

# **Supplementary Planning Guidance - Houses in Multiple Occupation & Purpose Built Student Accommodation**

## **Public Consultation Report**

**City & County of Swansea Council**

**December 2019**

# **Supplementary Planning Guidance - Houses in Multiple Occupation & Purpose Built Student Accommodation**

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### **1. Introduction**

1.1 In September 2019, the City & County of Swansea Council Planning Committee approved a draft version of Supplementary Planning Guidance (SPG) relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA) for the purpose of public consultation.

1.2 A seven week public consultation and engagement process was undertaken on the draft version of the SPG between September 23rd and November 8th 2019. This involved a wide range of awareness raising and engagement activities, including:

- Print media articles and social media notices prior to and further social media notices throughout the consultation
- Poster displays in the Civic Centre and Guildhall reception areas; and Central, Sketty, and St Thomas libraries
- A specific web page created for the SPG which set out a summary of the consultation, provided a weblink to the document, and a link to the comment form.
- Notification emails posted to a range of stakeholders and members of the public, including Councillors, representatives of residents groups, local planning agents, Swansea University and University of Wales Trinity Saint David, and private Landlords.
- A public/stakeholder information drop-in event hosted by Council Officers in the Civic Centre, between 4-7pm (where Officers were available to explain the draft document and invite feedback).
- Hard copies of the SPG and comment forms were made available in all public libraries within the relevant areas (Central Library, Sketty and St Thomas libraries) and the Civic Centre reception area.

1.3 The consultation generated a wide range of responses from 18 different organisations/individuals. All of the comments received have been recorded and evaluated. They have been categorised into issues/themes in the schedule in Section 2 of this report, and the Council's response provided within a separate column adjacent to each. In addition, the schedule outlines the changes that are being proposed by the Council to the SPG document as a result.

1.4 A full list of all responses received is provided in the Appendix to this report.

## 2. Schedule of Summarised Comments and Responses

2.1 The following schedule sets out, broken down for each part of the SPG document, the consultation comments raised categorised into issues/themes with the Council’s response and the changes that are being proposed by the Council to the SPG document as a result.

### Chapter 1. Introduction

No comments made.

### Chapter 2. Legislation and Policy Context

Comments categorised into issues/themes	Council’s Response	Changes proposed to SPG document
Provide a definition of the relevant HMO use classes in an appendix.	Paragraph 2.1.5 provides information on the different HMO use classes.	None required.
Amend sub heading 2.1 to “Current National”.	Change not required as the additional term is superfluous.	None required.
National guidance on what is required for planning applications to be considered valid should be included in an Appendix to the SPG. All planning applications should be checked against the validation checklist.	It is not appropriate to repeat national guidance in this document since SPG needs to be appropriately concise, however an appropriate cross reference to the relevant national guidance would be a helpful addition.	Amend footer - insert cross reference to the relevant section of Development Management Manual produced by the Welsh Government
Statement required demonstrating how the SPG fosters sustainable development principle.	The SPG is supplementary to the LDP which was subject to Sustainability Appraisal (SA). The SA was an integral part of the process of preparing the LDP.	None required.
Clarify reason why “flexible” is written in paragraph 2.2.1. Paragraph is not clear.	The paragraph states “the important role that HMOs and PBSA play in providing a flexible,	Amend paragraph 2.2.1.

	relatively affordable housing choice for a growing population...” To avoid any risk of confusion it is proposed to delete the reference to “flexible”. The word “convenient” has been inserted instead which is considered a more reflective description of how such accommodation meets the needs of students. The rest of the paragraph concerned contains factual comments to acknowledge the role these types of rented accommodation provide in meeting the housing needs of the population.	
Re word second bullet point under paragraph 2.2.4 to (bold font indicates proposed changes): “proportions of <b>all</b> HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50 m radius of a proposal”	The existing wording is accurate. No change required.	None required.
What is “supporting text” referenced in paragraph 2.2.5?	This is the reasoned justification text contained in the LDP under Policy H 9 in paragraphs 2.5.68 - 83. The purpose of this text is to justify and explain how the policy will be implemented.	None required.

### Chapter 3. Guidance on HMO Development

#### 3.1 Overview

Summarised Issue	Council’s Response	Changes proposed to SPG document
Explain reference in paragraph 3.1.1 to “all the relevant criteria”	Paragraph 3.1.1 states that “LDP Policy H 9 sets out a number of criteria that HMO proposals should address. Full consideration should be given to all the relevant criteria to ascertain whether a proposal is considered acceptable.” This means that in the determination of planning	Amend 3.1.1.

	applications for HMOs, all of the elements of policy H 9 that are relevant to the proposal should be considered. The SPG would benefit from a minor amendment to highlight the point that the submitter needs to ascertain which criteria apply to the proposal.	
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### 3.2 Radius Test

<p><b>Q1</b> LDP Policy H 9 states that within the defined HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs; and outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposals being HMOs.</p> <p><b>Section 3.2</b> of the SPG provides guidance on how the above <b>radius concentration test</b> will be calculated. Please write in the box below if you think any aspects of section 3.2 require further clarification and/or if you have any comments relating to 'radius concentration test' matters.</p>		
Summarised Issue	Council's Response	Changes proposed to SPG document
A property should be counted in the radius calculation if any part of the property falls inside the 50m radius. Explain how the radius will be drawn with a worked example.	Paragraph 2.5.72 of the Local Development Plan (LDP) sets out that in instances where the radius cuts through a property, it will be included "if the majority of the street facing entrance is contained within the radius". The SPG cannot diverge from the approach set out in the adopted LDP. Further clarification on drawing the radius is provided in the SPG in paragraph 3.2.6. Worked example 1 in Appendix 2 provides an example.	None required.
Explain more clearly that, in the case of flats, each individual flat unit will be counted.	SPG paragraph 3.2.9 provides a sufficiently clear explanation of the circumstances when each flat unit will be counted, including a worked example.	None required.

<p>In the case of flats, the individual flat units should not be counted, only count the building once. The SPG discriminates against people who live in flats by giving them less protection against HMO concentrations.</p>	<p>The LDP policy states that the HMO threshold will be measured as a percentage of all residential properties within the 50m radius. The Council considers that a true reflection of the number of residential units within the radius can only be ascertained by counting all individual flats.</p>	<p>None required.</p>
<p>What happens if the 50m radius cuts through the threshold boundary?</p>	<p>This is explained in Paragraph 2.5.72 of the LDP as follows: "If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied, and vice-versa."</p>	<p>None required.</p>
<p>The SPG should state how often the HMO register is updated.</p>	<p>The SPG refers to data that will be made publically available at <a href="http://www.swansea.gov.uk/hmos">www.swansea.gov.uk/hmos</a> including the register of licensed HMOs. The datasets available on this webpage will be clearly referenced with base date information. It would not be appropriate to define the frequency that the page is updated, as this could become outdated/inaccurate if/when the Council decides to change the frequency during the lifetime of the LDP e.g. weekly/fortnightly/monthly, whichever is considered appropriate to ensure it is up to date</p>	<p>None required.</p>
<p>Concerns that the radius calculation will be skewed where the radius encompasses schools, churches and shops. Base the concentration test on streets instead.</p>	<p>The LDP policy is clear that only residential properties are considered in the radius calculation. Schools, churches and shops are not counted. The LDP establishes that concentration will be measured on a radius basis, and therefore it is not possible for the SPG to take a different approach by measuring concentration on street basis, other than the case of 'small streets'</p>	<p>None required.</p>
<p>All of the types of accommodation excluded from the C4 use class definition, listed in SPG</p>	<p>The LDP policy is clear that the radius calculation is calculated based on the percentage of all</p>	<p>Amend paragraph 3.2.8</p>

<p>paragraph 2.1.5, should be excluded from the radius calculation. Why have you included them? Why is social rented housing not included in paragraph 3.2.10.</p>	<p>residential properties. LDP paragraph 2.5.72 states that “All residential properties falling into Planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis.....” The types of use listed in SPG paragraph 2.1.5 that are excluded from the C4 use class will by definition not be included in the nominator part of the calculation (because they are not HMOs), but those that fall into C3 use class (e.g. social rented housing) will be included and counted in the denominator as residential units. Paragraph 3.2.8 would benefit from clarification that the ‘unit’ referenced in the first sentence alludes to ‘residential unit’, and from providing an example – e.g. residential units above shops. Clarification can also be usefully provided that the purpose of this is to arrive at a representative measure of concentration levels.</p>	
<p>While we have reservations over the necessity of the LDP policy, we believe the definitions for all three concentration tests are clear.</p>	<p>Support is noted.</p>	<p>None required.</p>
<p>Would welcome clarity on what data the local authority will use to determine how many HMOs are in the radius, and clarity on what is meant in paragraph 3.2.15 by “accurately ascertaining as far as possible” and “all reasonable checks”.</p>	<p>Paragraphs 3.2.11 to 3.2.16 provide detailed guidance on the approach to be followed for identifying HMOs to be included in the calculation. However, the Council considers that further clarification should be provided that flats registered as HMOs under Section 257 of the Housing Act (because they do not conform to Building Regulations requirements) will not be counted as HMOs in the radius calculation.</p>	<p>Amend paragraph 3.2.11.</p>

	It is also considered beneficial to clarify that, in order to count an existing property as a HMO for the purpose of applying the policy criteria, the LPA will need to be satisfied, having regard to the available evidence and given the balance of probability, that it would be appropriate at that time to issue that property with a LDC, if such an application was made.	Amend paragraph 3.2.14.
Remove paragraph 3.1.3 which states that HMO development pertaining to a property that is already a lawful HMO will not be subject to the concentration tests.	Where the property in question is already an established HMO in land use planning terms, it would be illogical in such circumstances to maintain that a proposal would give rise to any numerical increase in the concentration of HMO properties so it is not relevant to apply the concentration tests, but proposals will be assessed against all other relevant criteria in Policy H 9 and other LDP policies as appropriate.	None required.
SPG terminology is inconsistent with LDP in paragraph 3.2.3.	The LDP policy states that the concentration will be calculated based on all “residential properties”. SPG paragraph 3.2.3 clarifies for the avoidance of doubt that this means as a percentage of all “residential units”.	None required.
Worked examples need to be modified regarding the central location of the drawn radius.	The worked examples have been drawn correctly in-line with the guidance provided in paragraph 3.2.6 of the SPG.	None required.
Clarify “other units that are situated on upper floors” in paragraph 3.2.8. Does this mean that non-residential uses above shops will be included within the count?	Only residential uses above shops are counted as part of all residential properties within the radius in the denominator. An amendment to paragraph 3.2.8 is proposed to make this completely clear. Clarification can also be usefully provided that the purpose of this is to arrive at a representative measure of concentration levels.	Amend paragraph 3.2.8



Provide in the SPG the Welsh Government guidance on principal elevation.	The SPG cross-references to the Welsh Government Guidance on this topic. This is considered to be the correct approach.	None required.
Explain what is the Local Land and Property Gazetteer (LLPG).	The Glossary explains that the LLPG is a comprehensive address database maintained by the Council. This is considered a sufficiently clear definition and no further information is felt to be required.	None required.
In paragraph 3.2.19, explain containment approach.	The reference to containment is explained in the preceding sentence in paragraph 3.2.19, which is to restrict HMO growth to not exceed the threshold level specified in the LDP policy for the area concerned.	None required.
The LPA does not have all the relevant evidence, which will mean that more HMOs will be passed. What is meant by footnote 6?	The SPG acknowledges that due to differences in the Licensing (Housing Act) and Planning legislation, not all small HMOs in Swansea will be licensed, in particular those that are located outside of the Council's Additional Licensing Areas. Paragraphs 3.2.11 to 3.2.16 provide guidance on the approach to be followed for identifying HMOs to be included in the calculation. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of licensed HMOs to assess concentrations.	None required.
Please confirm the 50 m radius threshold test will be applied to all HMO planning applications.	The SPG confirms that this is the case, with the exception stated in paragraph 3.1.3, where the property in question is already an established HMO in land use planning terms.	None required.
The radius calculation test should be made available for consultation.	Regularly updated information on licensed HMOs and records of planning consents issued by the Planning Authority for HMOs will be made a	None required.

	<p>public register available for use by potential applicants and any other interested party on the Council's website (<a href="http://www.swansea.gov.uk/hmos">www.swansea.gov.uk/hmos</a>). This information will form the basis of the Council's calculations of the radius and other concentration tests. The public will be consulted on every planning application which represents an opportunity for people to make the Council aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists.</p>	
<p>Ensure decision making is robust evidence based and all data sources used are open, transparent, open to scrutiny and legally consistent with the Policy H9 LDP.</p>	<p>The threshold test approach is clearly set out and the tests will be based on publically available evidence as outlined in the LDP and SPG.</p>	<p>None required.</p>
<p>Please explain "potentially harmful concentration".</p>	<p>Potentially harmful concentration is defined in LDP Policy H 9 through the radius concentration threshold, small streets and non-sandwiching elements of the policy.</p>	<p>None required.</p>

### 3.3 Small Streets Test

<p><b>Q2</b> LDP Policy H 9 states that HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.</p> <p><b>Section 3.3</b> of the SPG provides guidance on how the ‘<b>small streets</b>’ test will be applied. Please write in the box below if you think any aspects of section 3.3. require further clarification and/or if you have any comments relating to small streets matters.</p>		
<b>Summarised Issues</b>	<b>Council’s Response</b>	<b>Changes proposed to SPG document</b>
This section is ok	Support is noted.	None required.
The LDP provides too much flexibility on the implementation of the 1:8 ratio for small streets and the SPG has not tightened this up.	The adopted LDP has been examined and found to be sound and the SPG cannot diverge from the LDP. The SPG provides explanation and examples of how this element of the policy will be implemented and why the flexibility is included.	None required.
Clarification is required that the worked examples shown, and in particular example A.9, are applicable to small streets within the HMO Management Area.	Example A 9 does not specify whether the scenario illustrated is within the HMO Management Area. It illustrates an example of whether properties separated by a pedestrian alleyway would be classed as sandwiching and this principle would apply in all areas. The other worked examples cover a range of issues and the specific circumstances of the examples are stated.	None required.
Remove worked example 5 as it contradicts the LDP policy.	Worked Example 5 is an example of a small street comprising between 11 and 34 properties. The reference to the small street being created by an intersecting road in paragraph A.10 should be deleted.	Amend Appendix - paragraph A.10.
Provide worked example for streets with fewer than 11 properties.	Worked example 6 in Appendix 2 covers streets with fewer than 11 properties.	None required.

### 3.4 Non-Sandwiching Test

<p><b>Q3</b> Under LDP Policy H 9 HMO development will not be supported if it would result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.</p> <p><b>Section 3.4</b> provides examples of what will or will not be defined as <b>sandwiching between HMOs</b>. Please write in the box below if you think any aspects of Section 3.4 require further clarification and/or if you have any comments relating to sandwiching between HMOs.</p>		
Summarised Issues	Council’s Response	Changes proposed to SPG document
<p>A C3 use dwelling sandwiched between HMOs should not be looked on more favourably for change of use to a HMO. This could lead to clustering. Provide incentives for families to move into these homes.</p>	<p>Paragraph 3.7.9 states that a potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already ‘sandwiched’ between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the applicant is experiencing adverse amenity impacts from such a scenario. It is considered appropriate that planning decisions consider the amenity concerns of occupants that are already sandwiched, this can reasonably be considered the ‘flipside’ of the objective of Policy H9 to avoid sandwiching. Paragraph 3.4.1 would benefit from a reference to the community cohesion issue of having HMO neighbours on either side, particularly residents being unable to forge long term associations/relationships with transient neighbours on both sides of their property,</p>	<p>Amend 3.4.1</p>
<p>Paragraph 3.4.2 contradicts the LDP policy.</p>	<p>Not accepted. This paragraph provides clarity that, if there is an overriding material consideration that a decision maker considers a defining issue to outweigh the sandwiching principle in the planning balance, then any</p>	<p>Amend 3.4.2</p>

	approval of planning permission for a HMO that would result in a C3 dwelling being 'sandwiched' must acknowledge that this would be a departure to LDP Policy H 9. The paragraph has been amended however to improve the grammar and, for the avoidance of any doubt, confirm that the principle of sandwiching is not a 'threshold test' as referred to in the policy – i.e. only criteria i and ii relate to thresholds	
Support provided that this section is clear and fair.	Support is noted.	None required.
Not clear why examples are provided to illustrate examples of sandwiching. This is not required.	Supplementary guidance and worked examples are provided regarding LDP paragraph 2.5.82 which states that sandwiching will apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets.	None required.

### 3.5 Property Suitability for HMO Use

<p><b>Q4</b> LDP Policy H 9 makes clear that the property being proposed for use as a HMO needs to be suited for such a HMO in terms of providing satisfactory private amenity space; dedicated areas for refuse storage, appropriate room sizes; and there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.</p> <p><b>Section 3.5</b> of the SPG provides guidance on a wide range of issues that fall under the banner of '<b>property suitability</b>' and what will be expected from planning applicants to demonstrate that the proposed property will provide satisfactory accommodation, facilities and living conditions. Please write in the box if you think any aspects of the guidance in Section 3.5 require further clarification and/or if you have any comments relating to property suitability matters.</p>		
<b>Summarised Issues</b>	<b>Council's Response</b>	<b>Changes proposed to SPG document</b>

<p>Agree that accommodation should include a lounge area, be of a high standard and support the SPG in relation to privacy, preventing noise nuisance, ensuring adequate means for recycling, waste management to cater for the number of occupants, and limiting the number of occupants based on the living accommodation proposed.</p>	<p>Support is noted.</p>	<p>None required.</p>
<p>Enforce guidance on property condition, the house next door to me has been in a poor state for many years.</p>	<p>It is not appropriate for this SPG report to comment on specific planning cases. The SPG provides greater clarity on a wide range of issues that fall under the banner of 'property suitability' with regard to LDP policy H 9.</p>	<p>None required.</p>
<p>Stipulate room sizes that are required for all HMOs in the city.</p>	<p>The LDP states that all HMO proposals should provide appropriate rooms sizes and in this regard should accord with the guidance set out in the Council's adopted HMO Licensing Policy in terms of appropriate standards. The SPG clarifies these standards with regard to minimum floor areas for bedrooms and kitchens.</p>	<p>None required.</p>
<p>Comments made in favour and against having specific room sizes for communal areas.</p>	<p>The Council considers the SPG would benefit from greater certainty with regard to a minimum size that would be considered appropriate for indoor communal space. The terminology used will also be amended to communal space, rather than lounge, to reflect that provision may be appropriate in different ways, e.g. in the form of a large kitchen, and clarification will be provided that communal space should be provided for dining as well as seating and socialising. The amendment also confirms that regard must be had to the size of the kitchen provision within the property in deciding whether or not an area for dining will need to be provided within the</p>	<p>Amend paragraphs 3.5.10 - 11</p>

	communal space, highlighting that the minimum room size standards for kitchens defined in the SPG are not considered likely to incorporate sufficient space for dining within the kitchen area.	
Alternative suggestions made for minimum room sizes specified in paragraph 3.5.7.	For clarity and consistency, the SPG adopts the guidance set out in the Council's adopted HMO Licensing Policy.	None required.
Ceiling heights on loft conversions must be specified.	Paragraph 3.5.9 states that "When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom."	None required.
Soundproofing and soft closing fire doors should be required for all HMOs. No information is given as to what may cause LPA to consider planning conditions necessary.	It is appropriate to retain some flexibility so that such planning conditions are applied as necessary. Each application will be considered on a case by case basis. Examples of measures that may be required are provided in paragraph 3.5.21	None required.
How will sound proofing conditions be enforced?	The Council does not have resources to check every planning consent is implemented. It is important that the public make the Council aware if they believe that planning conditions have not been complied with.	None required.
The choice of the word "or" in "adjoining rooms or properties" in paragraph 3.5.25 should be changed to "and".	Agreed this change would improve the clarity of the SPG.	Amend paragraph 3.5.25.
There are no references to the Housing Act 2004.	References are made to the Housing Act where it is relevant to this supplementary planning guidance.	No action required.
Officers should conduct site visits on all planning applications relating to C4, to establish room sizes, communal areas, fire safety, Health & Safety requirements.	Planning officers will undertake site visits for planning applications submitted and will consider all material planning matters in the determination of proposals, including the observations of	None required.

	officers within other Council departments such as Highways and Pollution Control & Private Sector Housing.	
A toilet and a bathroom must have 2 doors between the toilet / bathroom and kitchen for health and safety purposes.	This issue is covered by Building Regulations.	None required.
All documentation should be made available for scrutiny including Fire, Health & Safety including all Constraint Comments and Building Control documentation on all planning applications relating to C4 HMO	Matters relevant to the determination of the planning application will be made available in the Council's public online search facility.	None required.
No HMO should be approved until adequate waste facilities, vehicle and cycle storage is on site.	The SPG clarifies that sufficient information should be submitted on these aspects to accompany the planning application in order that the LPA is able to determine the planning application.	None required.
It is not always possible to provide outdoor private amenity space.	Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions.	None required.



### 3.6 Vehicles Parking and Bicycle Storage

<p><b>Q5</b> LDP Policies T 2 and T 6 require the provision of appropriate <b>vehicles and cycle parking</b>. Section 3.6 of the SPG clarifies the Authority's approach to these issues for HMOs.</p> <p>Please write in the box below if you think any aspects of the guidance in <b>Section 3.6</b> require further clarification and/or if you have any comments relating to vehicles and cycle parking matters.</p>		
<b>Summarised Issues</b>	<b>Council's Response</b>	<b>Changes proposed to SPG document</b>
Parking restrictions need to be enforced. Not many students cycle. Parking arrangements in planning consents are often not possible or adhered to. Car parking is a huge issue around Brynmill and Uplands.	It is not appropriate for this SPG report to comment on specific planning cases. The SPG clarifies the Council's approach to vehicle parking with respect to HMO and PBSA developments.	None required.
Support provided that this section is clear and justified.	Support noted.	None required.
Car parking should be based on the occupants' need for a vehicle.	The SPG clarifies the Council's approach to vehicle parking with respect to HMO and PBSA developments.	None required.
Encourage more cycle storage and bike use.	The SPG clarifies the Council's approach to cycle storage provision with respect to HMO and PBSA developments.	None required.
Site visits on all planning applications to establish Car Parking requirements.	Planning officers will undertake site visits for planning applications submitted and will consider all material planning matters in the determination of proposals, including the observations of officers within other Council departments such as Highways.	None required.
It is not always possible to provide bicycle storage space.	Appropriate provision in-line with the LDP and SPG is important to encourage this sustainable mode of travel, while safeguarding the visual amenity of the locality and the residential amenity of future occupiers.	None required.

### 3.7 Exceptional Circumstances and Material Considerations

<p><b>Q6</b> HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.</p> <p><b>Section 3.7</b> provides examples of <b>exceptional circumstances</b>. Please write in the box below if you think any aspects of the guidance in Section 3.7 require further clarification and/or if you have any comments relating to exceptional circumstances matters.</p>		
Summarised Issues	Council's Response	Changes proposed to SPG document
The SPG needs tighter controls to provide balanced communities and certainty, rather than 'get out clauses' which reduce clarity.	Exceptional circumstances or overriding material considerations form part of the LDP policy. The SPG provides further clarity and examples.	None required.
Recognition should be given to the fact that by labelling streets within a Management Area, it is likely to make marketing for a C3 use harder. 6 months is too short a period for evidence of unsuccessful marketing.	The 6 month period is set out in the LDP supporting text. The LDP has been examined and found to be sound. The SPG cannot deviate from the LDP.	None required.
Support that exceptional circumstances are important as some homes are unlikely to appeal to families due to their size and the number of HMOs in the vicinity.	Support noted.	None required.
The marketing requirement should state that the asking price should be no more than 10% above any assessment by the District Valuer, and be based on selling as a C3 use not a HMO. Evidence should be provided of the marketing undertaken.	The SPG under paragraph 3.7.8 clarifies what evidence will be required to demonstrate the property has been unsuccessfully marketed for C3 use and that the Council will test the appropriateness of the asking price compared to other similar properties in the area.	None required.
The example exception circumstance provided that where there is "already very high	This is an exceptional circumstance. It will need to be considered on a case by case. Proposals that	None required.

concentration, well in excess of the threshold" requires more definition.	would introduce further HMOs must be accompanied by a comprehensive assessment as outlined in paragraph 3.7.8, in order to enable the Council to fully assess whether there are exceptional circumstances that justify a departure from the threshold test.	
More definition required regarding "unviable as C3 use" or "financial viability of any renovations needed". Not all buyers want a fully renovated house. A potential developer could inflate the list of renovations required.	Planning officers will assess the evidence submitted and determine whether the information justifies that the property is unsuitable for C3 use.	None required.
With regard to "c) Any particular characteristics of the property (e.g. its large scale or specific layout) which make it suited to HMO use and unsuitable for other uses such as C3." What is the definition of "large scale"?	This will be considered on a case by case basis. It could for example mean that the property is too large to be attractive for use by a family.	None required.
More detail needs to be provided on examples of exceptional circumstances.	Paragraphs 3.7.7 and 3.7.8 already provide significant levels of detail about the potential exceptional circumstances that should be considered when the thresholds are exceeded. It is considered however that clarification should be provided under paragraph 3.7.7 to emphasise that the exceptional circumstances apply in the case of threshold criteria (as stated in the LDP policy) and to insert another example relating to properties that have an established commercial use that are shown to be no longer viable for such a use.	Amend criteria under paragraph 3.7.7 and amalgamate paragraph 3.7.8
There should be some kind of evidence required to prove experience of negative amenity because of sandwiching.	Paragraph 3.7.9 states that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.	None required.
With regard to the comprehensive assessment referred to in paragraph 3.7.7, an appendix is	Paragraph 3.7.8 and the following bullet points provide detail on what the assessment should include.	None required.

needed setting out the criteria and marking scheme.		
Where the applicant claims there are exceptional circumstances, these should be set out in the planning application and explained to provide the information for Planning Committee to make a decision.	Applicants will need to make the case for exceptional circumstances as part of their planning application and provide the evidence required in the LDP policy supporting text, and in-line with the further guidance to be set out in the SPG	None required.
Call in procedures to be made automatic for certain types of C3 – C4 conversions – Where Exceptional Conditions are pleaded.	The scheme of delegation on planning applications is not a matter for SPG and does not relate to LDP policy. It is a Council constitution issue	None required.
Clarify whether the exceptional circumstances under section 3.7 are only applicable in those areas where there is a very high concentration of HMOs, above the harmful concentration and % threshold and not in those areas that fall within the Management Zone that are considerably below the % threshold.	It is not possible to generalise in this way, for example sandwiching could be judged to occur inside or outside the HMO Management Area. Sufficient explanation of the exceptional circumstances described is provided in section 3.7.	None required.
Why is the term “sufficient flexibility” included in the last bullet point under paragraph 2.2.4 with regard to exceptional circumstances?	The term is used to describe what the purpose of the exceptional circumstances element of policy H 9 is, in that there may be certain instances when flexibility is required because specific material considerations and/or exceptional circumstances demonstrably outweigh the outcome of the concentration ‘tests’ in the planning balance.	None required.

## Chapter 4. Guidance on PBSA Development

### 4.1 Definitions

<b>Q7 Section 4.1</b> of the SPG sets out what will be considered to fall under the <b>definition of PBSA</b> for the purposes of LDP Policy H 11. Please write in the box if you have any comments on this definition of PBSA.		
The definition of PBSA is clear.	Support is noted. The Council considers the definition would benefit further from some more precision/prescription and an improved grammatical structure, and also the insertion of an additional sentence in chapter 2 on context to explain the importance of locating PBSA at appropriate locations having regard to their propensity to be high density.	Amend para 4.1.1 and para 2.2.6
Why is there no upper limit to the potential number of units?	Each proposal will be determined on a case by case basis, after consideration of the supporting evidence submitted with the planning application.	None required.
Explain reference to Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015.	This is a data source referenced in a footnote of the LDP. The data has been used to determine the number of full time students in Swansea.	None required.

## 4.2 Assessing the Availability and Suitability of Potential Sites

**Q8** Policy H 11 states that proposals for PBSA should be located in the Swansea Central Area and must in the first instance assess the availability and suitability of potential sites and premises at this location unless certain exception criteria are met (specified in the policy).

**Section 4.2** of the SPG provides guidance on what information will be necessary to demonstrate an **appropriate assessment has been undertaken into site/premises availability and suitability in the Central Area**. Please write in the box below if you think any aspects of the guidance in Section 4.2 require further clarification.

This section is OK.	Support is noted.	None required.
Why are the Council making the city centre a student village?	The LDP supporting text paragraph 2.5.88 sets out that it is preferable that student needs are met as far as possible by modern purpose built and managed schemes with the space and facilities more suited to students' needs in appropriate Swansea Central Area locations where there is good access to services, facilities and public transport to the University buildings. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability.	None required.
Lack of accountability for private firms when PBSA developments are not completed on time for students to move in.	This is beyond the remit of the LDP policy and land use planning.	None required.

### 4.3 Design and Amenity

<b>Q9 Section 4.3</b> of the SPG provides guidance in support of LDP policies on <b>design and amenity in respect of PBSA</b> . Please write in the box below if you think any aspects of the guidance in this section requires clarification.		
Welcome the requirement for consideration of design.	Support is noted.	None required.
Clarity required on minimum room sizes for PBSA.	PBSA comes in several different forms. Flexibility is required to ensure living conditions are appropriate based on the configurations proposed on a case by case basis.	None required.
More emphasis required on green spaces and environmental aspects.	All planning applications will be determined in respect of conformity with relevant LDP policies in these respects. The SPG would benefit from a direct reference to the importance of Green Infrastructure however.	Amend Section 4.3
Student take up of PBSA has been mixed with places being left surplus and being opened up to residential use to cover costs. Would appreciate clarification on the potential for using consented PBSA for general residential use.	Agree further clarification is required on this issue and amendments will be made to Section 4.3.	Add further guidance in Section 4.3
Would welcome an assessment on the amenity impact to both neighbouring residential and commercial properties.	LDP policy requires that all proposals should ensure that no significant adverse impacts would be caused to people's amenity.	None required.

### 4.4 Refuse and Recycling Storage

<b>Q10 Section 4.4</b> of the SPG provides guidance in support of LDP policies on <b>refuse/recycling storage</b> in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.
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Who is going to enforce this?	The Council does not have resources to check every planning consent is implemented. It is important that the public make the Council aware if they believe that planning conditions have not been complied with.	None required.
Welcome the requirement for PBSA to have adequate storage, recycling and other sustainable management of waste.	Support is noted.	None required.

#### 4.5 Car and Bicycle Parking

<p><b>Q11 Section 4.5</b> of the SPG provides guidance in support of LDP policies on <b>car and bicycle parking</b> in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.</p>		
This section is OK.	Support is noted.	None required.
Many students will require a car parking space with additional spaces required for visitors.	The SPG clarifies that in instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the Sustainability Matrix, the applicant may be required to provide a financial contribution towards alternative transport measures where appropriate or identified parking management arrangements. Other than for Zone 1 locations, a reduction shall not be applied unless an acceptable travel plan is also submitted. In addition to this, a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building may also be applied.	None required.
Welcome the requirement for bicycle provision and incorporated into a wider active travel plan to reduce dependence on motor vehicles.	Support is noted.	None required.



## 4.6 Management Plan

<b>Q12 Section 4.6</b> of the SPG clarifies that a <b>management plan</b> will be required to be submitted as part of any PBSA planning application detailing how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.		
Welcome the requirement for a management plan to monitor the potential impact on communities	Support is noted.	None required.
Concerns regarding continuity of the management plan in cases where the appointed management company ceases trading.	Planning conditions/obligations apply to the development and so would apply to whoever is operating the development.	None required.
Need to protect tenants from unacceptable year on year price increases imposed by landlords to implement the management plan.	This is beyond the remit of the LDP policy and land use planning in general.	None required.

## Other General Comments

<b>Q13</b> If you have <b>any other comments</b> on how the SPG could be improved, please specify below		
Would appreciate greater clarity into what other resources the authority will use to mitigate against potential adverse impacts such as poor waste management and anti-social behaviour?	This is beyond the remit of the SPG.	None required.
HMOs are important not just as accommodation for students, but also for families, older people, contract workers, low waged, vulnerable people.	This is acknowledged in the LDP.	None required.
Questionnaire is designed to avoid deviation from the LDP.	The SPG cannot deviate from LDP policy. It is supplementary to the LDP.	None required.
Please make cross references to the relevant paragraph numbers in the LDP.	Cross references are included.	None required.

<p>The SPG should provide clarification on the control of lettings boards.</p>	<p>Paragraph 3.7.5 states that the control of the display of 'To Let' boards is covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage.</p>	<p>None required.</p>
<p>Changes suggested to the LDP supporting text</p>	<p>The SPG cannot deviate from LDP policy. It is supplementary to the LDP.</p>	<p>None required.</p>
<p>Introduce an anti cluster provision.</p>	<p>The HMO policy context is set by the LDP and, policy H 9 includes several tests of concentration: radius test, small streets test and non-sandwiching criteria. SPG cannot introduce a new anti-clustering policy, it can only be supplementary to the existing LDP policy.</p>	<p>None required.</p>
<p>Use monitoring to improve the SPG, if found wanting.</p>	<p>The LDP policies will be monitored annually and through this work the SPG will also be monitored.</p>	<p>None required.</p>
<p>The SPG should be reviewed with respect to recent Planning Appeal decisions on HMO planning applications which have been determined against the LDP in Swansea.</p>	<p>The draft SPG has been reviewed by planning officers having regard to the application of LDP policies since the Plan was adopted, including any decisions that have been subject to Appeal.</p>	<p>Amended paragraphs 3.2.14 and 3.4.2 in particular have had regard to Planning Appeal decisions</p>
<p>The planning convention that permits a developer to reconfigure the internal structure of a property to suit HMO usage should be stopped. This convention has facilitated developers in creating an HMO property even if it fails to gain planning permission. The result is after 6 months the property could potentially function as an HMO if it fails to sell on the open market.”</p>	<p>Section 55 (2) (a) (i) of the Town and Country Planning Act states that works which affect only the interior of the building shall not be taken to involve development of the land. As internal works are not development, then the Local Planning Authority has no control over works to re-configure properties internally. If however, the use of the property changes to a HMO without obtaining planning permission, then the LPA could take enforcement action against the unauthorised use if it is expedient to do so,</p>	<p>None required.</p>

	having considered relevant planning policies and all other material considerations.	
Queries were raised regarding specific planning applications.	It is not relevant for this report to comment on specific planning cases.	None required
Add text stating what the LDP is and its purpose.	The existing references in Chapter 1 of the SPG regarding the purpose of the SPG and how it links to the LDP are sufficient.	None required
Clarification requested on general planning terminology.	A glossary is provided which is considered to have sufficient coverage of the terms used in the SPG.	None required
An extract from a commentary on a planning court case was provided which was stated highlights the fact that the courts will not be quick to assume that a decision-maker has failed to take into account a material consideration simply because that consideration is not referred to in the decision.	Information noted.	None required
Requests to change the wording of the LDP reasoned justification.	The SPG cannot diverge from the approach set out in the adopted LDP.	None required
We have reservations that migrating students away from the HMO Management Area will add further economic challenges to small local businesses who have enjoyed the economic benefit that housing students brings for many years.	The SPG cannot diverge from the approach set out in the adopted LDP. The LDP approach recognises that it is important that future HMO provision is managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance. The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. The approach will not directly impact on existing concentrations of HMOs, but prevent further over concentration.	None required

<p>Concerns amongst some small property developers over what is perceived to be an unlevel playing field in terms of planning constraints for PBSA and those for smaller developers eg on the requirement to provide affordable housing.</p>	<p>LDP Strategic Policy IO1 seeks to ensure that all new developments, irrespective of their size, location, or land use, make efficient use of existing infrastructure and, where relevant, make appropriate provision for, or contribute to, new infrastructure. PBSA is not required to make affordable housing contributions due to the use class it falls under, and this cannot be changed by the SPG.</p>	<p>None required</p>
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## Appendix - Full Schedule of Consultation Responses

### Section A - HMOs

- 1. LDP Policy H 9 states that within the defined HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs; and outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposals being HMOs.**

**Section 3.2 of the SPG provides guidance on how the above radius concentration test will be calculated. Please write in the box below if you think any aspects of section 3.2 require further clarification and/or if you have any comments relating to 'radius concentration test' matters.**

Too little and too late. There are 7 houses in my street, 4 are HMOs, all next door to each other. The houses are large, have many more HMOs behind the street and in the surrounding streets.

3.2.6 - I think that if any part of a property is contained in the radius then it should be counted. If you think in practical terms, if part of a dwelling is within 50m then it is likely to be impacted, for example that particular corner could contain a bedroom. I think for simplicity, ease of calculation and common sense just include the whole building. 3.2.8 - It would be helpful to clarify more clearly that a house that is split in to two apartments would be counted as two units (ie add 2 units to the denominator). I actually think that the building should be counted as one because the policy discriminates against people who live in flats as they are given less protection against a concentration of HMOs.

Without trying it in practice it is hard to know. i.e. drawing a circle etc will the circle cut the 10% 25% boundary etc. The maths is very simple

3.2.11 SPG should state exactly how often HMO register is updated

More detail on material considerations related to previous planning decisions. There are already cases where the 25% rule has been overturned on appeal because there are other areas already over 25%

I have material concerns about the radius method. These concerns are focused on the situation which regularly arises, where the radius method encompasses; schools, churches and shops. The radius method will then yield skewed and inaccurate results about the HMO concentration within that radius. In these cases a linear street concentration should be employed.

Yes: exceptionally better clarification so that developers and resident objectors can accurately challenge, recalculate and make evidence known to the LPA. That decision making is robust evidence based and all data sources used are open, transparent, open to scrutiny and legally consistent with the Policy H9 LDP.

No comment

**2. LDP Policy H 9 states that HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.**

**Section 3.3 of the SPG provides guidance on how the ‘small streets’ test will be applied. Please write in the box below if you think any aspects of section 3.3. require further clarification and/or if you have any comments relating to small streets matters.**

At the LDP examination hearing into Policy H9, an objector raised the issue of a potential discrepancy between the % threshold and the 1:8 ratio to be used to define a disproportionate concentration. The response given at the Hearing, by the representative from Lichfields Planning Consultants, indicated that this would be further explained in the SPG. However, Paragraph 3.3.8 as worded, allows for officer interpretation as to whether the ratio of 1:8 is considered appropriate. This 'wobble room' could fundamentally undermine the rationale to protect the small streets. This is a particular issue for those streets within the HMO Management Area, that do not breach the 25%/50m threshold test and are already at a ratio of 1:8 e.g. small street of 16 houses, 2 of which are registered as HMOs. As I understand it where HMO applications fail the % test by decimals they are refused; the same process/procedure should be followed for proposals which fail the 1:8 ratio, and not allowed a 'get out clause' as paragraph 3.3.8 would seemingly allow. As the HMO policy has already reduced the consideration of planning applications to a complicated

mathematical equation (using unreliable data) (Test 1) this should also be applied when considering the small street test (test 2).  
Seek clarification that the worked examples shown, and in particular A.9, are applicable to small streets within the HMO Management Area

Give better clarification

No comment

Ok

K

**3. Under LDP Policy H 9 HMO development will not be supported if it would result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties.**

**Section 3.4 provides examples of what will or will not be defined as sandwiching between HMOs. Please write in the box below if you think any aspects of Section 3.4 require further clarification and/or if you have any comments relating to sandwiching between HMOs.**

Sandwiching - I totally disagree with the policy that suggests that a sandwiched house may be looked on more favourably for change of use. This is effectively throwing your hands in the air and writing off three houses as HMOs. This will lead to a further concentration at that part of the street. This part of the policy should just be removed. There is evidence of families moving back in to areas like Brynmill and Uplands and converting HMOs back in to homes.

Clear

3.4.3 Such exceptions should be avoided at all costs and could be avoided if incentives were provided to attract "dwelling house" purchasers to a sandwiched non-HMO, such as a reduction of or exemption from Council tax, more frequent and inspections of HMOs, more rigorous application of licensing rules and mandatory requirement for soft closing fire doors in every HMO, regardless of number of rooms. Otherwise, many more rows of houses in Uplands would have the potential to become HMOs without the essential balance that non-HMO residents bring to the area in terms of reporting noise and rubbish issues and antisocial behaviour. I speak from the experience of one being sandwiched myself.

This seems fair.

No comment

Clarification and better examples required.

**4. LDP Policy H 9 makes clear that the property being proposed for use as a HMO needs to be suited for such a HMO in terms of providing satisfactory private amenity space; dedicated areas for refuse storage, appropriate room sizes; and there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.**

**Section 3.5 of the SPG provides guidance on a wide range of issues that fall under the banner of 'property suitability' and what will be expected from planning applicants to demonstrate that the proposed property will provide satisfactory accommodation, facilities and living conditions. Please write in the box if you think any aspects of the guidance in Section 3.5 require further clarification and/or if you have any comments relating to property suitability matters.**

Stipulate room sizes that are required for ALL HMOs in city.

I would like to see a size given to lounge. If you can designate sizes for bedrooms and kitchens you can do so for lounges. i.e provide "sofa" type seating for as many people are in the house plus additional for a coffee table. There must be a minimum lets say 5m<sup>2</sup> correction orientation etc not 5 x 1. then 1m<sup>2</sup> for each person living in the house

No guidelines / square metre regulations are provided for the communal lounge. A large number of HMOs appear to have no acceptable communal lounge space which, as the section states, has a negative impact on residents' well being. 3.5.24 requires clarification.

3.5.21 Soundproofing and soft closing fire doors should be required for all HMOs and properly tested before planning consent given. The 6 bedroomed, 3 storey converted HMO on one side of me was supposed to be soundproofed but I can hear footsteps running up and down the two flights of stairs and the constant, really loud door banging is drivng me to distraction. 3.5.37 Will this be just another worthless planning condition? How will such a condition be enforced? In my experience planning conditions to do with waste storage in back gardens are never checked or enforced by Council Officers unless I bring things to their attention.



Paragraph 3.5.21 line 8 states that the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation..... No information is given as to what may cause the LPA to consider this or not consider it. This is not sufficiently explanatory and will lead to inconsistencies, objections and appeals. If there is going to be a possibility of deeming it or not deeming it then the circumstances upon which the decision of deeming are made should be listed. Alternatively, and in my opinion , the much better option is to state that The LPA will attach planning conditions, as this is not open to misinterpretation and is in the spirit of the representations made to the LDP, and the decision to include the issue in the LDP. After all the SPG is meant to illuminate , explain and amplify the LDP not make it more obscure. Paragraph 3.5.25 states that conversion schemes should reduce the transmission of sound between floors ceilings and adjoining rooms or properties. This is an odd wording , it should say must, not should, and also the choice of the word "or" in "adjoining rooms or properties" should be "and", otherwise a property might have insulation between its own floors and rooms but no requirement to insulate the walls adjoining the separate property next door.

There are no references to the Housing Act 2004 though I agree with the implementation of property suitability. Happy with the limit of occupants based on the living accommodation.

Sound proofing should be obligatory for all future HMOs. Sound proofing should not be an ad-hoc judgement by the LPA "may deem it necessary to attach planning conditions to require the require the installation of sound insulation". The vast majority of HMOs are of single skin construction and stripped of all sound absorbing materials. It is crucial that to prevent sound transmission between adjoining properties, soundproofing forms part of "property suitability"

**5. LDP Policies T 2 and T 6 require the provision of appropriate vehicles and cycle parking. Section 3.6 of the SPG clarifies the Authority's approach to these issues for HMOs.**

**Please write in the box below if you think any aspects of the guidance in Section 3.6 require further clarification and/or if you have any comments relating to vehicles and cycle parking matters.**

No comment

See above Q4 (Need officers to enforce the guidance.Parking for example - planning approved for something that isnt happening eg the old Crescent Guest House on Eaton Crescent. All but one of the students living there park in the street because the parking

in the planning approval is not possible. The house next door to me ( HMO)has been in a poor state for many years. No -one is enforcing this guidance)

Cycle parking could be reduced. Hardly any students have bikes. Car parking is obviously a huge issue around Brynmill and Uplands and I think this needs to be addressed separately.

They are clear

3.6.6. I believe that lowering car parking standards by asking for cycle parking provision is just another ploy, never enforced, to increase the number of HMOs in the area. I have yet to hear of a student giving up his car and buying a bike. Such a condition was imposed on the HMO next door to me over a year ago but is yet to be complied with, despite subsequent enquiries made in this respect.

With HMOs being close to the University campuses I don't understand the need for students to have cars. Proper safe and secure bike storage should be encouraged to reduce the amount of cars being parked on the roads. Permanent residents are unable to park cars close to their homes due to students parking vehicles which are only used occasionally. The removal of physical residents parking permits has made the system hard to manage and people are already taking advantage of it. I think there should be an additional constraint looking at 'need' for a vehicle eg. a student carrying out a placement would require a vehicle, a HMO resident with a disability would require a vehicle. It could be argued that a HMO resident who used the car infrequently (not commuting to campus but using it only at weekends, less than weekly) would not need one.

Further clarification on vehicle and cycle parking - stipulating no HMO approved until adequate waste facilities, vehicle and cycle storage is on site (prior to) consent.

**6. HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.**

**Section 3.7 provides examples of exceptional circumstances. Please write in the box below if you think any aspects of the guidance in Section 3.7 require further clarification and/or if you have any comments relating to exceptional circumstances matters.**

I have very real concerns that the arbitrary "exceptional circumstances" will be used to disregard threshold levels. The criteria for the implementation of exceptional circumstances is predicated on "already very high concentration (HMOs) well in excess of the threshold level, the property has been unsuccessfully marketed for 6 months." The former is completely contrary to creating a balanced community and the latter is far too short a period of time to market a property. This period should be extended to 18 months and must be accompanied by evidence of appropriate marketing.

Exceptional circumstances is an important part of the guidance. My home is very unlikely to appeal to a family when I come to sell because of the size and the number of existing HMOs in the street/ vicinity.

3.7.6 - Totally disagree with this. If any area has a very high concentration of HMOs then don't encourage any more!! Some of these larger houses could be really nicely converted to flats. I agree that they may be too big for single families but houses on Bryn Road and Brynmill Terrace would make great apartments,. Don't be shortsighted.

Clear

3.7.6 "Very high" existing concentrations of HMOs could change in the future. Indications that demand could lessen in residential areas do exist. Existing HMOs could convert to other type of dwellings so why add to them now? 3.7.8 Six months is far too short a period for evidence of unsuccessful marketing. Selling a house far away from HMOs has often taken me far longer than that. The house could be part of a legacy with other considerations to take into account. Discretion should be used. 3.7.9 Exceeding the threshold in the case of "sandwiched" residential properties should not be considered unless a) a longer period for marketing is allowed and b) all other considerations as I have outlined above against Q.3 have been made.

Some of the larger three or four storey terraced buildings are unsuitable for single family use, simply because of their size. This needs to be recognised, perhaps within 'exceptional circumstances'.

Paragraph 3.7 gives a reasonable demonstration of material considerations but only implies the definition of "exceptional circumstances". It does go on to give some examples but the implication is that all sorts of other things might be considered exceptional circumstances, basically depending on what the applicant thinks. I think that the definition should be tightened up both in the general sense and the specific sense in some of the examples given. I should like to comment on some of the examples as follows: Paragraph 3.7.7 gives an example of an "already very high concentration, well in excess of the threshold" This is far too vague. What is very high? What is well in excess? These 2 values should be quantified and actual figures used or else there will be likely to be objections, appeals and confusions. Paragraph 3.7.7 then goes on to say that an application in this case "must" be accompanied by a comprehensive assessment that must consider all of the following criteria". These criteria are then listed in paragraph 3.7.8, but in 3.7.8 it dilutes the concept by stating that the assessment "should" include..... Again for the sake of clarity this should be 'must'. In paragraph 3.7.8. part a) states that one of the criteria is evidence that the property has been unsuccessfully marketed for 6 months. In my opinion, if this is to represent the ethos of the LDP then this period of time is too short. Many houses are not sold within 6 months. The qualifying period ought to be at least 12 months and ideally 18 months. another criterion mentioned is evidence of advertising, again the wording of this should be 'must', not "should". In paragraph 3.7.8. part b) talks of reasons why and evidence to justify that a property is "unviable for C3 use". What is the definition of "unviable"? Who decides this definition? One persons unviable is another's golden opportunity. Clearly any developer may wish to insist that the property is unviable if they have already decided that they want to turn it into an HMO. You give one example concerning consideration of the "financial viability". of any renovations needed. There is no definition of financial viability, this is far too vague. Do you mean essential structural repairs or do you mean things like en-suite in every bedroom, brand new kitchen/bathroom/ downstairs cloak room etc. etc.? The definition of "necessary renovations" needs to be much more specific, in order to avoid confusions objections and appeals. For example many young couples starting out, are willing to buy a house without all of these features, not all buyers want a fully renovated house- whatever that means. What is to stop some developer claiming that all bedrooms have to have en-suite etc. etc to bring the house up to modern standards, when in reality it does not necessarily require that level of finish? Clearly. a potential developer could easily list all sorts of fancy renovations that could be theoretically done which were not strictly necessary but would artificially put up the paper cost of renovation, thus making the property "unviable". Therefore this description needs to be amplified. Paragraph 3.7.8 part c) talks about "large scale". What is the definition of large scale? This should be more precise and it should also include information as to when it was last used as a C3. Paragraph 3.7.8. part d) talks of "any other evidence considered by the applicant" to justify why HMO use is more appropriate than C3 use. Any is a very broad term and could be a bit over inclusive. The example given , however, is a property in a mixed use area and close to

commercial uses and already subject to noise disturbance. Again this is too non specific. What sort of mixed use? What sort of noise disturbance? After all, residential properties above commercial uses have existed happily for many years. What will be the proof of noise disturbance? Will it be based on noise readings of the street, surrounding properties, complaints of ASB, or will it just be the stated opinion of the developer applicant- who may never have lived there or known anything about the place? Consequently this should be tightened up so that definitions are clearer, actual evidence is used and not just the applicants opinion. Otherwise there is bound to be confusion , objection and appeal. Paragraph 3.7.9 This concerns properties in C3 residential use already sandwiched between 2 HMOs. It states that exceeding the threshold may be considered if the applicant is experiencing adverse amenity impacts. What does this actually mean? Who is the applicant? For example, a prospective developer may purchase a sandwiched property in C3 use and not reside in it. After a while he/she may put in an application and thus become the applicant without ever having resided in the property. Or, a developer may have bought the property and then rented it out to a tenant family on a short term let. Said developer may then claim that the family has been negatively impacted, by which time the family have gone. There should be some requirement of residency upon the applicant, either themselves or current tenant. There should also be some kind of evidence of negative amenity, not just an assumption by the Council that the negative amenity is occurring merely because of the fact that it is sandwiched. I am aware that that assumption would appear to be the flip side of the LDP accepting that homes should not be sandwiched, but surely the ethos of the LDP is to stop imbalance of communities and limit intensity of HMOs, in which case a better pathway would be to ameliorate the condition of residents in sandwiched properties , rather than give up. If a resident knows that measures to improve things by use of appropriate enforcement agencies, links between University, Police , Env Health, and active enforcement of license conditions, are being developed they may feel less negatively impacted because they see hope for the future. I can say this because I am living in a sandwiched C3. I gave a substantial account of the negative amenity impact upon myself. I had hoped that the LDP would be offering people like myself hope and help to continue living within my community, and a way of being able to sell on when (hopefully a long time in the future I might have physical needs dictating a move), to another family , not a feeling of being given up on as in a hopeless situation. I had to provide evidence, i think an applicant should have to provide evidence not just a nod and a wink from the Council ..it's sandwiched so you will be fine. This effect will cause developers to particularly target sandwiched properties, particularly in their favourite areas, they may even offer slightly above any prospective family purchaser, in order to purchase a property in an area where they could otherwise not do so because of inability to breach a threshold. Also it will result in clustering with formation of blocks of HMOs. This will then cause a further negative amenity to C3 properties close to the blocks /clusters but not sandwiched. Also it will be another way in, under exceptional circumstances, because the threshold will have been breached and then some will argue that because threshold has been breached the threshold no longer holds, under the previous exceptional circumstances example given in 3.7.7. Instead of all this this should be the opportunity to encourage young families to buy sandwiched homes by a substantial reduction in

Council tax (after all this would not be a loss as there is no council tax payable on HMOs and i believe that the formula used to calculate the amount given to the Council from Welsh Government ( I believe) is calculated at approximately Band D when many of the properties in C3 use ( such as mine) are actually rated as Band E. Other poissibilities include interest free loans or help with grants to update properties, which again would attract families, or again encouragement to developers to rent to families rather than HMOs.

Previous planning decisions (including appeal decisions) - should be clearer as there are cases where a HMO has been granted despite breaching the 25% rule because they have won on appeal. It needs to be far more stringent or the default will be to appeal because there is evidence it will probably be granted. A community♦Ts need for affordable housing - this only applies if the HMO would be used by active members of the community already living in the area or moving to the area. If it just ends up in more absentee landlords with students then its really of no help is it.

I would like to see a tightening up of the exceptional circumstances when a house has been left unsold when marketed as a residential property (C3). In additional to the existing provisions I would like specified that any asking price should be no more than 10% above any assessment by the District Valuer. In addition, or in the alternative, the price at which vendors should be expected to put a house on the market should be representative of the lower price at which C3 residential properties are marketed, rather than the higher prices at which would be HMOs are marketed, reflecting the fact that HMO landlords can outbid domestic homebuyers.

Given the recent overturns of planning appeal decisions, both within and outside of the HMO Management Area, together with the difficulties of making threshold test calculations using inaccurate data, the SPG needs tighter controls, rather than 'get out clauses' for it to be fit for purpose. Otherwise the Council runs the risk of having an in-effective Policy & accompanying SPG resulting in more overturned appeals, to the continued detriment of the long-suffering communities of Uplands & Brynmill.

Seek clarification that the exceptional circumstances under section 3.7 is only applicable in those areas where there is a very high concentration of HMOs, above the harmful concentration and % threshold and not in those areas that fall within the Management Zone that are considerably below the % threshold. There are pockets of streets, particularly on the periphery of the Management Zone (included because they correspond with the additional licencing area & electoral ward boundary as opposed to any high % of HMO concentration) that are well below the 25% threshold, do not have a high concentration of other HMO uses and are predominantly C3 streets. Although a defined Management Boundary has been drawn, there is no corresponding recognition of this 'labelling' in the marketing requirement for C3 use - The marketing period required is for 6 months irrespective of location within or outside of the Management Area. Recognition should be given to the fact that by labelling streets within a Management Area, it

is likely to make marketing for a C3 use that much harder. Consideration should be given to an extended marketing period of 12 months within the Management Area. Any marketing should be at a realistic C3 price (as opposed to inflated HMO) as evidenced by district valuer/mortgage offer valuation. Letting Boards - Uplands & Brynmill continues to be inundated with To-let boards, which look unsightly, have a significant adverse impact on the character and appearance of the area and the wellbeing of the resident communities. This is despite assurances from elected officials, including the Council Leader, that controls would be introduced. The Council's Voluntary Code for advertisers is not fit for purpose. The SPG should provide clarification as to when a Regulation 7 Direction, to remove 'Deemed consent' is to be enacted. Cardiff introduced its Regulation 7 in October 2015, prior to the adoption of its own HMO SPG in 2016.

The Planning system exists to protect public interests not private interests - like cohesive communities make this explicit in SPG.

## Section B - PBSA

**7. Section 4.1 of the SPG sets out what will be considered to fall under the definition of PBSA for the purposes of LDP Policy H 11. Please write in the box if you have any comments on this definition of PBSA.**

OK

I would perhaps question why there is no upper limit to the potential number of units. Lessons learned from problems in high density residential schemes should be taken into consideration.

No comment

Looks fine

**8. Policy H 11 states that proposals for PBSA should be located in the Swansea Central Area and must in the first instance assess the availability and suitability of potential sites and premises at this location unless certain exception criteria are met (specified in the policy).**

**Section 4.2 of the SPG provides guidance on what information will be necessary to demonstrate an appropriate assessment has been undertaken into site/premises availability and suitability in the Central Area. Please write in the box below if you think any aspects of the guidance in Section 4.2 require further clarification.**

OK

No comment

My major issue with PBSAs is the lack of accountability that seems to hold these private companies to account when the building is not completed when the students are due to move in. There have been a number of news stories about buildings managed by Prime Student Living not being completed before the students were due to move in - <https://www.bbc.co.uk/search?q=prime+student+living>. Of the two blocks being built in Swansea (next to the Gwalia offices on the Kingsway and the former Social Services offices on Orchard Street), both still have scaffolding and building works ongoing (as of 6 November 2019) despite selling rooms to students for occupation from September 2019. This is unacceptable and has left students moving to the area effectively homeless for the start of term. There must be more regulations to stop companies being able to sell rooms that don't exist when they are needed, paid for and advertised for.

**9. Section 4.3 of the SPG provides guidance in support of LDP policies on design and amenity in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires clarification.**

The design and quality of construction of the PBSAs in the town centre is shocking.

OK



If the accommodation is not appropriate for open market residential use, how can it be deemed suitable for a student to live in for a number of years? Please clarify section further.

No comment

More emphasis on green spaces and environmental aspects.

**10. Section 4.4 of the SPG provides guidance in support of LDP policies on refuse/recycling storage in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.**

Who is going to enforce this ????

OK

No comment

**11. Section 4.5 of the SPG provides guidance in support of LDP policies on car and bicycle parking in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.**

OK

No comment

**12. Section 4.6 of the SPG clarifies that a management plan will be required to be submitted as part of any PBSA planning application detailing how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.**

Whilst not certain that this falls under planning, provisions need to be in place to ensure continuity of the management plan in case the appointed management company ceases to trade etc. Furthermore cost to implement the management policy need to be protected from unacceptable year on year price increases.

OK

No comment

### Section C – Further Comments

**13. If you have any other comments on how the SPG could be improved, please specify below.**

Yes make SPG "best in class" do not undermine the examined LDP. Follow ministerial strictures and use AMR to improve it, if found wanting.

I don't think this really adds anything to the Policy in the LDP. Looks a bit like a rush job in response to Council losing those two recent HMO appeals. This should really be looking to close off loopholes I think because there's a long time until the LDP will need a review.

There are so many factors that affect everyone's daily lives that it is hard to cater for everyone. There are residents whose properties will be worthless unless they can be converted to HMOs due to the density of HMOs in certain streets. There are large properties which are standing empty because they can be developed. Common sense has to play a part in all this.

From the way this questionnaire has been designed it is obvious that no deviation from LDP rulings will be considered. So I would urge the Planning Committee to use every ounce of discretion at their disposal to avoid bias in favour of developers and unelected bodies such as Universities at the expense of our local communities. Otherwise, the message that permanent residents are less important than students will continue to be received.

I cannot emphasise strongly enough that if the supposed purpose of the LDP was to produce balance cohesive, sustainable communities, and the purpose of the SPG is to illuminate, clarify and amplify that then it will only achieve that if a lot more thought is given to the exceptional circumstances rule. The way it is written at the moment it is a means of increasing the concentration of HMOs almost by the back door, which will not at all give sustainable balanced communities or good places to live for people, and indeed it will be acting against the supposed purpose of H9 and the LDP.

The planning convention that permits a developer to reconfigure the internal structure of a property to suit HMO usage should be stopped. This convention has facilitated developers in creating an HMO property even if it fails to gain planning permission. The result is after 6 months the property could potentially function as an HMO if it fails to sell on the open market. Sandwiched properties and ex HMOs should rate relief or a grant to incentivise the purchase of these properties by families. This would create an extra income stream for the council as the vast majority do not pay council tax. Invest a penny to make a pound

I would like the following alterations to the draft SPG on HMO's and PBSA September 2019 and added to the public consultation documents,

As stated in the Introduction on para 1.1 The purpose of the SPG is to **augment** policies of the Swansea Local Development Plan (LDP).

There is a need to change a large part of this document as it **contradicts** the H9 LDP Policy e.g. prevention of clustering, exceptional circumstances etc

For the purpose above ALL not just some of this SPG document when suits, should be referenced and shows it augments to the legally binding LDP documents e.g. It states (LDP para 2.5.102) proposals that would give rise to cramped living conditions for future occupiers will be resisted.

MORE OF THE SAME IN REFERENCED DOCUMENT TO LDP POLICY H9

**2.1.3** No specific reference is made in PPW as to how planning decisions should be made in relation to HMOs or PBSA development. A Ministerial letter (dated February 2018) was sent to all Welsh Local Planning Authorities (LPAs) however, which made clear **the need to put in place robust local evidenced based policies** in LDPs against which planning applications for HMOs can be assessed. The Letter also highlighted the appropriate role that SPG should play to augment such policies. Swansea Council has set out its **evidenced based policies** relating to HMO development in the Swansea LDP

This policy needs as stated to be evidence based and augment this contradicts as stated above.

2.1.4 Recent Welsh Government 2016 needed where use and classes has changed terminology and put in an Appendix for citizens to see. E.g. C3a, C3b, C3c

2.1.5 All of these listed in the paragraph should be exempt and not included in calculations. (Housing Act 2004 linked to Use and Classes Act 2016 but not 1987 strange why it stated in 2.1.4)

2.1.9 Welsh Validation requirements for application should be stated in Appendix for citizens to read who do not have access and knowledge of facilities to these documents and should be part of the equality process of the consultation.

3.1.3 Take it out. All existing HMO's must be included in tests of LDP Policy clear contradiction.

3.2.3 Again clear contradiction as I want UNITS taken out of document and replaced by what the LDP H9 says or use and classes act states.

3.2.7 - 3.2.9 Socially rented housing should be exempt and units taken out and augment it with LDP Policy. You as a council had a choice exemptions. Who's side you on.

3.2.10 Socially rented housing to be included.

3.2.20 Examples of exceptional circumstances or overriding material considerations are provided in Section 3.7 of this SPG.

These examples are not good enough and not fit for purpose  
141 Western Street. What evidence provided?

3.3.4 – 3.3.6 Take out worked example 5 in Appendix contradicts LDP Policy

The worked examples need to be modified as mistakes have been made on 35 Crynlyn Street as to the central location and seem to be again not on centre from the street frontage, as they seem to be from 2018. PLEASE MODIFY as being fit for purpose.

3.4.2 Planning applications for HMOs that would result in a C3 dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage will not normally be supported as a matter of principle. If there is an overriding material consideration that a decision maker considers a defining issue to outweigh this principle in the planning balance, any approval of planning permission for a HMO that would result in a C3 dwelling being 'sandwiched' must acknowledge that **this would be a departure to LDP Policy H 9.**

YOU MUST TAKE PARA 3.4.2 & 3.4.3 OUT AS YOU ARE **BREAKING THE LDP POLICY**. WHEN ELSE ARE YOU GOING TO DEPART AS AND WHEN IT SUITS AND PROMOTING CLUSTERING

3.4.3 Consistent with the principle of preventing sandwiching to safeguard amenity, proposals for non- HMO properties that are already 'sandwiched' between two existing HMOs to become HMOs may be considered favourably, even where this would lead to the threshold in the area being exceeded. **Such a scenario is an example of an exceptional circumstance that can justify a HMO threshold being exceeded** (as described in Section 3.7 of this SPG).

**LDP Policy This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.**

3.5.7 To create and promote quality accommodation for residents to live in there needs to be an increase in room sizes, that will shed Swansea in a better light and WHY NOT?

Ceiling heights on loft conversions are a MUST and added to this document like Cardiff have done. Let's learn from their mistakes not worse than their already mistakes. Please alter for the benefit of the citizens of Swansea and visitors.

3.5.10 Sizes for communal room required.

3.5.25 the Council may use planning conditions to require that insulation be installed in the interests of providing and safeguarding reasonable living standards.

Change to Will above.

3.7.3 List of exceptional circumstances not fit for purpose as LDP states a requirement of this document, as instructed by inspectors.

3.7.7 states 'a comprehensive assessment'.

What criteria and marking scheme? needs to be added to Appendix

3.7.9 Another potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already 'sandwiched' between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the applicant is experiencing adverse amenity impacts from such a scenario. Such circumstances can reasonably be considered the 'flipside' of the objective of Policy H9 to avoid sandwiching. That is, given the purpose of this element of the policy is to safeguard the amenity of C3 property occupants by precluding new HMOs that would lead to sandwiching, it follows that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.

**THE PARAGRAPH ABOVE 3.7.9 MUST BE REMOVED** ALONG WITH OTHER ISSUES RAISED THAT ARE TOTALLY CONTRADICTING PLANNING POLICY LDP H9 AND DOES NOT AUGMENT POLICIES. This document completely opposes the Welsh Inspectors requirements on LDP Policies being clear, sound and robust.

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**BOTH RED and BLUE annotation require LPA response and amendment in the final adopted SPG**

## Legislation & Policy Context

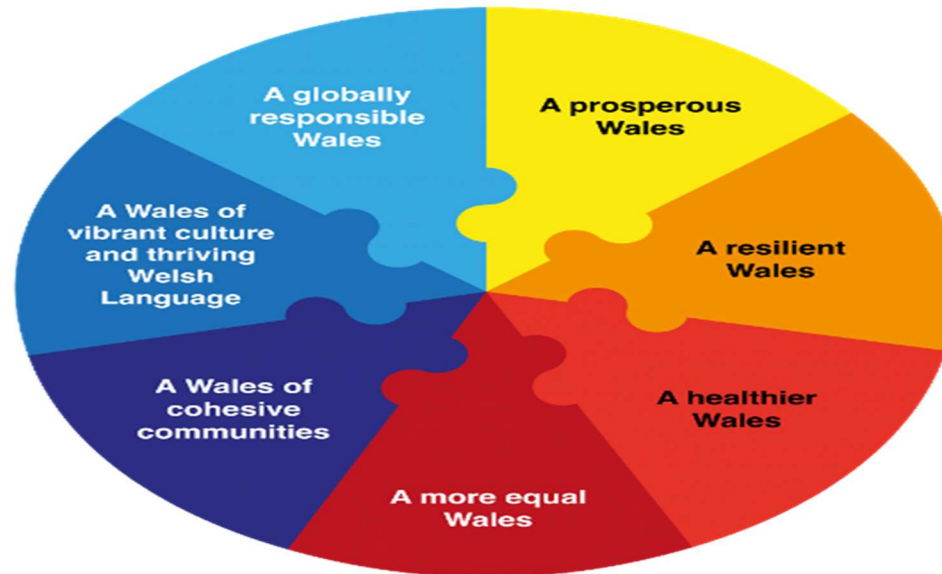
### 2.1 **Current** National

2.1.1 Planning Policy Wales<sup>1</sup> (PPW) sets Out the Overarching national principles relating to planning and placemaking. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. **It requires that this be done by**

addressing seven well-being goals, one of which is to Foster Cohesive Communities, with the emphasis on promoting accessible, well connected development and appropriate combinations of land uses.

### The Seven Wellbeing Goals

To make sure we are all working towards the same purpose, the Act puts in place seven well-being goals. The Act makes it clear the listed public bodies must work to achieve all the goals, not just one or two.



2.1.2 A short statement is required demonstrating how SG “Arguments” & Foster sustainable development Principle

Planning Policy Wales<sup>1</sup> (PPW) sets out the overarching national principles relating to planning and placemaking. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote sustainable development and support the well-

being of people and communities across Wales. **It requires that this be done by addressing seven well-being goals, one of which is to Foster Cohesive Communities**, with the emphasis on promoting accessible, well connected development and appropriate combinations of land uses.

1. To ask /explain the sustainable draft policy as a strategic purpose (We do not understand it)
2. How is the amenity impact assessed to Neighboring properties?  
And how is the terminology Consistent with the notion of “” Neighboring Units”” in the formula

2.15 HMOs come under two Use Classes, dependent on their size. These are:

(i) **Small HMOs** – ‘C4’ class: a shared dwelling house that can accommodate between 3-6 will still not be related still be shared 2wg guidance 2017 practice guidance

(ii) \_unrelated persons who share basic amenities. It should be noted that, under the terms of the Order, the following are excluded from the C4 Use Class:

- Social rented housing
- Care homes
- Children’s homes
- Bail hostels
- Properties occupied by students managed by an education establishment; and
- Properties occupied by a religious community whose main occupation is prayer, contemplation, education and the relief of suffering; and

(iii) Large HMOs – ‘Unique Use’ class (**formerly known as Sui Generis**): a shared dwelling house with more than 6 unrelated persons sharing basic amenities.

What informed the **“” choice””** taken by the LPA to not use the full schedule 14 Housing Act 2004

Exemptions in the radius test & explain why the Southampton use of all Exemptions in their Test was not followed as indicated Welsh Government Best Practice “Please Explain” !?

2.2.4 The key provisions of LDP Policy H 9 are that:

A 2-tier ‘maximum threshold’ is defined within designated geographical areas, above which further HMO concentrations will typically be resisted

Proportions of ALL HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50m radius of a proposal

The ‘sandwiching’ of Class C3 residential properties between HMOs will be resisted

Specific protection will be afforded to ‘small streets’ that are characteristic of certain residential areas of Swansea

Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance

Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh concerns regarding harmful concentration or Intensification.

#### **Bullet point 1.**

Are NON-residential above the shop Included within count

#### **Bullet point 2**

How does “Sufficiently Flexibility” is (not used in LDP) fit in with aims Strategy Process & Monitoring Arrangements

2.1.5

2.1.6

2.1.7

2.1.8

2.1.9 National Guidance states that, in order for planning applications to be duly submitted they must contain sufficient information to be considered **‘valid’** applications. Technical guidance on what is required **to submit a valid planning application** is provided nationally by the Welsh Government in an annex to the **Development Management Manual**,

**Section 7 Planning Applications - Lists of Validation Requirements.** The annex provides information listing what is required for each application type and reflects the **legal requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and the other listed statutory instruments** **SPG STATES ANNEXE TO DEVELOPMENT MANAGEMENT MANUAL SECTION 7 ALSO A LIST OF VALIDATION REQUIREMENTS**

2.2.1 The adopted Swansea LDP sets the policy framework against which all planning applications are determined. It provides a detailed, **correct** evidence-based framework for making effective and consistent planning decisions in the public interest. This includes policies **to manage the location and concentration of HMOs and direct the location of PBSA to the most appropriate, sustainable areas**. The LDP policies are set against a context that recognises the important role that HMOs and PBSA play in providing a flexible, **relatively ?? affordable housing choice for a growing population**, whilst also acknowledging the **negative impacts that can arise** without appropriate sustainable planning.

IN YOUR NEW SPG ON LOCAL 2.2.1 /PARAGRAPH ?? COULD BE TAKEN OUT OF CONTEXT IN H9 – 2.5.97- IT STATES FLEXIBILTY THAT IS THERE TO CLARIFY REASON IN PARAGRAPH FOR FLEXIBILITY YOUR PARAGRAPH IS NOOT CLEAR SOUND & ROBUST PLEASE CHANGE NOT EVIDENCED Based

2.2.2

2.2.3

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Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding material considerations, **where these demonstrably outweigh concerns regarding harmful concentration or Intensification.**

**COMMUNITY OBJECTIONS and also . EXPLAIN PARAGRAPH RESIDENTIAL UNITS AND FLEXIBILITY**

### **2.2.5 LDP supporting text appendix (1A)**

### **2.2.6 PBSA**

PBSA developments are increasingly coming forward as a proposed **means of providing bespoke accommodation that meets the needs of students.** Whilst these developments may offer the potential to reduce the demand for HMO accommodation, there is currently no conclusive evidence to this end.

**2.2.7** The LDP contains Policy H 11 ‘Purpose Built Student Accommodation’, which states proposals for PBSA should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; or
- In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; or
- The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

**STATES SWANSEA CENTRAL AREA ???WHY ARE LABOUR COUNCIL MAKING A CITY CENTRE [STUDENT VILLAGE]??**

**2.2.8** A copy of LDP Policy H 11 and its supporting text is set out in Appendix 1b.

Other Development Plan Policies

### **LDP H11 3.1 GUIDANCE HMO DEVELOPMENT**

#### H 11: Purpose Built Student Accommodation

Proposals for purpose-built student accommodation should be located within the Swansea Central Area, and must in the first

instance assess the availability and suitability of potential sites and premises at this location, unless: i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and

ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and

iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

33 Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015

2.5.88 Higher Education makes an important contribution to the local economy within the region of 16,500 full time students<sup>33</sup> living in the area. Many live-in former family homes converted to HMOs and as a consequence part of the County experience significant community cohesion issues resulting from harmful concentrations of such dwellings

2.5.96 , Outside of the HMO Management Area, **it would not lead to more than 10% of all residential properties** within a 50m radius of the proposal being HMOs; iii. The development **would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties;** iv. The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and v. **There would be no unacceptable adverse impacts caused by noise nuisance and general disturbance**

#### .Test 1 – ‘Radius Test’

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

#### Test 2 – ‘Small Streets Test’

HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street

Test 3 – ‘Non-sandwiching Test’ The development would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.

[What is the Local Development Plan - Cardiff.gov.uk](https://www.cardiff.gov.uk/.../Pages/What-is-the-LDP.aspx)

REFER TO SWANSEA LDP H9 POLICY

<https://www.cardiff.gov.uk/.../Pages/What-is-the-LDP.aspx>

- **Why Do We Need A Local Development Plan?**
  - **Delivery Agreement**
  - **Stages of Preparation**
  - **What Happens Next**
- The population of the city is growing and it's the role of the Council to make sure that the city can accommodate and provide a good quality of life for all its citizens. The LDP will identify where in the city, new developments and communities can be built. Different parts of the city may be affected in different ways and the plan will need to show areas for new development together with areas that will be protected from development.

[CARDIFF LDP RELATED PAGES HOUSING 11](#)

H1 TO H7 PAGES 114 TO 121

### **3. Guidance on HMO Development**

3.1.1 LDP Policy H 9 sets out a number of criteria that HMO proposals should address. Full consideration should be given to all the relevant criteria to ascertain whether a proposal is considered acceptable

3.1.1 Please explain & Expand “All relevant Criteria”

3,1,2. A number of criteria in Policy H9 relate to preventing unacceptable concentrations of HMOs. These set out certain ‘tests’ that will inform the decision-making process and help ascertain whether a proposal would lead to a potentially



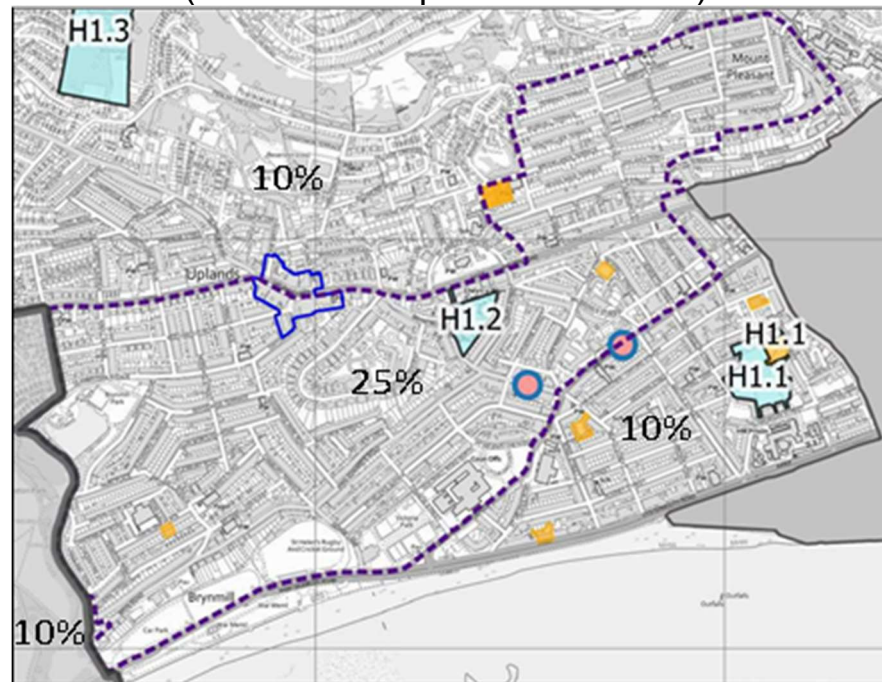
harmful concentration or not. These tests are summarised in Figure 1. Further detailed advice and guidance on how each of these tests are to be applied is provided in Sections 3.2 – 3.4 of this SPG

3.1.2 Please explain “Potentially Harmful Concentration” And how this is clear Robust, and then evidence based.

3.2.3 The concentration of HMOs should be ascertained by calculating the proportion of HMOs as a percentage of all **residential units** within a 50 metre (m) radius of the application property. Where the proportion exceeds the defined threshold, the concentration arising will be deemed unacceptable, unless there are exceptional circumstances or overriding material considerations<sup>3</sup> that demonstrably outweigh concentration concerns

**THAT LDP STATES ALL RESIDENTIAL PROPERTIES, NOT CLEAR ROBUST NOT EVIDENCE BASED**

Figure 2: HMO Management Area (within the Purple Hatched Line)



3.2.3 Please explain how rooms above a shop “Categorized”

Please Clarify the terms [ Application Property] versus [Application Residential Property]??

Which is the correct term taken from the LDP?? Methodology and Data Sources

3.2.1 Policy H 9 sets out the methodological approach that should be followed to undertake the radius test. The basic formula for ascertaining the concentration of HMOs is as shown below in Figure 3.

3.2.2

3.2.3 **AS STATED IN 2.5.96 ALSO SEE H9 POLICY PAGE 72**

Figure 3: Radius Test Formula

$$\begin{array}{r} \text{HMO} \\ \text{Concentratio} \\ \text{n} \\ \% \end{array} = \frac{\begin{array}{c} \text{No. of HMOs} \\ \text{(Numerator)} \end{array}}{\begin{array}{c} \text{No. of residential} \\ \text{units} \\ \text{(Denominator)} \end{array}} \times 100$$

3.2.4 For the purpose of the radius text, the concentration of HMOs should only consider the relevant properties within a 50 m radius of the planning application. Further guidance on which properties are relevant in this regard is set out below.

Internal note as stated on SPG

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Guidance on potential 'exceptional circumstances' and/or 'overriding material considerations' is provided in Section 3.7 of this SPG.

3.2.3

3.2.4

3.2.5

3.2.6

3.2.7 To determine the appropriate denominator for the Radius Test Formula (see Figure 3), all individual residential units that fall within the 50m radius that are categorised as either Use Class C3, C4 or Unique Use HMO will be counted. The most up to date Local Land and Property Gazetteer (LLPG)5 information should be referenced in order to ascertain the number and location of residential units to be applied.

**THAT RESIDENTIAL UNITS ARE STATED WITHIN THIS PARAGRAPH AND NOT STATED WITHIN LDP THAT ALL RESIDENTIAL PROPERTIES ARE STATED**

3.2.8. For the avoidance of doubt, a residential unit includes social rented homes, individual flats and other units that are situated on upper floors. These homes will be counted as part of the denominator to ensure all residential units within the radius are counted. 3.2.8. Please clarify what is meant by [other units]

3.2.9. In the case of flats and/or residential units on upper floors, these will be counted where the majority of the principal elevation of the building within which the unit is located (i.e. over 50% of this elevation) is contained within the radius. Each multiple unit within the building will be counted as an individual residential unit for the purpose of the calculation e.g. a building containing four flats will be counted as four residential units.

**Base of page 12 Principal elevation is defined in Welsh Government Technical Guidance.**

**The Local Land and Property Gazetteer (LLPG) is a comprehensive address database maintained by the Council.**

3.2.9. Please explain the 50% rule with worked example

3.2.10 Care homes, children's homes, hostels, hotels, student halls of residence, and commercial properties will not be counted.

3.2.10. Why has social Housing been chopped out of the list

Why has the LPA used a [Truncated List] ??

3.2.14 Properties with a lawful use as a HMO will be counted as such, irrespective of whether a relevant planning consent has actually been implemented at the time of determination of a planning application. Some properties have become lawful for use as a HMO by virtue of the time they have been in operation for such a use, even though there is no planning permission or Lawful Development Certificate (LDC) for HMO use on record. This is reflective of the previous provisions of the Planning Act and the Use Class Order, which did not require the use of residential properties as small HMOs to be subject to any planning control. Where the LPA considers there is substantive evidence available to demonstrate that a property was being used as a HMO prior to the implementation of the new C4 Use Class category (in February 2016), and is satisfied that it has not reverted to any other uses in the meantime, such a property will be considered a lawful HMO notwithstanding the lack of any relevant planning permission or LDC for HMO use. The LPA will need to be satisfied that such a property would be considered appropriate to be issued with a LDC if such an application was made, however it is not within the scope of the Planning Act to require a third party to submit an LDC application to formalise the use class of a property.

**BOTTOM OF PAGE public consultation in 2019 on a new HMO licensing policy that could expand the Additional Licensing Area to include the St Thomas Ward.**

**JOHN EXPLAIN REASONABLE CHECKS??? WILL THESE HMOS BE CHECKED FOR A NEW LICENCE WHEN WE HAVE ADDITIONAL LICENCING IN ALL RESIDENTIAL PROPERTIES**

3.2.15. The calculation of the HMO concentration that applies at the time of determining a planning application is clearly influenced by accurately ascertaining, as far as is possible, the lawful existing use of all properties situated within the defined radius at that time. Where information is available to indicate a property may be a HMO but is not recorded as such on the records available at [www.swansea.gov.uk/hmos](http://www.swansea.gov.uk/hmos), the LPA will carry out all reasonable checks using any other publicly available information and/or any submitted evidence in order to ascertain whether such a property should be considered a HMO for the purpose of the calculation. In this regard the LPA is required to act within the requirements of the General Data Protection Regulation (GDPR) relating to maintaining the privacy of personal data.

3.2.15. Please Explain “Accurately Ascertaining”\_as far as possible & explain “All reasonable Checks” Using other residential Properties Existing Lawful publicly available .

3.2.16 The Council's planning officers undertake site visits as part of the standard procedure for considering planning applications and consider all material planning matters in the determination of proposals. This includes the observations of Officers within other

Council departments such as Highways and the Housing and Public Health Service. Members of the public will also be consulted on every planning application. This process provides the opportunity for the LPA to be made aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists. Properties will only be considered a HMO for the purpose of the calculation where they meet the descriptions of such in the Planning Use Class Order.

**WE WANT THE LPA ONLY TO THE SITE VISIT TO TAKE ROOM SIZES OF ALL THE ROOMS THAT YOUNG STUDENTS HAVE TO LIVE IN, TO MAKE SURE THAT THERE ARE APPROPRIATE ROOM SIZES ,**

3.2.17 Set out in Appendix 2 are a number of worked examples. These are intended to help demonstrate how the assessment methodology works in practice and further illustrate how the radius test will be implemented. **JOHN SET OUT IN APPENDIX 2 EXAMPLES**

### 3.2.18 Breaching the Threshold

The threshold is considered to be breached if granting planning permission would take the percentage of residential properties that are HMOs above the specified threshold limit. For example, granting planning consent for a HMO within a 50m radius that currently contains 20 residential properties and only 1 other HMO would yield a concentration of exactly 10% (i.e. 2 out of 20 properties), which would not breach the threshold outside the HMO Management Area

3.2.19. The two tier approach set out above in respect of different threshold levels is specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs within the defined HMO Management Area to the existing general limit of 25% HMOs that has become established. This approach will serve to restrict HMO growth within the areas where there are already existing high concentrations of HMOs, such as parts of Brynmill and Uplands. There may be small pockets within these areas where further HMOs will not breach the threshold when applying the radius approach, but these opportunities are likely to be limited. This containment approach is based on evidence available, which indicates that significant further HMO growth is likely to exacerbate amenity impacts in these areas and any negative effects on community cohesion. This approach also recognises that these areas already have an

established mixed character, in comparison to other residential areas of Swansea, with an existing average concentration of around 25% HMOs.

3.2.19. Please explain Containment Application & Evidence to be produced every time, with checked worked examples-  
IN ERROR

3.2.19. Please explain OPERATION of Planning Balance

**CCS LPA DOES NOT HAVE ALL THE RELEVANT EVIDENCE, WHICH WILL MEAN THAT MORE HMOs WILL BE PASSED.**

3.2.20 LDP Policy H 9 states that HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification. Examples of exceptional circumstances or overriding material considerations are provided in Section 3.7 of this SPG

**THAT THIS IS EXCEPTIONAL CIRCUMSTANCES TO ALL PARAGRAPHS THE EXCEPTIONAL CIRCUMSTANCE SHOULD BE STATED TO OTS FULL MEANING ON THE PLANNING APPLICATION LPA RE HMO, ?? WILL ALL HMOs HAVE OVERIDING MATERIAL CONSIDERATIONS?? AND WILL THIS POINT THAT HAS ENABLED THIS APPLICATION TO BE APPROVED, BE STATED TO ITS FULL EXTENT / WORDING TO ENABLE THIS APPLICATION HAS BEEN APPROVED**

3.2.21

3.2.22

3.2.23

3.3.53.

3.3.6 For the avoidance of doubt, for the purpose of LDP Policy H 9 and this SPG, the intersection of a longer street to become a small street occurs where both sides of the street with the same name are dissected by another street, resulting in between 11 and 34 properties on the dissected street. Appendix 2 provides a number of examples of scenarios that would, and would not, be classed as small streets.

**APPENDIX 2**

3.3.7 Defining a Disproportionate Concentration

Defining the concentration of HMOs in a small street will be examined using the same data sources as set out for the radius test (see Section 3.2 of this SPG). JOHN SEE SECTION 3.2 OF THIS SPG

3.3.8

3.3.9 A further analysis of the range of potential exceptional circumstances or overriding **material considerations** that could demonstrably outweigh concentration concerns are provided in Section 3.7.

A FURTHER ANALYSIS OF THE RANGE OF POTENTIAL EXCEPTIONS? EXEMPTIONS? CIRCUMSTANCES OF OVERRIDING MATERIAL CONSIDERATION THAT COULD DEMONSTRABLY OUTWEIGH CONCENTRATIONS [CONCERNS ARE PROVIDED IN SECTION [3.3.7]

### Decision of the Planning Court

Applying these principles to this case, the Planning Court dismissed the claim finding for the defendants on both grounds. In doing so, it considered whether the draft plan was a material consideration as the claimants alleged but decided that the council was entitled to take the view that it was not a material change in circumstances of which the inspector ought to be made aware. The draft plan was still at an early stage of the adoption process and therefore only attracted “minimal weight”. In addition, given the fact that the claimants had failed to draw any link between the draft plan and the site in question, or provide a copy to the inspector as a document that she ought to take into account at the planning inquiry, it was not open to them to seek to quash a decision on the basis that the inspector failed to have regard to the plan.

What this case highlights is the fact that the courts will not be quick to assume that a decision-maker has failed to take into account a material consideration simply because that consideration is not referred to in the decision. Therefore, if a claimant wishes to challenge a decision on the basis of a failure to take into account a material consideration that is not a main controversial issue, they should aim to produce actual evidence that this issue was not considered, rather than a mere absence of reference in the decision itself. For more information on decision-making, see **LINK Practice notes, Decision-making by public bodies: avoiding legal challenge** and **Duty to give reasons**. **CHECK THIS LINK DETERMINING APPLICATIONS <https://www.gov.uk/guidance/determining-a-planning-application>**

3.3.10 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be

implemented. These examples include an illustrated case where the proposal would lead to an unacceptable disproportionate over-concentration of HMOs in the small street. An example is also provided of a scenario where although the 1 in 8 ratio is exceeded in the small street, the street is quite long, there are only properties on one side of the majority of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application, and so the proposal would be less likely to result in a harmful HMO concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

**SET OUT IN APPENDIX 2 WORKED EXAMPLES TO DEMONSTRATE HOW SMALL STREETS TEST WILL BE IMPLEMENTED [EXAMPLES] STREET FEWER THAN 11 PROPERTIES**

### 3.3.11

3.3.12 Whilst the numbers of HMOs on streets of fewer than 11 will be capped at these levels, it will not always follow that a HMO proposal that does not exceed the capped number will always be permitted. The decision maker must always consider all other material considerations that apply, such as potential 'sandwiching' of properties between HMOs, which could be a deciding factor in deciding whether a proposal is considered acceptable.

**REFER TO NONSANDWHICING TEST**

### 3.4.1

3.4.2 Planning applications for HMOs that would result in a C3 dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage will be refused, unless there are exceptional material considerations that demonstrably outweigh the identified concerns. Examples of exceptional circumstances or overriding material considerations are provided in Section 3.7.

**EXAMPLES OF EXCEPTIONAL CIRCUMSTANCES ECT EXAMPLES 3.7 THIS IS NOT WITHIN LDP DOCUMENT**

### 3.4.3



#### Test 1 – 'Radius Test'

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

#### Test 2 – 'Small Streets Test'

HMO proposals within 'small streets' that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street

#### Test 3 – 'Non-sandwiching Test'

3.4.4.

3.4.5

3.4.6 Set out in Appendix 2 are a number of worked examples to demonstrate when sandwiching will be deemed to have occurred or not.

**IT IS NOT CLEAR WHERE THIS HAS COME FROM, NOT IN LDP DOCUMENT, IS SOUND AND ROBUST NO NEED FOR EXAMPLE**

### 3.5 Property Suitability for HMO Use

#### Overview

3.5.1 LDP Policy H 9 makes clear that the property being proposed for use as an HMO needs to be suited for such a HMO in terms of its size, layout and ability to safeguard the amenity of residents affected. Specifically, proposals must demonstrate that the property is suitable for occupation as a HMO by the specific number of occupiers stipulated in the application . **PROPERTY SUSTAINABILITY—DEFINE!**

3.5.2 To be considered suitable for HMO use, the property should provide satisfactory private amenity space and appropriate room sizes. Further guidance on what will be expected to be provided, is set out below. Sufficient details, including scale plans should be submitted with the planning application to demonstrate that satisfactory provision will be made. Scale plans should include existing and proposed site plan, block plan and floor plans .

**NOT ALL ROOM SIZES ARE GIVEN**

3.5.3

3.5.4

3.5.5 **H9 iv.** The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and **v.** There would be no unacceptable adverse impacts caused by noise nuisance and general disturbance. **IT IS CLEAR IN THE LDP POLICY THAT HHMO PROPERTIES NEED TO HAVE APPROPRIATE ROOM SIZES TO BE CONSIDERED ON ALL APPLICATIONS, PROPOSAL THAT WOULD RISE TO CRAMPED LIVING CONDITIONS FOR FUTURE OCCUPIERS WILL BE RESISTED A RESPONSE STATED THAT PARAGRAPH 3.5.5 MAKES IT QUITE CLEAR THERE MUST BE A MEASURE BY THE PLANNING DEPARTMENT TO MAKE SURE THESE MEASURES ARE CORRECT BEFORE PASSING THESE APPROPRIATE ROOM SIZES ALSO THESE MINIMUM ROOM SIZES ARE NOT FIT FOR PURPOSE** , THE NEW SPG ARE PUTTING YOUNG STUDENTS INTO CRAMPED LIVING SPACE / CONDITIONS WE WOULD REQUIRE A GREATER SIZE TO THE MINIMUM ROOM SIZES **??WHAT ARE THE MAXIMUM ROOM SIZES??**

3.5.6 LDP Policy PS 2 'Placemaking and Place Management' similarly states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. The supporting text to Policy PS2 states that internal floor dimensions of living spaces are considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions

and/or rooms with insufficient windows.

Cross Reference	Ref	Indicators – Core/ Local/Contextual	Policy Target	Trigger Point	Data Source
<b>Policy PS 1: Sustainable Places</b>					
<b>LDP Policy</b> PS 1, PS 2, SD 1, IO 1  <b>LDP Objective</b> All  <b>SA Objective</b> All	1	<b>Local Indicator:</b> Number of planning applications for development permitted outside defined settlement boundaries of the urban area and Key Villages.	Development in the countryside to be limited to exceptional circumstances.	One planning application permitted outside settlement boundaries contrary to the policy framework.	CCS database
	2	<b>Local Indicator:</b> Provision of community facilities and infrastructure on SDAs in accordance with the Site Masterplan and policy.	All development on SDAs to be supported by community facilities and infrastructure.	Community facilities and infrastructure not delivered in accordance with the policy framework or within the agreed phased period on an SDA.	CCS database
	3	<b>Local Indicator:</b> SDAs to be delivered in accordance with the Placemaking principles set out in the site policy and masterplan.	All SDAs to be delivered in accordance with Placemaking principles set out in the site policy and masterplan, unless exceptions are justified by evidence.	One planning application permitted not in accordance with the site policy and masterplan without sufficient justification.	CCS database
	4	<b>Local Indicator:</b> Number of planning applications permitted which deliver infrastructure measures identified in Appendix 3 of the Plan.	Development addresses the impact on communities through the provision of new or improved infrastructure measures as identified in Appendix 3 of the Plan.	One planning application permitted which does not deliver the infrastructure identified in Appendix 3.	CCS database
<b>Policy PS 3: Sustainable Housing Strategy</b>					
<b>LDP Policies</b> H 1 – H 11  <b>LDP Objectives</b> 1, 9, 14, 17  <b>SA Objectives</b> 1, 4, 6, 8, 10	5	<b>Core Indicator:</b> The housing land supply, taken from current JHLAS measured in years' supply.	Housing land supply of 5 or more years.	The housing land supply falls below 5 years as determined by the JHLAS in any given year.	CCS database

LDP POLICY PS 2 ROY CAN WE PLEASE HAVE A COPY COUNCIL ADOPTED PAGE 24.25.26 OF LDP

## PS 2: Placemaking and Place Management

Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place.

The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

Depending on the nature, scale and siting of the proposal, development should also:

- i. Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- ii. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;
- iii. Create or enhance opportunities for Active Travel and greater use of public transport;
- iv. Integrate effectively with the County's network of multi-functional open spaces and enhance the County's Green Infrastructure network;
- v. Enhance public realm quality, incorporating public art where appropriate;
- vi. Provide for a hierarchy of interconnected streets and spaces;
- vii. Ensure active frontages onto streets and spaces to provide natural surveillance and character;
- viii. Provide an accessible environment for all;

- ix. Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles;
- x. Deliver new, and/or enhance existing, connections to essential social infrastructure and community facilities;
- xi. Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- xiii. Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses;
- xiv. Ensure no significant adverse impact on natural heritage and built heritage assets;
- xv. Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life;
- xvi. Ensure that commercial proposals, including change of use proposals:
  - a. incorporate active frontages and shopfront designs that make a positive contribution to the streetscene,
  - b. provide appropriate enclosure,
  - c. relate well to the character of the host building,
  - d. do not compromise the ability to deliver priority regeneration schemes.and
- xvii. Have regard to the implications for infrastructure and services.

2.2.6 The importance of placemaking is a cornerstone of the national planning agenda in Wales and the sustainable development objectives which underpin it. All new development can contribute in some form to the making of places, and influence how that place will be experienced and enjoyed (i.e. its 'sense of place'), which will stand as a legacy for future generations of occupants and visitors. The above policy therefore provides a yardstick against which proposals should measure its intended and likely effects. The Plan is committed to a holistic Placemaking and Place Management approach being applied in all areas and at a range of scales, in order to create a genuine sustainable legacy in accordance with the Well-being of Future Generations (Wales) Act 2015 (WBG Act). The policy is therefore applicable to all development across the County, and relates to development at a variety of different scales and types.

2.2.7 An integral part of Placemaking and holistic planning is to create and manage places that seek to ensure social inclusion, equality of opportunity and access for all. This includes all aspects of development including the physical environment, land uses and transportation. The principle of access for all encompasses all elements of society and is applicable to all developments in all locations.

2.2.8 Ensuring proposals exhibit high quality, sustainable design credentials that respond to local context will be consistently pursued in the interests of elevating the County into a new era of prosperity, desirability and distinctiveness. Design encompasses matters of layout, scale, form, massing, height, density, colour, materials and specific detailing that will vary considerably between development proposals. Crucially, creating successful places, or achieving positive changes in existing places, requires a holistic approach that brings together a number of different disciplines. In this context “good design” is about much more than addressing the physical appearance of buildings and a focus on details alone will not create a successful place. The mixture of uses within a development, and the way in which buildings relate to one another and surrounding streets, are also key elements of creating safe and attractive places. In this sense the policy embraces the wider principles of good design for delivering sustainable places, as advocated by the Design Commission for Wales.<sup>21</sup>



Image credit: © Urban Village Project, Swansea High Street, Holder Matthias Architects and Coastal Housing Association

Figure 9: Placemaking Themes



Image credit: © Welsh Government

<sup>21</sup> Good Design and the Local Development Plan Process, DCFW, 2014.  
<sup>22</sup> TAN18: Transport and Manual for Streets.

2.2.9 The policy sets out the elements of sustainable Placemaking considered essential to the delivery of the Plan's Vision of creating sustainable, distinct communities that are supported by good quality infrastructure, community facilities and opportunities for recreation. It thereby enables a response to inequalities in terms of the distribution of, and accessibility to, a range of good quality social and community facilities and infrastructure. Addressing this issue is essential to creating vibrant community life and to addressing variations in social deprivation across the County.

2.2.10 The policy also recognises the role that the County's unique historic and cultural heritage plays in defining a community's sense of place, and highlights the importance of the Green infrastructure network which, as well as being important for its amenity value, provides enhanced opportunities for Active Travel and promotes improved health and well-being. Ensuring connectivity for all forms of movement, but especially by Active Travel and sustainable modes, is key to achieving the creation of successful places.<sup>22</sup> To this end, the design and function of streets must be treated as an integral aspect of Placemaking and must not be considered in isolation.

2.2.11 Poor design not only detracts from the character and appearance of an area, but can harm neighbours' quality of life. Potential impacts on people's amenity will be assessed by considering elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements. Internal floor dimensions of living spaces are also considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions and/or rooms with insufficient windows.

2.2.12 Natural surveillance is an important design measure that can ensure safer places and reduce the need to implement additional physical security measures, in the interests of achieving more inclusive development.

2.2.13 Ensuring resilience is not undermined will require development to consider opportunities for building adaptation and/or the use of measures such as delivering green spaces within development that will allow endangered species to migrate.

2.2.14 The character of buildings are defined by elements such as materials, colours and other details, which must be assessed by means of a robust analysis of relevant context, and communicated through a Design and Access Statement (DAS) to be submitted in support of planning applications. In circumstances when a DAS is not required, justification for the design should still be provided in order to convey the rationale for design choices. There will be particular expectations of quality in areas of valued and distinctive character such as conservation areas and the Gower AONB. In addition, there will be areas where it is not desirable to reflect the existing character and where new development will provide an opportunity to raise the quality of the local built environment through good design.

2.2.15 Good design precludes cramped and/or over intensive development, including inappropriate tandem development or ribbon development. In some instances infill or backland development will not be appropriate within settlements, for example where it is detrimental to the amenity of occupiers in surrounding properties and/or the character of an area, such as an area characterised by its openness and/or relatively large gaps between dwellings. Furthermore, in some instances, vacant urban land may be more appropriately retained as an area of openness, including for recreation, amenity or nature conservation purposes. Proposals for sub-dividing existing dwelling plots, developing on land behind dwellings and infilling gaps between properties will be assessed for their potential impact on the existing properties, their effect on the area, and the conditions that will be created for the new property.

2.2.16 The policy is expanded upon by SPG, that address a range of development types and areas covered in relevant Plan policies. These include guidance relating to:

- Residential Development
- Infill and Backland Developments
- Householder Extensions
- Tall Buildings
- Shopfronts and Commercial Frontages
- Design Guide for the Gower AONB
- Conservation Areas; and
- Various Area Specific Development Frameworks

3.5.7 In order to provide clarity to developers on what the Authority considers to be appropriate room size standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy<sup>7</sup> regarding minimum floor areas for bedrooms and kitchens in licensed HMOs regardless of whether the property is located within the Additional or Mandatory Licensing Area and whether the property requires a Licence under the Housing Act. These standards are set out below: [7 HMO Amenity Standards – A Guide for Landlords of Bedsits, Shared Housing, and Other Housing in Multiple Occupation. Appendix A HMO Licensing Policy 2016. City & County of Swansea. January 2016.](#)

**THE PROPOSED SHOULD IN ACCORDANCE WITH GUIDANCE SET OUT IN COUNCIL ADOPTED HMO LICENCING POLICY REGARDING MINIMUM FLOOR AREAS FOR BEDROOM AND KITCHEN, [RESPONSE] FOR EXAMPLES 1 PROPERTIES MUST BE OF SUFFICIENT SIZE, [DWELLING UNITS]**

[3.5.8.? 3.5102?](#)

**LDP STATES APPROPRIATE ROOM SIZES, SPG IT DOES NOT SAY [SOME] ROOM SIZES** **These are the minimum** room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the **minimum room sizes** that will be expected. **ROY PLEASE STATE MINIMUM ROOM SIZES**

2.5.11 It is evident that the majority of the County wide need will need to be delivered through mechanisms outside of the measures set out in the policy, such as through the Council's own 'More Homes' social housing programme. Given this, the delivery of both social rented and Intermediate tenures on residential sites will represent valuable contributions towards addressing the overall County wide level of need. Residential proposals will need to have regard to the housing need in the LHMA and the latest available evidence that applies to the local area such as social housing waiting lists, which should be considered within the context of the Council's key objective to maximise the delivery of affordable housing and ensure the creation of sustainable balanced communities in accordance with the Well-Being of Future Generations Act.

2.5.12 Providing housing within rural and semi-rural areas presents particular challenges, which the Plan must seek to address if it is to be successful in creating sustainable and balanced communities. Policy H 2 Affordable Housing Strategy provides a framework to respond to the evidence in the LHMA in regard to such areas, recognising that the level of affordable housing need in the Gower and Gower Fringe SHPZs is higher than the planned housing delivery for these areas. The LHMA identifies a need to provide 200 affordable homes within the Gower AONB SHPZ and 300 affordable homes within Gower Fringe SHPZ over the Plan period. The LHMA also identifies that demand for rural homes in Gower SHPZ is high and house prices reflect this. The Gower and Gower Fringe SHPZs are both relatively prosperous with high levels of owner occupation and have both seen significant price rises in recent times. The natural operation of the market allows households who can afford to move to these areas to do so. However, housing need is a constant issue in these higher value rural communities. High house prices result in out-migration as younger, less affluent households leave to meet their housing requirements elsewhere, giving rise to issues of long term sustainability.

**3.5.8** These are the minimum room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected.

**3.5.9** When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom.

**WHEN CONSIDERING APPROPRIATE ROOM SIZE , CRAMPED CONDITIONS, ACCOUNT WILL BE TAKEN OF CEILING HEIGHTS , FOR EXAMPLE WHERE THERE ARE SLOPPING CEILINGS, THE ROOM FLOOR SIZE / SPACE WILL BE HABITABLE AND ONLY Parts of the room with an appropriate ceiling height will be counted, CEILING HEIGHT APPROXIMATE TO ASFFORD GOOD STANDARD OF LIVING SHOULD DEMONSTRATE AS PART OF THE APPLICATION. EXAMPLE THE FOLLOWING PROCEDURE GUIDANCE ON WHAT WILL BE CONSIDERED HABITABLE SPACE, HABITABLE ROOM SPACE SHOULD HAVE A MINIMUM ROOM SIZE OF 2METRE**

### **3.5.10**



3.5.1 In planning terms, a lounge area for occupiers to congregate is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions. The lack of any communal lounge can lead to occupants being reliant entirely on a bedroom for relaxation and

leisure time, which is not conducive to the objective of promoting good health and wellbeing.

**NO ROOM SIZES!!!!**

**3.5.11** The size of the lounge provision must be appropriate for the number of occupants proposed within the HMO, and should be capable of accommodating sufficient areas for seating and socialising, and must not give rise to cramped living conditions. **NO MINIMUM SIZES LOUNGE TO SECURE SATISFACTORY LIVING CONDITIONS**

**3.5.12**

**3.5.12**

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**3.5.15** Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions. The range of functions that such spaces provide include children's play areas, gardening areas, a place for drying clothes, and areas for sitting out and relaxing in a private setting. **OUTDOOR PRIVATE AMENITY SPACE**

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3.5.21 LDP Policy H 9 requires that HMO proposals do not give rise to unacceptable adverse impacts as a result of noise or general disturbance. It states (LDP para 2.5.98) that consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this matter is primarily the preserve of Building Regulations, the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation to properties that are proposed for HMO use, such as soft closing **NOISE**

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### 3.5.31 Refuse Storage

LDP Policy H 9 requires HMOs to have dedicated areas for refuse storage. It states (para. 2.5.81) that all HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where

relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local street scene will not be permitted.

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3.5.37 Planning applications that cannot demonstrate suitable dedicated areas for refuse storage will not be permitted Vehicle Parking and Bicycle Storage

LDP policies T 2 and T 6 require the provision of appropriate vehicle and cycle parking. A requirement for development to create and enhance opportunities for Active Travel is set out under Policy PS 2: Placemaking and Place Management. The Council has adopted SPG relating to Parking Standards, which is also material to decisions on HMO planning applications. Having regard to the SPG, the LPA will adopt a two tier approach for parking requirements for HMOs:

1.For smaller HMOs (C4 Use Class):

- a. 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 (Unique Use Class):

If the proposal is for a conversion to an Unique Use HMO, the LPA will consider the planning application’s compliance against the ‘Houses in Multiple Occupation’ section in the Council’s adopted Parking Standards 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).

- 3.6.2 For new build large 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.

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3.5.39

JUMP 3.7

### 3.7 Exceptional Circumstances and Material Considerations

Policy H 9 highlights that there may be certain instances when specific material considerations and/or exceptional circumstances demonstrably outweigh the outcome of the concentration 'tests' in the planning balance. That is, whether or not a proposal is found to comply or not comply with the 50m radius threshold test will not on every occasion be the final determining factor as to whether planning permission for a HMO is approved or refused.

3.7.5 HMO properties can sometimes generate 'To Let' advertising boards, which collectively can detract from the appearance of the streetscene. The potential for a proposed HMO to give rise to a To Let board is not in itself a material consideration in determining the planning merits of the proposal. The control of the display of 'To Let' boards is, however, covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage

**WE WOULD LIKE TO ADOPT POLICY TO APPLY REGULATION AS CARDIFF –CONTROL LETTING BOARDS--**

JUMP 3.7.6

I have been contacted by constituents in St Thomas Ward. They say that the SPG takes away rather than adds to the LDP. Concerned regarding the use of clustering and sandwiching to increase the number of HMOs

These are the requirements we need in the SPG as protection for our communities.

- H 9: HOUSES IN MULTIPLE OCCUPATION

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- i. within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;
- ii. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;
- iii. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;
- iv. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and
- v. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

- 2.5.88 The policy defines specific thresholds, above which further concentrations of HMOs will normally be deemed a harmful concentration. The thresholds have been identified based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of national research undertaken by the Welsh Government.
- 2.5.90 The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. Outside the defined HMO Management Area, a threshold of 10% of all residential properties being HMOs will be used as the maximum limit. The proportions of HMOs in most of these areas are substantially less than 10% and as such the threshold will allow for an appropriate small level of growth in such accommodation. National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates

that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. This is an evidence based approach that provides a robust rationale for applying a 10% threshold for all areas outside the HMO Management Area.

- 2.5.91 In considering whether a proposal breaches the defined threshold level for that area, the Planning Authority will assess the concentration of HMO properties within a 50 metre radius of the property that is subject to the HMO planning application. The radius will be measured from the centre-point of the proposed property's street frontage. All residential properties falling into planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis, if the majority of its street facing entrance is contained within the radius. If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied, and vice-versa. In some areas, residential property plots may be large or development particularly sparse meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 properties. Should a 50m radius fail to capture the required number of properties, the Council will select the nearest properties from the same side of the street as the proposed HMO so that at least 10 properties are captured.
- 2.5.92 In order to understand the full extent of HMOs within the 50m radius, the LPA will draw upon all available records within the public domain to inform the calculation. In addition, the Council's public register of licensed HMOs will be used as the basis for the calculation for any proposals in the Uplands and Castle wards, since these areas are within a designated 'Additional Licensing Area' which requires all HMO properties to be officially licensed. In addition, when calculating the proportion of HMOs, the LPA will consider representations received as part of the consultation process on planning applications in order to establish the use of properties. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of HMOs to assess concentrations.
- 2.5.93 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO by increasing the number of occupiers. In this instance however the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, would not be assessed as numerically leading to further concentration of HMOs and the balance and mix of households in the local community. These types of planning application

will be assessed on their own individual merits on a case by case basis against the criteria in this policy and other policies in the Plan, including impact on the character of the area, residential amenity and parking.

- 2.5.94 The policy recognises that there are some street patterns and layouts that are characteristic of particular areas of Swansea, including areas of Sandfields and St Thomas, where applying the 50m radius test would not sufficiently protect against harmful concentration of HMOs. In particular this applies to 'small streets' where a relatively low number of HMOs concentrated within that street can have a disproportionate adverse impact. For the purpose of this policy, small streets are those that have between 11 and 34 properties inclusive. This includes small streets formed by the sub-division of larger streets from intersecting roads. In the case of these small streets, the LPA will consider whether a HMO proposal will lead to an over concentration having regard to the number of HMOs that would be created on that particular small street, as well as considering compliance with the 50m radius threshold test. A ratio of more than 1 in 8 within a small street will normally be considered a disproportionate over concentration of HMOs.
- 2.5.95 In the case of streets of 10 or fewer properties, within the HMO Management Area a maximum of 2 HMO properties will be permitted within the street. In the case of streets of 10 or fewer properties outside the HMO Management Area, a maximum of 1 HMO property will be permitted within the street.
- 2.5.96 Further details on the implementation of the threshold approach, and the exceptional circumstances that may apply, will be set out in a document that provides SPG on HMO developments. This will provide worked examples of compliance and non-compliance with the policy.
- 2.5.97 During the lifetime of the Plan it is recognised that there may be specific material considerations and/or exceptional circumstances that apply to a particular proposal, which could demonstrably outweigh the outcome of the 50m radius 'threshold test' as the overriding factor(s) in deciding whether a HMO proposal is appropriate. Given this, whether or not a proposal is found to comply or not with the 50m radius threshold test will not in every circumstance be the final determining factor as to whether planning permission for a HMO is approved or refused. In such exceptional circumstances, the applicant must submit supporting evidence and information to sufficiently demonstrate that the specific circumstances justify a departure from the threshold test. An exceptional circumstance may arise in the case of a HMO proposal within a street that has a very high existing HMO concentration, for a property that is shown through evidence to be significantly less attractive for a non-shared use. It is appropriate to apply a degree of flexibility in such circumstances, in order to respect the fact that

certain C3 residential properties can be inherently more suited to a HMO use. This is particularly so in the case of certain larger dwellings or properties that have multiple kitchens and bathrooms that will require significant works to be remodelled to provide a family house. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods. In such instances, HMO proposals must be accompanied by a comprehensive assessment that will need to adequately justify a departure from the threshold test, including:

- a) Evidence that the property has been unsuccessfully marketed for a C3 use at a reasonable asking price for a period of at least 6 months
  - b) Reasons why, and evidence to justify, the property is unviable for C3 use (e.g. financial viability of any renovations needed; lack of demand for traditional family accommodation in that area)
  - c) Any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.
  - d) Any other evidence considered relevant by the applicant to justify why a HMO use is more appropriate than a C3 residential use.
- 2.5.98 Due to the nature of higher density living in HMOs, in some instances this can lead to noise and general disturbance issues. In order to avoid unacceptable adverse impacts arising from such issues, consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this is primarily the preserve of Building Regulations it may be deemed necessary to attach planning conditions which require the installation of sound insulation to properties in certain circumstances, such as soft closing fire doors and/or soundproofing measures. The principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

#### **We want to change consider to must have**

- 2.5.99 In-line with the City & County of Swansea Parking Standards, lower levels of off-street car parking may be permitted for HMO proposals in the Swansea Central Area, particularly where there is good public transport accessibility and where the use of the private car is to be discouraged. Secure cycle parking should be provided on the basis of 1 stand per 2 bedrooms. 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. However the LPA will consider each case on its own merit. Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles



required. Where rear access arrangements allow, cycles **should** be stored to the rear of properties, rather than in front gardens. The Council's Parking Standards SPG contains further information on this standard.

**Cycle must be at the rear of the property. Front Garden is for flowers**

- 2.5.100 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local streetscene will not be permitted.
- 2.5.101 The policy resists proposals to create a new HMO use adjoining a C3 residential property where that property already adjoins a HMO property on its other side, in order to prevent 'sandwiching' of a C3 use between HMOs. This approach will only apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets. The approach aims to prevent the potential for negative amenity impacts upon residents as a result of C3 dwellings being isolated between two HMOs, including the potential for increased levels of disturbance associated with multiple households within a property, and the negative effects of transient households on both sides. The majority of HMOs in the Uplands area are, for example, occupied by students and as such it is often the case that such properties are vacated during summer months. This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.
- 2.5.102 Not all proposals that comply with the 50m radius threshold test will be considered suitable for change of use to a HMO, and applications will be considered against all policy criteria. For example the policy requires that properties must be of a sufficient size to permit the creation of individual dwelling units with satisfactory private amenity space and appropriate room sizes. Proposals that would give rise to cramped living conditions for future occupiers will be resisted. All bedrooms and shared living spaces within the property will be required to have windows that provide sufficient light and outlook. In order to provide clarity to developers on what the Authority considers to be appropriate standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy, regardless of whether the property is located within or outside the HMO Management Area. Proposals must not give rise to a Category 1 hazard under Part 1 of

the Housing Act 2004 using the Housing Health and Safety Rating System or conflict with the requirements of Part X of the Housing Act 1985. Further details of amenity standards, including minimum room sizes, will be set out in a document that provides SPG on HMO developments.

1. **We want all HMO's to be inspected and all room sizes to be measured for accurate sizes, not by landlords application.**

**These are the minimum sizes we require:-**

**Single bedroom – 7.5m<sup>2</sup>**

**Double bedroom – 11.5m<sup>2</sup>**

**Kitchen used by 1 – 5 residents – 8.5m<sup>2</sup>**

**Kitchen used by 6 – 10 residents –12m<sup>2</sup>**

2. **There will be no use of the equivalence of C3 use with C4 use by simply counting numbers of Adult residents and allowing HMO's on the basis of similarity of use but solely on the 50 metre radius threshold on density**
3. **We want all advertising boards for HMO's to have **REG 7 Letting Board Controls (Cardiff)****
4. **Every application for HMO's which there are exceptional circumstances etc to be put in their application and explained Why. Prior to the Planning Committee making a decision.**
5. **All applications to be shown to have clear C3 to C4 conversion – Validation Checklist**
6. **Call in procedures to be made automatic for certain types of C3 – C4 conversions – Where Exceptional Conditions are pleaded.**
7. **Transparent and WORKED examples Check on 50m radius check and Density Calculation within Circle methodology**
8. **Site Visits on all Applications relating to C4 HMOs , to establish room sizes, Communal Areas, Fire Safety Control, All Health & Safety requirements are stated within Delegated Panels Report**

**9. Site Visits to establish Car Parking T6 requirements of the Applications relating to C4 HMO Application, with a cross check of permits and residential Parking certificates that have been approved to C3 & C4 properties.**

**10. Anti Cluster provision**

**11. Councillors to have a list of properties involved in 50 metre calculation for a fair time scaled objection and Strategic Planning Response uploaded to application file for objections to be met within the 21 days timescale.**

**12. A toilet and a bathroom must have 2 doors between the toilet / bathroom and kitchen as they have always been a requirement under planning in the East Side (Swansea) for years and obviously unhygienic and could be detrimental to health.**

**13. LPA states that more clarity should be made ..... all documentation made available including Fire, Health & Safety including all Constraint Comments and Building Control documentation available for scrutiny on ALL planning application relating to C4 HMO**

Thank you for the opportunity to respond to the above consultation.

The Residential Landlords Association (RLA) represents the interests of landlords in the private rented sector (PRS) across England and Wales. With over 30,000 subscribing members and an additional 20,000 registered guests who engage regularly with the Association, the RLA is the leading voice of private landlords. Combined, the RLA members manage over a quarter of a million properties.

The RLA provides support and advice to members and seeks to raise standards in the PRS through its code of conduct, training and accreditation. Many of the RLA's resources are available free to non-member landlords and tenants.

The Association campaigns to improve the PRS for both landlords and tenants, engaging with policymakers at all levels of Government to support its mission of making renting better.

**Context**

We note that your consultation on the Supplementary Planning Guidance (SPG) for Houses of Multiple Occupation (HMOs) has been amalgamated with the SPG for Purpose Built Student Accommodation (PBSA.) We assume this is no coincidence and due to a relatively high proportion of students attending both the University of Wales, Swansea and Swansea Metropolitan University being accommodated within the HMO Management Area.

However, we would like to draw attention to the fact that HMOs not only provide housing for students, but for families, older people, contract workers, the low waged as well as some of the most vulnerable people in society. Given the pockets of severe deprivation within the City and County of Swansea, we understand that HMOs do provide housing options for vulnerable people within the area. Without these options, we are concerned that many more vulnerable people will increasingly become at increased risk of homelessness.

Turning to your proposals on PBSA, which we will discuss in greater detail further in the consultation, the policy trajectory appears to be to discourage students from living in HMOs within the HMO Management Area and to seek accommodation within PBSAs. However, across Wales including other areas with large concentrations of student populations, the student take up of PBSA has been at best, mixed with many places being left surplus and being opened up to residential use to cover costs.

The HMO Management Area has enjoyed the economic benefit that housing students brings for many years. Like many Welsh communities, the area is experiencing difficult economic challenges, especially following the relocation of Swansea City Football Club and the Ospreys to the Liberty Stadium to the North of the City resulting in several pubs, cafes and shops closing.

We have reservations that migrating students away from the area will add further economic challenges to small businesses.

In our experience, PBSA offer high quality accommodation to students and that clearly students' expectations of their accommodation have vastly increased. We welcome this change in expectations as it has ensured that landlords letting to students have improved their accommodation with additionality such as high broadband speeds being almost an essential criterion. However, while PBSA undoubtedly offers a high quality of accommodation – it often comes at a high cost and one that is often out of reach for many domiciled students. Demand for PBSA has often been taken up by students from overseas and given the already high cost of tuition fees for overseas students, these students usually come from the most affluent families. With the UK withdrawal from the European Union and the fall in the Chinese economy, it is increasingly difficult to see which students will be able to take up PBSA without a radical change in pricing policies.

#### **Comments on the radius concentration test, small streets test and non-sandwiching test.**

While we have some reservations over the necessity of the policy, we do believe the definitions for all three tests are clear.

If indeed one of the primary reasons for the policy is to tackle waste management, noise pollution and anti-social behaviour, phenomena that is often and sometimes unfairly associated with HMOs, we would welcome clarity on what further resources the council will use to tackle these problems?

As a further general question, we would welcome clarity on what data the local authority are using to determine how many HMOs are in the area?

With regards to room sizes, while on the one hand we appreciate that accommodation should not be over-crowded and should be comfortable for tenants, often outlining minimum bedroom size can often be overly prescriptive and unhelpful especially as the priority should be maximising the use of buildings and ensuring high quality accommodation.

It is particularly important to be flexible when considering the existing layout of the building. It would be more sensible if the minimum bedroom size was a guidance with exception being given to those designs that are being considerate the building foot print and have provided extra effort in innovative storage space in design to counter the smaller foot print. There is a danger that by limiting the size of bedrooms, there could be a negative impact on housing options especially for the low waged. We believe that there are many examples of good accommodation that may fall below the proposed levels. In addition, there is also a possibility that the size stipulations could restrict development potential in some instances, due to the floor plan and financial viability of conversions. In these circumstances, we believe smaller sizes should be considered. We agree that dwellings should include a lounge area. However, again there should not be a prescriptive minimum size as this would surely only further reduce the opportunities for communal space. Generally, we recognise the benefit of providing satisfactory outdoor private amenity space, especially for drying clothing and recreational use. However, this is not always possible for individual rooms within HMOs. Essentially, we believe that all accommodation within the PRS including HMOs should be of a high standard and we support the authority's comments in relation to HMOs ensuring individual privacy, preventing noise pollution and not being to a detriment to the local area. We also agree that accommodation should provide adequate means for recycling and waste management and that this should cater for the number of persons living in the overall dwelling.

### **Vehicles and cycling parking**

With regards to the storage of bicycles, we believe it is not always possible to provide specific cycle storage outside of corridors or informal arrangements and that it is especially prohibitive with larger converted units. The provision of cycling stands would be a significant barrier to many landlords and may not even be logistically possible in many circumstances. We believe that it is fair to consider parking issues and highways safety in the application of HMOs as these are clearly material factors and we also acknowledge the justification in parking restrictions for both C4 and sui generis classifications.

### **PBSA**

#### **Definition of PBSA**

We believe the definition of what a PBSA is clear for the purposes of LDP Policy H 11. While we understand the definition states that the purpose is to house students for both further and higher education, we would appreciate clarification on use for residential purposes especially as some sites in other areas have been opened to part residential use.

In terms of the availability and suitability in the Central Area, we would welcome an assessment on the impact to both residential and commercial properties as the land use is important for commercial purposes.

We would also like clarity on minimum room sizes for PBSA. Surely if HMOs are subject to these restrictions, PBSA should also? Afterall, students require space to relax and study just as much as ordinary tenants.

#### **Design and amenity in respect of PBSA**

We welcome the local authority's appreciation that PBSA should be sensitive to local characteristics. Regrettably, there have been many cases where PBSA have failed to achieve this by marketing the design of accommodation supposedly to users tastes. Accordingly, we welcome the requirement for a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment, depending on the location of the site and surrounding characteristics. Given the nature of PBSA, we also welcome assessments in to the impact high rise buildings will have on the local area.

#### **Refuse/recycling storage**

Given that PBSA are in their very nature, purpose built, we welcome the requirement for PBSA to have adequate storage, recycling and other sustainable management of waste.

#### **Car and bicycle parking**

We believe that there should be more stringent policies on the allocation of car parking spaces for PBSA. It is inevitable that students living in PBSA will have travelled from other parts of Wales, the UK and overseas. Consequently, many students will require a car parking space with additional spaces required for visitors. We believe that the current policy of 1 space per 25 beds is insufficient and could result in parking pressures in adjacent residential areas.

We do welcome the current provision for bicycle provision as incorporated into a wider active travel plan and to reduce the dependence of motor vehicles.

#### **Management plan**

We welcome the consideration of a management plan to monitor the potential impact on surrounding communities. However, we would appreciate greater clarity into what resources will the authority use to mitigate against potential adverse impacts such as poor waste management and anti-social behaviour?

#### **Additional Comments**

When consulting our landlord members, some of whom are also small property developers, there were concerns over what was perceived to be an unlevel playing field in terms of planning constraints for PBSA and those subject to smaller developers.

Given the 'sui generis' planning classification of PBSA, unlike smaller residential developments, they are not subject to affordable housing contributions and it appears there is less emphasis on other contributions such as S106 agreements. Furthermore, PBSA are almost exclusively built by large building firms and international corporations who could almost certainly afford to provide a greater financial contribution to the wider community.

We would like to take this final opportunity to thank the City and County of Swansea for the opportunity to highlight our concerns in this area. We look forward to reading the collated response and final recommendations.