies and the likely continued demand for them in the future, but seeks to avoid further harmful intensification or concentration and ensure provision is made sustainably.

¹ Planning Act (Wales) 2015

² Planning Policy Wales

³ Well-being of Future Generations (Wales) Act (2015).

2.6 The Council is in the process of preparing its Local Development Plan (LDP). The Deposit LDP includes policies on HMOs (Policy H9) and PBSA (Policy H11), which will be subject to Public Examination in 2017. When the LDP is adopted, anticipated to be in 2018, this SPG will need to be updated to link to its policies.

3.0 Evidence Base

3.1 This SPG is founded on a comprehensive and up to date evidence base. This includes an update of research undertaken by the Council in 2013 on the number, type, distribution and impacts of HMOs in Swansea. A review of relevant national research, other LPA's planning policy approaches, and appeal decisions has also been undertaken.

3.2 A significant amount of engagement has been completed with key stakeholders, including Swansea University and University of Wales Trinity St David (UoWTSD), local private landlords, Registered Social Landlords, The Wallich, Swansea Student Liaison Forum, Council Officers and Local Councillors. Written evidence was also provided by Uplands Ward residents.

3.3 The main findings of this research can be summarised as:

- Current indications suggest there is likely to be steady growth in student numbers over the short to medium term in Swansea.
- There has been a national trend for growth in PBSA. This has seen several major planning applications in Swansea but the only significant build to date is the St Davids development adjacent to the River Tawe.
- Demand is likely to continue for HMOs to fulfil the preferences of some students, and other affordable housing needs, including those resulting from changes to housing benefit for young adults.
- National and local research suggests that certain concentrations of HMOs are resulting in negative community impacts in Swansea.
- A range of threshold approaches have been successfully used by Local Planning Authorities to manage further harmful concentration of HMOs.
- Geographical demand for HMOs from students is likely to increase in St Thomas Ward due to its proximity to the Bay Campus and forthcoming UoWTSD SA1 Innovation Quarter.

4.0 SPG recommendations - Planning Applications for HMOs

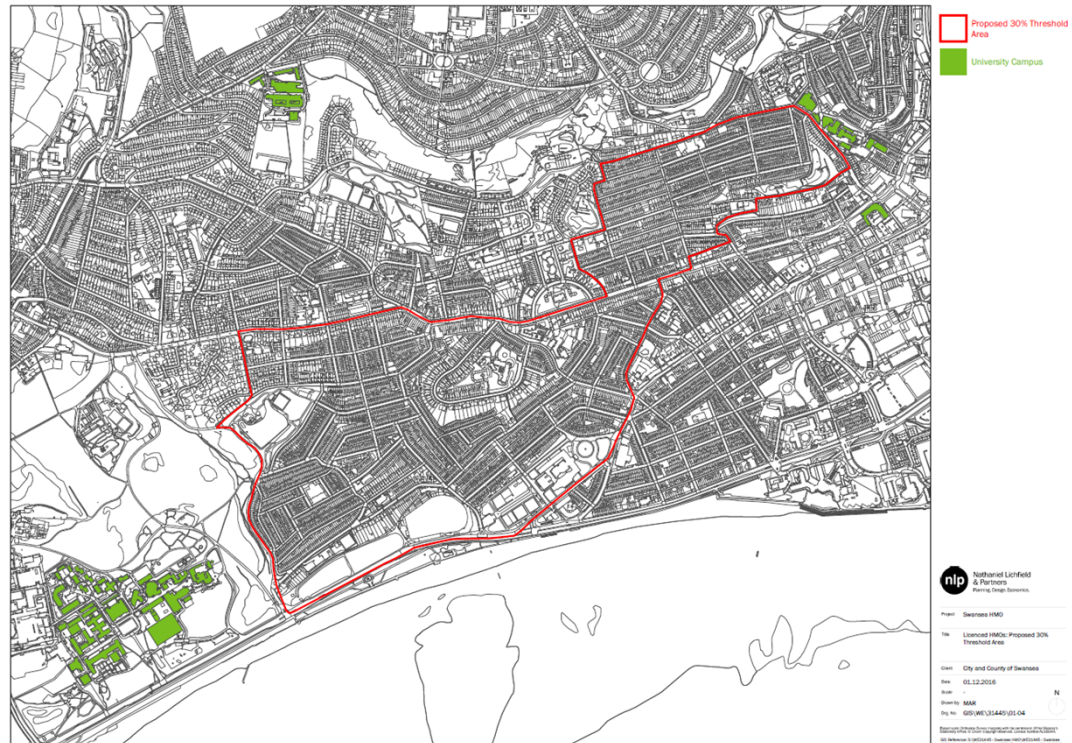
Managing Harmful Concentrations of HMOs

4.1 The SPG supports Council planning policy by recognising that some new HMOs need to be delivered in the future to meet demand, but their provision must be managed sustainably.

4.2 This SPG defines an evidence based threshold above which concentration or intensification of HMOs will be deemed harmful within a 65 metre radius of a proposal. A two-tier threshold approach will be applied:

- No more than **30% in the designated HMO Management Area** (illustrated in extract from SPG reproduced in Figure 4.1 below).
- No more than **10% in the remainder** of the City & County of Swansea.

Figure 4.1: Map Showing Boundary of the HMO Management Area



- 4.3 Within the HMO Management Area, evidence⁴ suggests there are some existing community sustainability and cohesion issues which are resulting from harmful concentrations of HMOs. Between 20-30% of the residential properties in the HMO Management Area are already HMOs, with significantly higher concentrations in places closest to the Swansea University Singleton Campus. The policy approach will limit any further harmful concentration or intensification of HMOs within this area to a ceiling of 30%, meaning that a proposed HMO can result in no more than one in three homes being HMOs within the 65m radius.
- 4.4 This threshold will encourage HMO provision to be more dispersed to other areas in a managed manner, and it should be noted that HMO concentration or intensification in all other areas will be limited to no more than 10%. National research⁵ has identified that 10% is a general 'tipping point' beyond which the concentration of HMOs begins to adversely impact on the character and balance of a community.
- 4.5 It should be noted that there may be circumstances where a HMO proposal would not exceed the defined concentration threshold of HMOs within the radius but may not comply with other policy criteria or policies which would therefore make the conversion of the property to HMO use unacceptable. As such, it does not inevitably follow that a proposed HMO development would be granted planning consent if it is in compliance with the threshold.
- 4.6 A radius approach is considered to be more consistent than considering concentrations by street, which would vary considerably in length. A 65m scale was, following sampling techniques and testing, considered to most accurately reflect the spatial extent of likely HMO impacts in Swansea. A

⁴ Houses in Multiple Occupation in the City & County of Swansea: An Assessment of their Number, Type, Location and Community Impacts. 2013.

⁵ Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings (April 2015).

100m radius option was considered to be too large, typically including properties beyond the spatial scale of likely impacts from a HMO proposal.

- 4.7 The SPG confirms that the Council will, for proposals in Uplands and Castle Ward, use the Council's public register of licensed HMOs as the basis for the calculation. For proposals outside of the Additional Licensing Area, the Council will draw upon up-to-date records available in the public domain from planning applications, licensed HMO data, Council Tax information and Electoral Roll data.
- 4.8 There are some limited locations within the HMO Management Area where the vast majority of properties are HMOs (i.e. over 80%). In such exceptional circumstances the SPG highlights there may be a need for greater flexibility in the application of the threshold where the impact (individually and cumulatively) of an additional HMO may not affect the character of the area. It might also be the case that the market for C3 residential properties will be a lot weaker, particularly for larger dwellings or properties requiring significant repair works. In these defined exceptional instances it would be more appropriate to take a flexible approach to HMO proposals to ensure the sustainable use of these properties rather than have C3 properties stand vacant for long periods. This is an approach that has been applied by other LPAs. Applicants will need to provide an assessment of why an exceptional case is justified and the SPG specifies what this should include.

HMO Impact on Residential Amenity

- 4.9 Council planning policy supports the efficient use of buildings but this also requires careful consideration to avoid conflicts between uses.
- 4.10 Maintaining privacy between HMOs and neighbouring properties will be carefully considered. Due to the nature of HMOs, increased comings and goings are often noted which, in some instances, can lead to noise. The SPG therefore sets out that consideration will be given to implementing planning conditions for noise insulation when converting to a larger HMO (more than 6 persons - Sui-Generis Use Class). The design and layout of any HMO conversion will need to minimise the potential for noise nuisance.

HMO Effect on External appearance of Property and Character of the Locality

- 4.11 The SPG sets out that the acceptability of any physical alterations on HMO properties (e.g. external extensions; dormer windows) will be considered against the Design Guide for Householder Development SPG (2008). Excessive extensions resulting in over development will not be permitted.

Effect on Car Parking and Highway Safety

- 4.12 Parking requirements for HMOs have been updated and clarified in the SPG following the introduction of the C4 use class. A two tier approach will be adopted:
1. For conversion to C4 or new build C4 HMOs, the same maximum parking standards will be applied as a C3 dwelling house – defined as ‘Houses (General Purpose)’ in the current Parking SPG.
 2. For larger HMOs (Sui Generis Use Class), if the proposal is for a conversion to a Sui Generis HMO use, the proposal’s compliance with the ‘Houses in Multiple Occupation’ section in the Council’s adopted Parking Standards will be considered taking into account the current use’s parking requirements (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter). For new build larger HMOs in Zone 1, the same maximum parking standards will be applied as for PBSA in the current Parking SPG. However in Zones 2-6, the HMO criteria in the Parking SPG apply and the fall back position in terms of the existing use and the demand for parking for the existing use should be specified.
- 4.13 In some instances the Council may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 4.14 Secure cycle parking will need to be provided on the same basis as for apartments (i.e. 1 stand per 5 bedrooms, provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required, is visually unobtrusive to the streetscene and where possible stored to the rear of properties, rather than in front gardens). There may be circumstances where increased provision in cycle storage could be considered as part of an applicant’s justification for lower car parking provision.

Provision of Appropriate Refuse Storage

- 4.15 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste in landlord provided bins, kept in a dedicated refuse store able to accommodate the maximum number of bins required, located to the rear of properties where possible. Proposals for refuse storage to the front of properties which will detract from the local streetscene will not be permitted.

5.0 SPG recommendations - Planning Applications for PBSA

Location and Accessibility

- 5.1 The SPG provides supplementary guidance on how the Council will determine planning applications for PBSA. It clarifies that where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11. Where they are proposed off campus they will be assessed against UDP Policies including EV1 and EV2.
- 5.2 It is reiterated in relation to Policy HC11 that, in the first instance, City Centre sites will be favoured for PBSA unless the proposed site is within a Higher Education Campus. The City Centre is defined as the City Centre Action Plan Area shown on the UDP Proposals Map.
- 5.3 It is stated that PBSA proposals on the edge of the City Centre will only be considered where it is demonstrated by the applicant through an appropriate assessment that:
- There are no available and suitable sites in the City Centre; and
 - There is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
 - The development would give rise to an overall benefit to the vitality and viability of the City Centre.
- 5.4 Applicants will also be required to demonstrate that the location of the proposed development adheres to the policies contained within the UDP and does not give rise to any conflict with adjoining land uses. They will be required to carry out a detailed Availability and Suitability assessment and the SPG provides detail on what this should include.

Design

- 5.5 The SPG sets out that the Council will resist inappropriate development where it would be detrimental to the amenity of occupants within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions (particularly relevant for a tall building proposal). Proposed buildings should be designed to maximise the living conditions of its inhabitants (e.g. all habitable rooms must benefit from natural light, a means of outlook, ventilation, and a level of privacy).
- 5.6 Evidence will be expected within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment – dependant on the location of the site.

- 5.7 Proposals for tall PBSA will need to have regard to the Council's Tall Buildings Strategy Supplementary Planning Guidance (SPG).
- 5.8 All new PBSA will be encouraged to incorporate sustainable and/or renewable energy features e.g. Combined Heat and Power, green roofs, solar panels etc.

Impact on Amenity

- 5.9 PBSA will not be permitted where it would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character. Depending on the nature and location of the site, an assessment of air, noise and light pollution impact, together with proposals for mitigation should be submitted as part of a planning application. If the results of the assessment and proposed mitigation measures demonstrate there is a significant harm to health or local amenity this would be grounds to refuse planning permission.
- 5.10 Where appropriate, conditions will be attached to planning permissions to protect the amenity and safety of students and nearby residents against air, noise or light pollution.

Waste Management

- 5.11 The SPG states that all PBSA proposals will be required to incorporate adequate and effective provision for storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for collection vehicles and personnel. It sets out the information that will be required to accompany planning applications.

Management Plan

- 5.12 A Management Plan will be required as part of PBSA planning applications. This will need to include information on how the development is intended to be managed to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents. The SPG sets out the minimum information it should include.

Parking Standards

- 5.13 It is clarified that car and cycle parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council's SPG Parking Standards (2012). It sets out that these are maximum standards and flexibility can be justified in terms of car parking in appropriate circumstances with regard to the sustainability matrix. Furthermore, it is noted that the Swansea Central Area Regeneration Framework SPG (2016) states that a limited relaxation of the car parking standards will be considered to facilitate appropriate regeneration proposals within this area where there would be no adverse effects on highway conditions. The SPG confirms that this flexible approach will also be applied to edge of city centre sites for PBSA proposals.
- 5.14 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking.

6.0 Consultation

- 6.1 The SPG document will be subject to a 6 week period of consultation, which is an integral part of the process towards adoption as SPG. The consultation will allow Councillors, members of the public, stakeholders and other interested parties to contribute to the guidance. The aim is to ensure that there is a broad consensus of support for its objectives.
- 6.2 The public and stakeholder consultation process will make use of a variety of consultation methods to raise awareness and maximise the involvement of the community, including: articles in the local media; a public drop-in consultation evening in the Civic Centre foyer for the public/stakeholders where Officers will be available to explain the draft document and invite feedback; and targeted email consultation of local planning agents, specific local organisations, and members of the public registered on the LDP Consultation Database. All information will be readily available at the Civic Centre and libraries in the Sketty, Uplands, Castle and St Thomas Wards. Summary details and promotional materials will be provided in a bi-lingual format. The consultation will be hosted on a Council web page where consultation forms will be available for those who wish to comment.
- 6.3 All comments received will be recorded, evaluated and incorporated into the draft document where considered appropriate. A summary of the consultation will be incorporated into the final SPG document once adopted and a full detailed schedule of representations will be available on request.
- 6.4 A report setting out any amendments made to the SPG as a result of the public consultation will be presented to Members as soon as possible after the consultation period ends, at which time Members will be asked to approve the final version as adopted SPG.

7.0 Financial Implications

- 7.1 The SPG is being prepared by external consultants under the supervision of officers with a ceiling budget of £25,000. There are no additional financial implications arising from the publication of this SPG, as the cost of the public consultation process can be accommodated within existing budgets and staff resources. The consultation will, as far as possible, utilise electronic communication via email and the Internet.
- 7.2 The final adopted document will be made available electronically, so there will be no printing costs.

8.0 Legal Implications

- 8.1 The SPG will provide planning guidance to the adopted UDP (2008), and will be a material consideration in evaluating future planning applications. Following adoption of the LDP in due course, the SPG will similarly provide supplementary policy to relevant policies within the Plan, which will require the SPG to be updated to incorporate relevant cross references to LDP Policy.

9.0 Equality & Engagement Implications

- 9.1 Section 6 of this report outlines equalities considerations in respect of consultation activity. Summary material will be available in Welsh. An Equality Impact Assessment (EIA) screening has been carried out and this indicates that a full EIA is not necessary.

Background Papers:

None

Appendices:

Appendix A: HOUSES IN MULTIPLE OCCUPATION AND PURPOSE BUILT
STUDENT ACCOMMODATION SPG – DRAFT FOR PUBLIC CONSULTATION