

Houses in Multiple Occupation & Purpose Built Student Accommodation

Supplementary Planning Guidance

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LICHFIELDS

This document has been produced by Lichfields in partnership with the City and County of Swansea Council

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1.0 Introduction

Overview

- 1.1 Building sustainable communities is one of five identified priorities in the City & County of Swansea's (CCS) Corporate Plan (2016/17), which states:
- "We need to work together to build and support sustainable and thriving communities because this will result in the best possible outcomes for people, reduce the need for public services, and consequently reduce the cost of services. Sustainable communities are ones people want to live, work and bring up their families within. These are communities in which the vulnerable find support, people run businesses, and families work well and stay together."*
(Swansea Corporate Plan 2016/17 p25)
- 1.2 Within Swansea there are diverse communities and neighbourhoods that each occupy a different function in the housing market. Maintaining a mix of housing types, tenures and choice is important in helping to achieve sustainable communities. Within this mix, it is vital to ensure an appropriate quantum and quality of accommodation is provided for students to allow for the sustainable growth of Swansea's expanding universities. These are important economic drivers for the City and their continued success will play a key role in delivering increased prosperity to Swansea and the wider region.
- 1.3 This Supplementary Planning Guidance (SPG) sets out the Local Planning Authority's (LPA) approach to planning sustainably for Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). It defines the planning policy framework that the LPA will use to determine planning applications for these types of development and provides detailed guidance on the way adopted Development Plan policies will be applied.
- 1.4 In some areas of Swansea, the concentration of HMOs has led to negative impacts that are threatening the sustainability of these communities. Additionally, PBSA developments are increasingly coming forward as a means of helping to meet the housing needs of students and potentially may reduce the pressure for additional HMOs.
- 1.5 This SPG aims to provide a clear framework for making effective and consistent decisions to manage the location and concentration of HMOs in the public interest. The SPG is set against a context that recognises the important role HMOs play in providing an affordable housing choice for students and non-students, whilst recognising that negative impacts can arise without appropriate control. The SPG also provides guidance on how the LPA will consider proposals for PBSA, including providing clarity on the most appropriate locations for such development.
- 1.6 The effectiveness and appropriateness of this SPG will be regularly monitored by the LPA. The first review and update of the SPG will follow adoption of the Swansea Local Development Plan (LDP) to ensure it is compatible with the new development plan policy framework. This review will also provide an opportunity

to consider any additional evidence arising over time, such as new national guidance and future outcomes of planning decisions on HMO proposals that reference the SPG in determination (including planning appeals). This will be particularly important where such outcomes demonstrate that a particular change to the guidance is necessary for the LPA to continue to use the SPG to provide effective, evidenced based and sustainable decision making.

2.0 Terms of Reference

- 2.1 This chapter sets out some key definitions which are relevant to the remainder of this SPG.

House in Multiple Occupation (HMO)

- 2.2 The planning system defines HMOs into two different use classes dependant on their size:
- 1 **Small HMOs:** in broad terms this relates to shared dwelling houses which accommodate between 3-6 unrelated persons who share basic amenities. This type of property is defined as Use Class C4.
 - 2 **Large HMOs:** relates to shared dwelling houses with more than 6 unrelated persons sharing basic amenities. Such development is defined as a 'Sui Generis' use class.
- 2.3 The Use Classes Amendment Order 2016, which created the C4 use class in Wales, came into force on 25th February 2016. Since then, changes of use to both Use Class C4 and Sui Generis require planning permission.
- 2.4 The legal definitions of a HMO used by the Local Planning Authority (LPA) are based on the Use Classes Order. This differs slightly to those which have to be used by the Council's Housing and Public Protection Service for HMO property licensing purposes.
- 2.5 Under the Housing Act (2004), all HMOs of three or more storeys occupied by five or more people not forming a single household are subject to 'Mandatory Licensing'. 'Additional Licensing' for HMOs is applicable in Castle and Uplands Wards where all properties in which three or more people forming two or more households sharing basic amenities have to be licensed (HMOs with more than ten occupiers managed by an educational establishment are exempt from licensing).
- 2.6 For more information on HMO licensing please visit www.swansea.gov.uk/hmolicensing or contact the Council's Housing and Public Health Team for more information – e-mail evh@swansea.gov.uk or telephone (01792) 635600.

Purpose Built Student Accommodation (PBSA)

- 2.7 For the purposes of this SPG, PBSA is defined as predominantly larger-scale residential accommodation specifically for occupation by students. This may include new build development or the conversion of existing premises (e.g. large office blocks). It includes accommodation developed by Universities and also by the private sector.

Material Planning Considerations

- 2.1 Material considerations refer to matters to be taken into account when making a decision on an application for planning permission, including the determination

of an appeal. Such considerations must be relevant planning matters, having regard to national guidance¹, and may for example include issues relating to:

- Highway safety
- Loss of privacy
- Loss of light or overshadowing
- Parking
- Noise
- Effect on listed building and conservation areas
- Visual appearance, design and layout
- Government policy
- Previous planning decisions (including appeal decisions)
- A community's need for affordable housing is also a material planning consideration.

2.2 Common matters that are not relevant to the planning decision making process (i.e. non-material planning considerations) include, for example, matters controlled under building regulations and loss of property value. The identity of future occupiers of a HMO property is also not a material planning consideration.

2.3 Material considerations are varied and the relevance of the issue will depend on the individual circumstances of each application.

Permitted Development Rights

2.4 These are certain minor forms of development, defined in regulations, which do not need formal planning permission.

¹Planning Policy Wales, Welsh Government <http://gov.wales/topics/planning/policy/ppw/?lang=en>

3.0 Planning Strategy and Policy Context

National Planning Policy

Planning Policy Wales (PPW)

- 3.1 PPW sets out the land use planning policies for Wales. It identifies that a key role of the planning system is to manage the development and use of land in the public interest.
- 3.2 PPW makes it clear that it is not the role of the planning system to protect the private interests of one person against the activities of another. It further notes that development should be considered with regards to its effect on the amenity and existing use of land and buildings based on general principles reflecting the wider public interest, rather than the concerns of the individual.
- 3.3 It defines the goal of sustainable development as:
“to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”
- 3.4 PPW outlines that the Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development. In carrying out this duty, actions which public bodies must take include:
- 1 setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals; and
 - 2 taking all reasonable steps (in exercising its functions) to meet those objectives.
- 3.5 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. A key one which informs the context for this SPG is *“a Wales of cohesive communities”*. This aims to deliver attractive, viable, safe and well-connected communities.
- 3.6 PPW recognises that a home is a vital part of people’s lives, noting that it ‘affects their health and well-being, quality of life and the opportunities open to them’. The Welsh Government’s approach is to therefore:
- 1 Provide more housing of the right type and offer more choice;
 - 2 Improve homes and communities, including the energy efficiency of new and existing homes; and
 - 3 Improve housing-related services and support particularly for vulnerable people and people from minority groups.
- 3.7 PPW advises that LPAs will need to have a clear understanding of the factors influencing housing requirements in their area.
- 3.8 It advises that the cumulative effects of development or redevelopment, including conversion and adaptations, should not be allowed to damage an

area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

Local Planning Policy

Adopted Development Plan

3.9 The **Swansea Unitary Development Plan (UDP)** was adopted in November 2008. It provides the statutory basis for determining planning applications.

3.10 The UDP contains two key policies against which proposals for HMOs and PBSA will be considered as outlined below:

Policy HC5: Houses in Multiple Occupation

“Proposals for conversion of dwellings or non-residential properties to HMOs will be permitted subject to satisfaction of the following criteria:

- i *There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance*
- ii *The development would not contribute to harmful concentration or intensification of HMOs in a particular area*
- iii *There would be no adverse effect upon the external appearance of the property and the character of the locality*
- iv *There would be no significant adverse effect on local car parking and highway safety, and*
- v *Appropriate refuse storage arrangements can be provided”*

Policy HC11: Higher Education Campus Development

“Higher education campus development will be permitted provided that:

- i *The layout, design, scale, density and use of materials is satisfactory, and reflects designing out crime principles,*
- ii *The intrinsic qualities of the site are recognised and respected,*
- iii *The relationship with adjacent buildings and spaces are satisfactory,*
- iv *There is an acceptable means of access (including by public transport, walking and cycling), and an appropriate level of parking,*
- v *Landscaping to an appropriate standard is incorporated as an integral element of the development,*
- vi *There would be no significant adverse effect on residential and landscape amenity, natural heritage and historic environment, and*
- vii *Transport Assessment and Travel Plans submitted with the application are satisfactory*

The use of appropriate City Centre sites for student accommodation will be favoured. Expansion of student accommodation at Hendrefoilan Student Village together with enhanced social and support facilities will be permitted through:

- a) Redevelopment and intensification of the existing accommodation, and*
- b) Limited additional development on the 'Quadrant Site'.*

Emerging Development Plan

- 3.11 The Council is in the process of preparing the **Swansea Local Development Plan (LDP)**, which on adoption will replace the UDP as the new development plan for CCS. The Deposit LDP includes policies on HMOs (Policy H9) and Student Residential Accommodation (Policy H11). Copies of the draft policies are included in Appendix 1.

Other Planning Guidance

- 3.12 The following adopted SPGs are also relevant to HMO development and PBSA:
- 1 Places to Live – Residential Design Guide (adopted January 2014)
 - 2 Planning for Community Safety (adopted December 2012)
 - 3 Planning Obligations (adopted March 2010)
 - 4 Design Guide for Householder Development (adopted June 2008)
 - 5 Swansea Central Area Regeneration Framework (February 2016)
 - 6 Tall Buildings Strategy (adopted November 2016)
 - 7 Car Parking Standards (adopted March 2012)

Conclusion

- 3.13 Taking into account the above national and local planning policy, this SPG sets out an integrated planning strategy for determining planning applications for HMOs (to accommodate students and other occupiers) and PBSA, given the obvious and direct relationship between demand arising for both, the likely increase in such demand and having regard to the expansion plans of Swansea's Universities and factors affecting wider housing requirements.
- 3.14 The strategy seeks to promote PBSA in appropriate sustainable central locations, recognising the positive contribution this type of development can make in terms of widening the accommodation choice for students enabling them to live in accommodation with the space and facilities suited to their needs with good access to services, facilities and public transport. The LPA favours PBSA within City Centre locations and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area, while also giving appropriate consideration to the potential impact on amenity of, or potential for conflicts with, surrounding uses.
- 3.15 In tandem with this, the LPA recognises the important role HMOs play in providing affordable, flexible tenancies and housing choice for students and non-students. The LPA's planning strategy aims to avoid harmful further intensification or concentration of HMOs but allow for the provision of HMOs to be made in a sustainable manner to meet future demand in appropriate locations. To supplement the Development Plan policy, the LPA seeks to set out an evidence based definition of harmful HMO concentration or

intensification and further guidance on how it will be calculated. More guidance is provided on up to date parking standards for HMOs following the introduction of the C4 use class.

4.0 Evidence Base Review

4.1 This SPG is founded on a comprehensive and up to date evidence base. An update has been completed of research undertaken by the Council in 2013 on the number, type, distribution and impacts of HMOs in Swansea. A review of relevant national research, other LPA's planning policy approaches, and appeal decisions has also been undertaken. A significant amount of engagement has been completed with Swansea University and the University of Wales Trinity St David (UoWTSD), local private landlords, Registered Social Landlords (RSLs), The Wallich, Swansea Student Liaison Forum, Council Officers across Departments and Local Councillors, and the public (please see Appendix 2 for more details on this engagement). The main findings of this research are summarised below.

Analysis of the Role and Demand for HMOs

Number and Distribution of HMOs

- 4.2 As of October 2016 there were 1,615 licensed HMOs in Swansea. Based on Council Tax data, approximately 65% of these properties are exempt from Council Tax because they are fully occupied by students. According to research undertaken by the Welsh Government in April 2015², Swansea has the second highest number of licensed HMOs in Wales after Cardiff.
- 4.3 The vast majority (98%) of existing licensed HMOs are located in either Uplands Ward (67%) or Castle Ward (31%). The proliferation of HMOs in these two Wards has contributed to them being defined as an 'Additional Licensing' area where all HMOs require licensing. There are therefore comprehensive up to date records regarding the number and location of HMOs within these Wards.
- 4.4 Outside of Castle and Uplands Wards only larger properties captured by Mandatory Licensing are recorded. As a result there are properties that now fall under the new planning Use Class C4 definition of a HMO but, as they are not subject to licensing and did not require planning permission before the use class order change in February 2016, their location is not recorded on Council licensing or planning databases.
- 4.5 The Council recognises the importance of the production and maintenance of a comprehensive database mapping Use Class C4 HMOs outside of Castle and Uplands Wards to support the application of this SPG.
- 4.6 Appendix 3 illustrates the distribution of licensed HMO properties as of October 2016.
- 4.7 Appendix 4 includes a map of the concentrations of licensed HMOs as a percentage of the total residential properties by Lower Super Output Area (LSOA³).

² Houses in Multiple Occupation: Review and Evidence Gathering (April 2015).

³ Lower Super Output Area is a geographical area, typically containing 1,500 residents and 650 households.

- 4.8 Appendix 5 includes a map showing the LSOAs with 10% or more licensed HMOs of total residential properties.
- 4.9 Current concentrations within LSOAs range from around 35% in parts of Uplands and Castle Wards to less than 10% in St Thomas and Sketty. It is acknowledged that there are localised areas and individual streets within these Wards which show significantly higher concentrations.

HMO Planning Applications in Swansea

- 4.10 Following the amendment to the Use Classes Order, the Council has experienced a 'spike' in the number of planning applications for a change of use to a HMO. This is because the Use Class Order change has widened the scope of development proposals that require planning permission. The vast majority of these applications have been for changes of use from a residential (C3) use to a HMO (C4 use or sui generis use). A smaller number were change of use applications seeking permission to change to other uses e.g. day nursery, offices and guest house to a HMO use. Other applications have included a certificate of existing lawful use and change of use from a HMO to self-contained flats. However, these applications represent a small number in terms of the total number of licensed HMOs already in existence in Swansea (1,615) and there is no evidence to suggest there has been a significant increase in the number of HMOs in Swansea over recent years.

The Private Rented Sector

- 4.11 The Council's Local Housing Market Assessment (LHMA, Update 2015) identified that approximately 17,100 households in Swansea (16%) rent privately (based on Census 2011 data).
- 4.12 The increased importance of the private rented sector is likely to continue due to a combination of declining housing affordability and continued increases in the rates of household formation that are not being met by the owner occupier sector.
- 4.13 In particular the LHMA identifies a need for 2,700 one bedroom homes between 2010-2025 across a range of tenures including the private rented sector.
- 4.14 HMOs are a key component of the private rented sector providing low cost rented accommodation on a flexible basis. In particular, HMOs provide an important accommodation, not only to students, but also to other adults looking to share accommodation through choice as well as others unable to afford independent living or to buy a home.

Welfare Reforms

- 4.15 Another key factor which is likely to increase demand for HMOs in Swansea is Welfare Reform. Changes include cuts to Housing Benefit which will reduce payments to social tenants if their rent is currently higher than the amount of Housing Benefit they would receive in the private rented sector. For single people under 35 this means that their housing benefit will be capped at the level

deemed necessary to rent a room in a shared house, which may be significantly lower than rents for one bedroom social rented flats.

- 4.16 In addition, other changes such as the 'bedroom tax', mean that tenants who claim housing benefit get less if they have 'spare' bedrooms. This also plays a key factor in increasing the demand for HMOs if tenants are unable to afford to pay the difference between the housing benefit and the rent.

Conclusion

- 4.17 Whilst it is difficult to identify an exact level of future HMO demand, indicators suggest that it will increase and that provision of new HMOs will play a role in meeting:
- 1 the needs of the City's important growing Higher Education establishments;
 - 2 those who require the more flexible form of tenure provided by the private rented sector;
 - 3 those unable to access home ownership and requiring smaller shared accommodation in the interim;
 - 4 the demands created by welfare reforms.

Analysis of HMO Impacts

HMO Impact Analysis in Swansea

- 4.18 HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people. They also make an important contribution to the local economy and can help to support and enliven centres. This can positively contribute to the viability and vitality of centres (e.g. Uplands).
- 4.19 Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services.
- 4.20 The Council is committed to addressing these concerns which conflict with the Corporate Plan objectives in the interests of delivering sustainable and thriving communities.
- 4.21 Findings on the localised impacts of harmful concentrations of HMOs within Swansea⁴ reflect national research at both the Wales and UK level. This wider research also demonstrates that high concentrations of HMOs without proper regulation can lead to negative community impacts⁵.
- 4.22 Some of the key findings taken from the Council's research together with further analysis undertaken by Lichfields are set out below. This analysis concentrates

⁴ 2013 Report by the Council entitled Number, Type, Location and Community Impacts of HMOs in Swansea.

⁵ 2008 Ecotec Report for the UK Government "Evidence Gathering – Housing in Multiple Occupation and possible planning responses" and 2015 Report for Welsh Government "Houses in Multiple Occupation: Review and Evidence Gathering".

primarily upon Uplands and Castle Wards but reference is also made to the St Thomas Ward as a result of the likely changing geography of HMO demand and supply associated with the near-by University Bay Campus and SA1 developments.

Key Findings

- 1 The Uplands is the most densely populated Ward in the local authority area, Castle is ranked third.
- 2 The Uplands, Castle and St Thomas Wards have all experienced an increase in the number of people living in private rented tenure and a decrease in the number of people living in owner occupied accommodation over the last two decades.
- 3 There is surplus capacity within local schools in each of these three Wards.
- 4 Uplands and Castle Wards, both contain areas ranked in the top 10 most deprived in Swansea based on the Welsh Index of Multiple Deprivation (WIMD)⁶.
- 5 Looking at the Housing Indices within the WIMD, Mount Pleasant within Castle Ward is the most deprived housing area in Swansea whilst Brynmill within Uplands Ward is the second most deprived housing area.
- 6 Castle Ward also ranks poorly in terms of income, employment, health, education and community safety indices.
- 7 Levels of crime and anti-social behaviour within the beat areas⁷ of Mount Pleasant and Brynmill are higher than the benchmark beat average⁸, whilst levels recorded within the beat areas of Sandfields, Uplands and St Thomas were below the benchmark beat average.
- 8 The number of waste and noise complaints within Castle and Uplands is higher than the County Ward average across other Wards in Swansea. With regards to St Thomas, whilst the number of waste complaints is higher than the Ward average, the number of noise complaints is lower.
- 9 The average number of parking notices issued within Brynmill, Mount Pleasant and Uplands was higher than the County Ward average, whilst St Thomas is below the County average.

Conclusion

- 4.23 The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

⁶ Local levels of deprivation are measured by the Welsh Index of Multiple Deprivation (WIMD). This uses a range of data to rank areas in eight categories, ranging from income to health, which are then combined to create a multiple deprivation score for each area. These categories are referred to as 'domains'.

⁷ A beat area is a geographical area and time that a police officer patrols.

⁸ The benchmark beat average has been calculated from a list of similar beats provided by South Wales Police.

4.24 Analysis undertaken for this SPG shows a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts can be summarised as:

- 1 Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
- 2 Isolation for the remaining family households in areas with very high concentrations of HMOs;
- 3 Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
- 4 Issues of anti-social behaviour, noise, burglary and other crime;
- 5 Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
- 6 Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs⁹.

4.25 These findings continue to justify the need for a clear and fit for purpose planning policy framework on HMOs to ensure that this necessary and important form of accommodation is sustainably managed. In particular it supports the requirement to seek to avoid development that would lead to harmful concentrations or intensification in a particular area.

Other Planning Policy Approaches

4.26 A review of the HMO and PBSA strategies and policy frameworks of seven other local planning authorities in Wales and England, was undertaken to identify common practices and approaches.

4.27 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA. However, there are two broad approaches identified, namely:

- 1 Threshold
- 2 Criteria

a) Threshold Approach

4.28 Those that adopted a threshold approach defined a geographic area (a radius or an output area). This area was then used as a basis for considering whether an identified concentration threshold was breached.

4.29 Defined radius sizes varied between 50m and 100m and mostly took account of licensed HMOs in these areas. In some instances, account was also taken of unlicensed HMOs.

4.30 Belfast looked at the number of dwelling houses within the street as a basis for considering whether an identified concentration threshold was breached.

⁹ Swansea To Let Signs – A Voluntary Code for Advertisers (2013).

- 4.31 The Nottingham case study took account of student only HMOs, PBSA and Halls of Residences within a defined 'output area' comprising approximately 125 households.
- 4.32 Thresholds identified in the case studies varied between 10% - 30%. These took into account the existing HMO concentration levels by area, and the Authority's spatial strategy for sustainably accommodating further HMO provision.

b) Criteria Approach

- 4.33 Newcastle was an example where a specific percentage threshold was not defined and instead the Authority used a criteria policy to assess the acceptability of a proposed new HMO. Slightly stricter controls were applied within Article 4 areas compared with other areas. The identified criteria policy related to topic areas such as amenity, character, appearance and refuse.

Car Parking Standards

- 4.34 A wide range of approaches to car parking standards was identified with no real correlation in approach. Some case studies identified specific standards for HMOs and/or PBSA whilst others did not. This mix in approaches, to some degree, reflected the varied age of the various guidance documents (i.e. some pre-dated changes to the use classes order).
- 4.35 The full review is included within Appendix 8.

Review of Appeal Decisions

- 4.36 To identify key issues highlighted by independent Planning Inspectors, a review of six English and Welsh planning appeal decisions from a range of local authorities who have adopted varying approaches to managing HMOs and/or PBSA concentrations (as noted above) has been undertaken.
- 4.37 The review draws together some key issues identified in this sample of HMO appeals. It is apparent that no absolute conclusion can be reached which confirms either the 'criteria' or 'threshold' approach is more robust at appeal. This review demonstrates there are advantages and disadvantages to both approaches.
- 4.38 A threshold approach by its inherent nature provides a very clear benchmark to work from in determining what is an acceptable HMO concentration. In this small sample, where authorities have formally adopted a 'threshold' approach Inspectors have not sought to revisit whether this threshold is appropriate or whether the area it is measured on is suitable. Rather the key matters at appeal focused upon whether there is any evidence to demonstrate that the proposal would not have adverse impacts on issues such as external appearance, amenity, parking etc.
- 4.39 Specifically Nottingham's (threshold) policy approach did allow for some form of flexibility in applying its threshold. It stated that planning applications which breach the identified threshold would be refused unless the applicant can

clearly demonstrate community balance will not be adversely affected. In both appeals reviewed in this location the appellant failed to demonstrate this point. However allowing for some degree of flexibility could in theory enable scope for a more bespoke assessment of impact upon community balance.

- 4.40 The appeals in Newcastle were useful to understand the merits of a criteria approach. In these cases, not setting a threshold has allowed for consideration of impacts on a site by site basis. However the (opposing) appeal decisions demonstrate there can be difficulties in how the impacts of HMO concentrations on the character of area are considered. This approach lacks the clarity of the threshold approach but ultimately allows each case to be considered on its own merit.
- 4.41 This appeal review indicates that the principle of a threshold approach is appropriately robust. A fuller review of the key issues considered and the key learning outputs in each appeal case is included within Appendix 7.

Issues highlighted by National Research

- 4.42 In April 2015, the Welsh Government (WG) published a report which examined the extent of concentration of HMOs in Wales. The Report was entitled “Houses in Multiple Occupation: Review & Evidence Gathering (April 2015)¹⁰. The report considers the issues associated with concentrations of HMOs, as well as existing legislation and best practice in both Welsh and non-Welsh authorities. The report made recommendations in respect of both local authority practice and potential changes to the regulatory framework (it was published prior to the changes made to the Use Classes Order).
- 4.43 The report recognises that high concentrations of HMOs have caused changes to local communities which have led to major concerns in those communities. Impacts are noted in relation to displacement of established communities, exclusion of first time buyers, anti-social behaviour, degrading of the general environment and street scenes and parking problems. The Report also cross-references to other research in England¹¹ which includes evidence that large concentrations of HMOs have a significant impact on the community. Specifically in Swansea, the Report recognises that the number of licensed HMOs is the second highest in Wales (after Cardiff). Using census data, High concentrations of HMOs were identified specifically in Uplands and Castle Wards with anticipated growth of HMOs in the St Thomas area.
- 4.44 The report notes that there is significant evidence, both from its research and other studies, of concerns from local communities increasing once HMO concentrations rise above 10%. It makes a recommendation that a 10% threshold is used as a proxy for designating Additional Licensing areas. The report notes that this level (10%) has been used in some planning policies as a benchmark for significant impact on communities.

¹⁰ Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings. Welsh Government 2015.

¹¹ Evidence Gathering – Houses in Multiple Occupation and Possible Planning Responses, CLG 2008 ECOTEC

Analysis of Role and Demand for PBSA

Growth of PBSA sector

- 4.45 The PBSA sector has grown strongly in recent years. This growth has seen the PBSA sector out perform many other more traditional property sectors and this trend is reflected in the increased number of investors entering this market to secure long-term income streams.
- 4.46 In the 1990s – 2000s student accommodation was largely met by private, typically buy-to-let landlords as well as halls of residences managed by Universities. However this national pattern is changing with the PBSA sector growing to help meet accommodation demand. Latest research¹² suggests that the sector now houses a third of all full-time students in over 550,000 purpose built bedspaces in the UK.
- 4.47 This relatively recent national trend is also now being experienced in Swansea. For example the LPA has approved circa. 3,200 bed spaces¹³ for PBSA in the last three years on sites located within and around the edge of the City Centre. Swansea is identified as a development opportunity in recent national research¹⁴. This research, however, does identify a particular challenge in Swansea in that the low local rents might make it more difficult to develop PBSA products that deliver a positive land value.

Role & Importance of the Universities in Swansea

- 4.48 Swansea University and UoWTSD make an important positive contribution to Swansea and its region. They help make Swansea vibrant, contribute to the social fabric of the area and also make a significant contribution to the local economy. Research in 2015 suggested that 6,482 Full Time Equivalent jobs are generated in Swansea from University activity – the second largest number in Wales after Cardiff. This represents 5.6% of the employment in Swansea. This same research suggests that the economic impact of the Higher Education sector in Swansea amounted to £629.5 million (Gross Value Added) in 2014/15¹⁵.
- 4.49 This importance is further re-emphasised in the Swansea Bay City Region Economic Regeneration Strategy (2013-2030) which seeks to maximise the long-term development of Higher Education, such as the new science and innovation campus at Swansea University, in order to support the transition of the City Region to an important knowledge-based and innovation-driven economy.
- 4.50 The Universities are therefore very important components of the local economy and their plans for expansion will reinforce this position delivering significant benefits to the local economy.

¹² Savills Research Spotlight on UK Student Housing 2016

¹³ As of 7th October 2016.

¹⁴ Savills Research Spotlight on UK Student Housing 2016

¹⁵ The Economic Impact of Higher Education in Wales (October 2015)

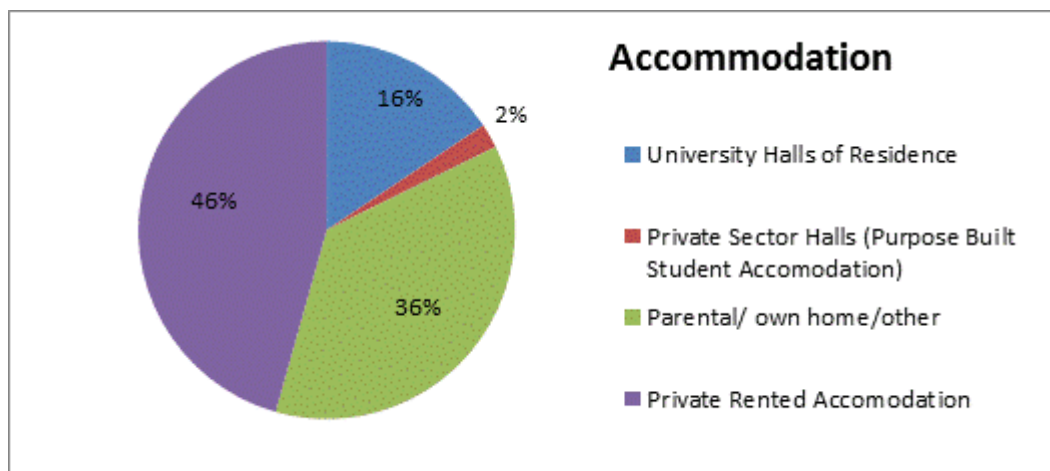
University Plans

- 4.51 In the 2014/2015¹⁶ academic year, there were approximately 26,400 students attending Swansea University and UoWTSD, although not all of these students live in Swansea.
- 4.52 The number of undergraduate acceptances in 2015/2016 to UoWTD's Swansea campus and Swansea University is up 1% compared with the previous academic year.
- 4.53 On average Swansea University and UoWTSD have grown by a combined average of 4% per annum over the last 15 years. Rolling forward this average growth rate up to 2024/2025 (next 10 years) would yield an additional 5,780 full time students.
- 4.54 A simple rolling forward of past trends, however, takes no account of the on-going major developments being undertaken by both Swansea University and UoWTSD. Whilst it is difficult to predict with absolute certainty how student numbers will change in the future, these growth plans are expected to increase overall demand for student accommodation and change the spatial demand given the relocation of major teaching centres to SA1, Fabian Way, and the City Centre.
- 4.55 Figure 4.1 shows how the Full Time (UK) students that lived in Swansea were accommodated in 2014/15¹⁷. The majority, 46% (circa. 5,500) lived in private rented accommodation with 16% (circa. 1,900) in university halls of residence and only 2% (circa. 250) in private sector halls of residence.

¹⁶ Latest available HESA data.

¹⁷ This relates to students who attend Swansea University and UoWTDs students only.

Figure 4.1 Swansea Students: Accommodation Profile



Source: HESA Data 2014/15

Swansea University

4.56 Swansea University is seeking to grow its student numbers to 20,000 Full Time Equivalent students over the next 3 years. In addition its Strategic Plan (2012-17) sets a target to have over 1,580 full time equivalent post-graduate students by 2017.

4.57 There are approximately 5,000 Engineering and Management students based at the new Swansea University Bay Campus and 650 support staff. Phase 1 of the new campus construction is complete and 1,500 student residences have been constructed on-site. It is understood that 500 more units are due to be completed by the end of 2017.

University of Wales Trinity St David

4.58 Establishing a strategic presence in Swansea at SA1 (Swansea's Waterfront Innovation Quarter) is one of UoWTSD's key aims¹⁸. The first phase of this development will deliver a library and faculty of architecture, computing and engineering, with associated central teaching and faculty space. Construction of phase 1 is underway and the aim is to be operational at the start of the academic year in 2018.

4.59 This development will provide a greater geographic focus for the University, which is currently dispersed through a number of buildings across Mount Pleasant, Townhill and Swansea City Centre.

Planning Applications for PBSA

4.60 In the last three years, approximately 3,200 PBSA¹⁹ additional bed spaces have been granted planning permission or have been resolved to be granted

¹⁸ UoWTSD Strategic Plan (2013-2017).

¹⁹ As of 7th October 2016.

planning permission (subject to Section 106 agreements). Whilst this is a significant increase it is still below the anticipated level of growth in student numbers and will still mean that there is a very substantial reliance on the existing housing stock to meet future accommodation needs.

Other Planning Approaches to PBSA

- 4.61 A review of the HMO and PBSA strategies and policy frameworks of six other local planning authorities in Wales and England, was undertaken to identify common practices and approaches.
- 4.62 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA.
- 4.63 Methods of managing PBSA differed between case studies, but most sought to focus such developments in existing campus locations and/or central areas. Case studies in Newcastle and Falmouth showed some authorities had sought to proactively identify prospective sites for PBSA development.
- 4.64 The full review is included within Appendix 8.

Overarching Conclusion

Demand

- 4.65 Whilst it is difficult to predict with certainty, current indications suggest there is likely to be a steady growth in student numbers living in Swansea in the short to medium term. This is likely to mean there will be increased demand for both HMOs and PBSA in Swansea. Similarly, Welfare Reform changes and the likely continuation of people being unable to access home ownership is likely to further fuel demand for HMOs.
- 4.66 The highest levels of demand for student occupied HMOs is likely to remain within the Uplands and Castle Wards, however, there is already anecdotal evidence of an increase in HMOs (that do not require a licence under Mandatory Licensing) in St Thomas Ward due to the proximity of Swansea University's Bay Campus and the increased presence of UoWTSD at SA1.
- 4.67 In addition, planning permission has been granted for residential development on the existing Hendrefoilan Student Village which reinforces the shift in the provision of student accommodation away from West to Central and East Swansea.
- 4.68 Based upon current pressures, demand for PBSA is likely to focus on sites in and adjacent to the existing University campuses/ developments and the Central Area of Swansea.

Supply

- 4.69 In terms of PBSA there has been a significant increase in new provision and conversions (constructed and in the pipe-line) both directly by the relevant Universities but also by private providers within Swansea. It is likely that this

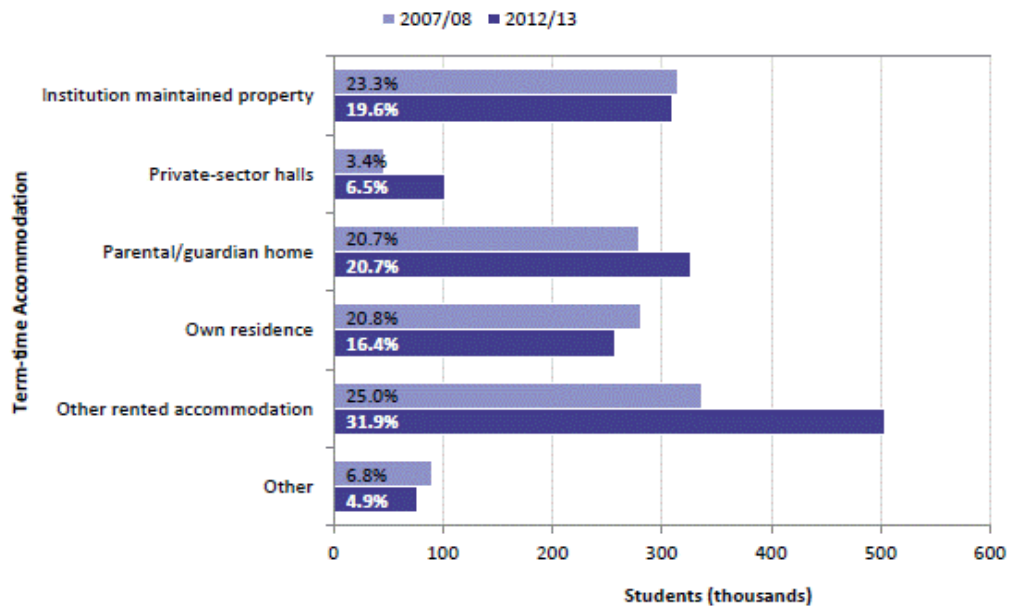
new build programme will assist in meeting a significant proportion of the increased accommodation needs of this sector but it is unlikely to significantly reverse the demand for HMOs. Indeed, whilst there is interplay between demand for PBSA and HMOs, it is not accurate to assume there is a direct correlation i.e. that future increases in PBSA supply will reduce demand for HMOs by the same amount. To make this assumption would unduly simplify a complicated process and underplay factors such as student preferences and behaviour, and any price differential between the two accommodation types. Welsh Government Research²⁰ has looked at this point and Figure 4.2 below includes an extract of the changes in term time accommodation experienced over the period 2007/08 and 2012/13.

- 4.70 The research found that during this period the percentage share of private-sector halls has almost doubled (3.4% to 6.5%) whilst other rented accommodation (predominantly HMOs) has increased by just over a quarter (25.0% to 31.9%), but appears now to have plateaued. Furthermore, to complete this research, feedback was sought from non-Welsh Universities and some other authorities. This feedback reported a reduction in demand for student HMOs, whether or not this is replicated in Swansea will depend on factors such as the price differential between the two accommodation types not being substantially greater.

²⁰ Welsh Government Research: Houses in Multiple Occupation: Review & Evidence Gathering (April 2015).

Figure 4.2 Change in Term Time Accommodation Between 2007/08 and 2012/13 from Welsh Government Research

Figure 17: Change in Term Time Accommodation Between 2007/08 and 2012/13



Source: Welsh Government Research: Houses in Multiple Occupation: Review & Evidence Gathering (April 2015).

4.71 Recognising these demand and supply factors, the strategy set out by this SPG is to encourage appropriate PBSA schemes in sustainable locations but also manage concentrations of HMOs in a way which allows for sustainable future growth to meet anticipated increases in demand.

5.0 Planning Applications for Houses in Multiple Occupation

- 5.1 This chapter provides guidance on how the LPA will determine planning applications for Houses in Multiple Occupation.
- 5.2 The following provides supplementary guidance relating to the relevant UDP policies HC5, EV1, EV2, EV3 and AS6. Policy HC5 relates to the conversion of dwellings or non-residential properties to HMOs only, and does not apply to new build development for HMOs. All proposals for conversion to a HMO, will be expected to meet all of the criteria specified in the policy.

Policy HC5 Houses in Multiple Occupation

Proposals for conversion of dwellings or non-residential properties to HMOs will be permitted subject to satisfaction of the following criteria:

- i There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- ii The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- iii There would be no adverse effect upon the external appearance of the property and the character of the locality
- iv There would be no significant adverse effect on local car parking and highway safety, and
- v Appropriate refuse storage arrangements can be provided.

- 5.3 Proposals for the conversion of dwellings or non-residential properties to HMOs will be assessed against all of the UDP Policy HC5 criteria, and any other relevant policy that is pertinent to the submitted scheme.
- 5.4 Applications which seek to increase the number of occupiers within an existing HMO will, in respect of Policy HC5, only be considered against criterion (i), (iii), (iv) and (v) of that policy.

i) Effect upon residential amenity, including noise, nuisance and/or other disturbance

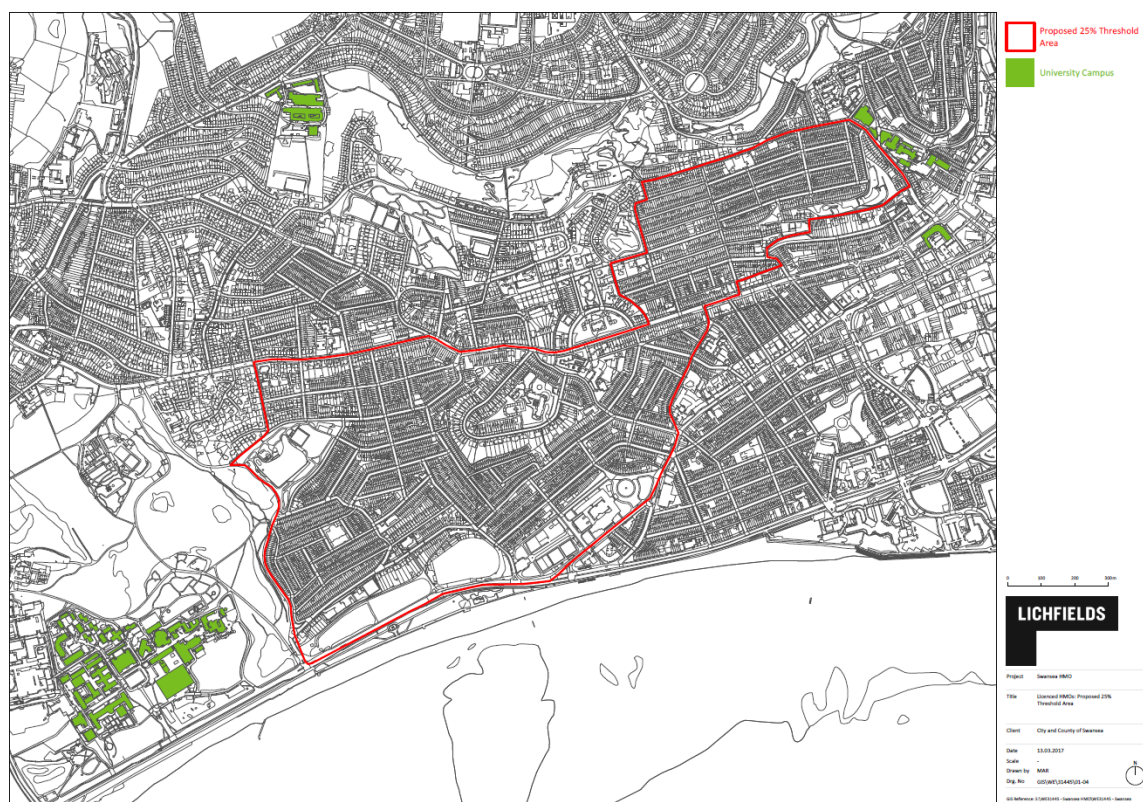
- 5.5 Council planning policy supports the efficient use of buildings and recognises the benefits of making best use of existing resources such as encouraging residential living above retail and commercial uses in centres. Creating a mix of uses can help to create sustainable, vibrant and enlivened centres, but also requires careful consideration to avoid a conflict between uses arising.

- 5.6 Specifically in relation to noise, due to the nature of higher density living development in larger HMOs, increased comings and goings are often noted which, in some instances, can lead to noise issues. Consideration will, therefore, be given to the use of noise insulation when converting existing properties into larger HMOs (more than 6 persons - Sui-Generis Use Class) and the extent to which the proposal's design and layout minimises the potential for noise nuisance. 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.
- 5.7 In terms of other disturbance the principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. In particular, maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

ii) Definition of a harmful concentration or intensification

- 5.8 This SPG defines a specific threshold, above which further concentration or intensification of HMOs will normally be deemed harmful, which strikes an appropriate balance in allowing for sustainable future growth in HMOs. This threshold has been identified based on an understanding of:
- 1 current HMO concentrations;
 - 2 demand and supply for HMOs and PBSA;
 - 3 a review of other local authority approaches; and
 - 4 other available evidence, including findings of national research undertaken by the Welsh Government
- 5.9 Reflecting the current uneven concentrations of (licensed) HMOs and the identified impacts of high HMO concentrations (see Section 4), a two-tier threshold approach will be applied to determine whether an area has reached a point at which further HMOs would have a harmful effect.
- 5.10 **In the defined HMO Management Area, a threshold of 25% of all properties being HMOs will be used.** The boundary of the HMO Management Area is illustrated in Figure 5.1 and also Appendix 9. The Management Area incorporates part, but not all, of the Uplands and Castle Wards.
- 5.11 **Outside the defined HMO Management Area, a threshold of 10% of all properties being HMOs will be used.** Parts of the Uplands and Castle Wards are outside the HMO Management Area, as are all other Wards across the City & County.
- 5.12 In considering whether a proposal breaches the defined threshold level for that area, **the LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application.** The LPA will seek to resist planning applications for HMOs that breach the identified threshold for that area, unless there are material considerations that demonstrably outweigh the identified concerns regarding harmful concentration or intensification.

Figure 5.1 Threshold Map Showing the HMO Management Area.



Source: Lichfields

Justification for the Thresholds

- 5.13 It is recognised that some new HMOs need to be delivered in the future to meet demand and a societal need, however it is also the case that their provision must be managed sustainably. Research undertaken to evidence this SPG has highlighted that other LPAs across the UK have implemented a range of different policy approaches, including the use of thresholds tailored to their specific circumstances and/or to reflect available national and local research. The thresholds to be applied in the Swansea context are similarly based on the available evidence.
- 5.14 Within the HMO Management Area, evidence²¹ summarised in Chapter 4 of this guidance suggests there are existing community sustainability and cohesion issues that are resulting from harmful concentrations of HMOs. Some areas within the HMO Management Area already have HMO concentrations of over 10% (see Appendix 3), with significantly higher concentrations in some places, notably in Brynmill closest to the Swansea University Singleton Campus. The 25% threshold to be applied in the HMO Management Area will limit any further harmful concentration or intensification of HMOs within this area to the extent that proposals for a HMO will normally be resisted where it would result in more

²¹ Houses in Multiple Occupation in the City & County of Swansea: An Assessment of their Number, Type, Location and Community Impacts. 2013.

than one in four properties being HMOs within the given radius. It is acknowledged that the effect of this threshold being applied will be to significantly limit the opportunity for further HMOs within parts of these Wards, however this policy approach responds to the available evidence and strikes an appropriate balance between recognising the established character of different streets and areas whilst also supporting sustainable communities.

- 5.15 The threshold approach will effectively encourage future HMO provision to be more dispersed to other areas outside the Management Area in a suitably managed way, specifically limiting HMO concentration or intensification in all other locations outside the Management Area to no more than 10% i.e. 1 in 10 properties in most instances. There will be some isolated exceptions to this rule, as defined elsewhere in this SPG. National research²² has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to adversely 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 associated with this demographic change. This evidence based approach therefore provides a robust rationale for applying the 10% threshold for all areas outside the HMO Management Area.

Application of the Threshold

- 5.16 In considering whether a proposal breaches the defined threshold level the LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application proposal. The radius will be measured from the centre-point of the proposed property’s street frontage. All properties will be counted where their main street facing entrance is included within this radius. Where the radius dissects a property frontage, the property should be included if 50% or more of its primary frontage is included within the defined radius.
- 5.17 The threshold to be applied will always be set according to the location of the proposed HMO, which is 25% within the HMO Management Area and 10% in all other areas. In circumstances where the existing threshold within the 50m radius is below the relevant 25% or 10% thresholds, the threshold would be considered to be breached if granting planning permission would take the percentage of properties that are HMOs to above the specified limit. This includes instances where an increase would breach the threshold by decimal points. For example a proposal that would give rise to 25.01% of properties being HMOs within the HMO Management Area would be considered to breach the threshold.
- 5.18 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.
- 5.19 In terms of the size of the radius, a 50m scale most accurately reflects the spatial extent of likely HMO impacts in Swansea, following testing in different parts of the City to explore how many properties this would on average include.

²² Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings (April 2015).

All properties (i.e. individual planning units of any use, including for example flats and commercial units) within this radius will be counted where such properties have a street facing entrance included within this radius. This approach is considered to more accurately reflect the density of HMOs within an area, particularly in an area of mixed uses, which is likely to be less sensitive to the provision of HMOs.

- 5.20 In some areas of Swansea, 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.
- 5.21 In order to understand the full extent of HMOs within the 50m radius the LPA will, for proposals in Uplands and Castle Ward, use the Council's public register of licensed HMOs as the basis for the calculation. The public register of licensed HMOs is updated regularly by the Council's Housing and Public Health Team. For all HMO proposals, including those outside this Additional Licensing Area, the LPA will draw upon all available records within the public domain. In addition, when calculating the proportion of HMOs, the LPA will also consider representations received as part of the consultation process on planning applications in order to establish the use of properties.
- 5.22 Whilst currently there is no other Additional Licensing Area outside Uplands and Castle Wards, the Council is actively reviewing the evidence available in this regard to establish whether other areas meet the criteria for such a designation. Appropriate surveys, inspections and engagement will be carried out to provide the necessary evidence to underpin such a designation, which will highlight whether a significant proportion of HMOs in a given area are being ineffectively managed and likely to give rise to one or more particular problems, either for those occupying the HMOs or for members or the public.

Sampling and Examples

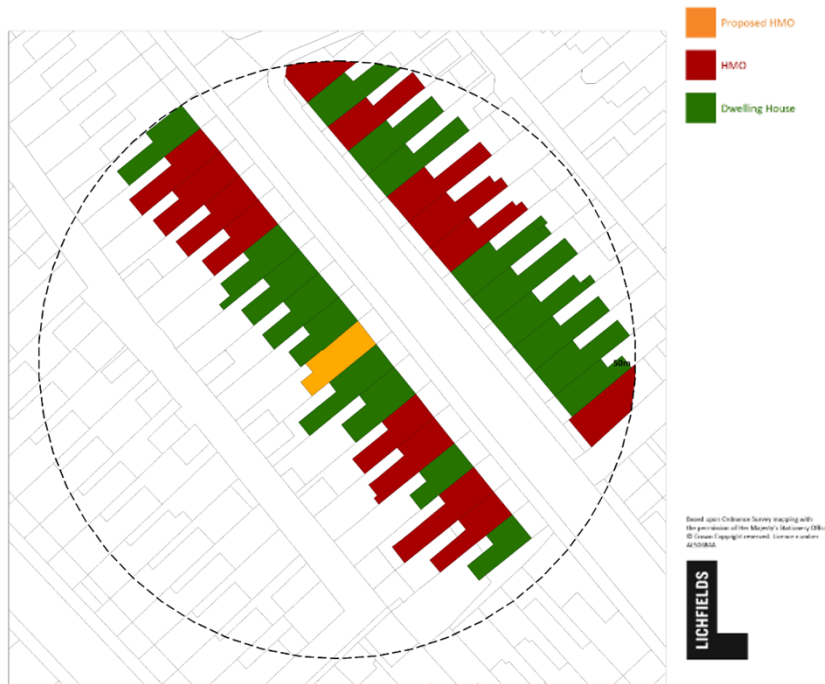
- 5.23 Appendix 10 includes the results of sample testing undertaken to test and evidence the implications of applying the 25% threshold via a 50m radius approach. In the case of the four sample locations in the Appendix, each of these proposals would breach the threshold.
- 5.24 The following provide other worked examples of implementing the threshold approach.

Example 1 – Non-compliance with 50m radius threshold

- 5.25 The worked example of Figure 5.2 below shows that there is a total of 33 properties within the 50m radius, including the application property. There are a total of 14 existing HMOs. With the proposed additional HMO this would increase to 15 HMOs which would account for 45% of all properties. This would be above the identified threshold of 25% and therefore the LPA will seek to

resist the planning application, unless there are material considerations which demonstrably outweigh concerns regarding harmful concentration or intensification.

Figure 5.2 Worked example of the 50m radius approach within the 25% threshold HMO Management Area



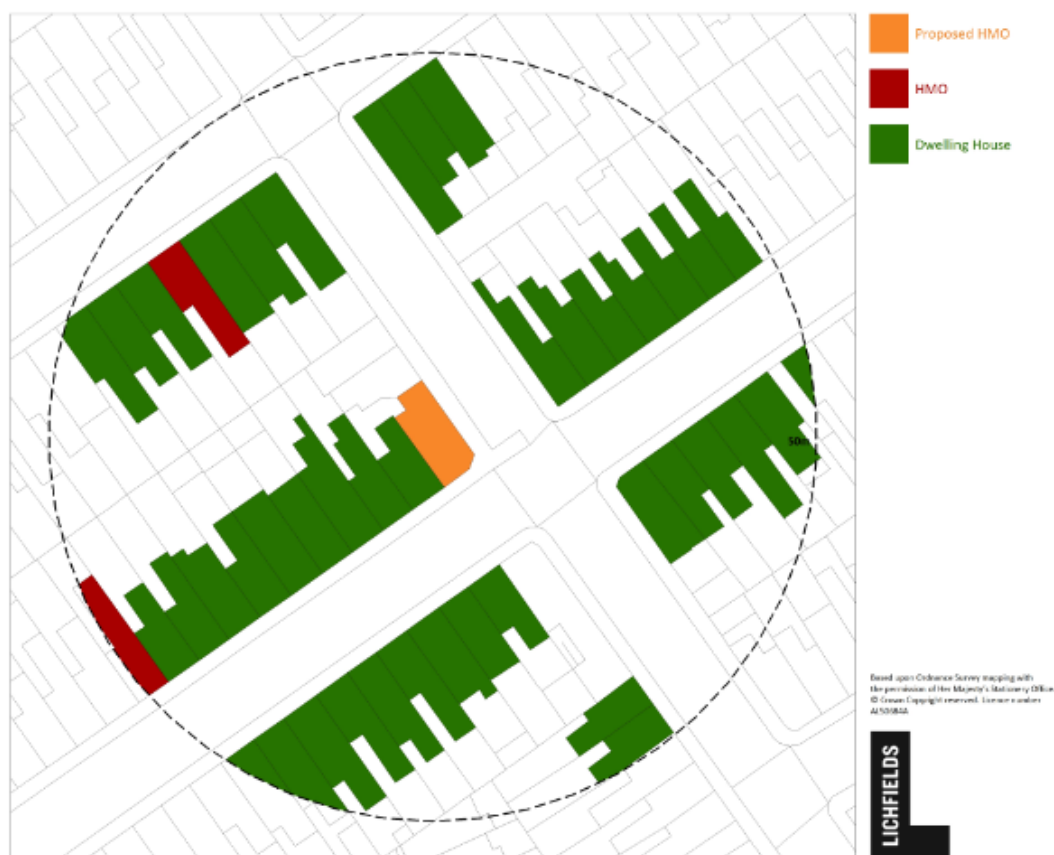
Source: Lichfields

Example 2 – Compliance with 50m radius threshold

5.26

Within the example in Figure 5.3 below, there are 2 existing HMOs. With the addition of the proposed HMO this would equal 3 HMOs out of a total of 45 properties. This accounts for 7% of all dwelling houses within the radius. This would be below the identified 10% threshold and therefore the conversion of the property to a HMO would be acceptable, subject to satisfactorily meeting all other relevant UDP policy requirements, supplementary guidance and material considerations.

Figure 5.3 Worked example of the 50m radius approach within the 10% threshold area (outside of the HMO Management Area)



Other Material Considerations and Exceptional Circumstances

- 5.27 In certain instances there may be specific material considerations and/or exceptional circumstances that demonstrably outweigh the outcome of the 50m radius 'threshold test' as a determining factor in the decision making process. 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.
- 5.28 In some instances a HMO proposal may be considered by the LPA to be unacceptable development, at variance with Policy HC5 or other relevant development plan policy, even though the proposal would not give rise to the threshold limit being exceeded within the 50m radius. Whether or not a material consideration would on balance render a proposal unacceptable, notwithstanding the 'threshold test' being satisfied, will depend on consideration of the particular circumstances pertaining to the application and whether evidence exists that a significant adverse effect would arise. Examples of issues that can be material considerations are set out in Chapter 2 of this SPG.

Exceptions in Small Streets

- 5.29 There are certain street patterns and layouts that are characteristic of areas of Swansea where applying the threshold on a radius basis could fail to protect against an unacceptable concentration of HMO uses. Specifically, this relates to those instances of 'small streets' falling within the defined 50m radius area, where sampling of the radius approach has demonstrated that there could be occasions where there is a disproportionate concentration of HMOs in that single small street, but where there are few or no other HMOs on other streets within the radius area. This could result in the scenario where a proposal would comply with the radius threshold test despite creating a harmful concentration of HMOs in the small street.
- 5.30 Having regard to the evidence above, **in instances where a HMO proposal is on a small street:**
- **Outside the HMO Management Area no more than 10% of the total number of all properties on that small street will be permitted to be HMOs**
 - **Within the HMO Management Area no more than 25% of the total number of all properties on that small street will be permitted to be HMOs**
- 5.31 **The definition of a 'small street' is, for the purpose of this SPG, one that has between 11 and 34 properties inclusive.** Based on these parameters, streets of 35 properties or more are not defined as small streets. This upper limit has been defined on the basis of sampling of the 50m radius threshold across a range of street sizes.
- 5.32 In the case of **streets of 10 or fewer properties within the HMO Management Area, a maximum of one HMO property will be permitted within the street.** In the case of **streets of 10 or fewer properties outside the HMO Management Area, a maximum of two HMO properties will be permitted within the street.**
- 5.33 A 'small street' is, for the purpose of this SPG, defined as an uninterrupted section of road that is fronted by properties on one or both sides, and that is not dissected by any other street. Under this definition, in certain instances a street may be classified as a 'small street' where it is a subsection of a longer street in terms of street name. For the avoidance of doubt, where a street with the same name is dissected by another street, if any sub-divided part(s) of that street has between 11 and 34 properties it will be counted as a 'small street' for the purpose of applying the 10% exception limit. Figure 5.4 below illustrates an example of such a scenario and highlights a section of 'Old Road' that would be considered to be a small street where the exception would be applied.

Figure 5.4 Illustration of a small street for the purpose of applying the 10% street threshold 'small street exception test', where the street forms a sub-section of a longer road name according to its name



Example 3 – Non-compliance with 'small street' exception threshold

- 5.34 In the worked example illustrated in Figure 5.5 below, the proposed additional HMO is in a small street outside the HMO Management Area of only 12 properties, which already has 2 HMOs. In this example there are no other HMOs within the radius other than those on the same small street as the application property. The proposed additional HMO would take the total number to 3 HMOs out of a total of 42 properties within the 50m threshold radius and as such the proposal would comply with the 'threshold test' using the radius methodology. In this case however, it would be regarded as a small street having regard to the number of properties. The proposal would give rise to more than 10% of HMOs becoming established in that small street (i.e. 3 out of 12 or 25%), therefore the proposed additional HMO would be resisted in order to avoid further intensification in the number of HMOs concentrated in a single small street.

Figure 5.5 Worked example of an instance where a proposed HMO, sited outside the HMO Management Area, would pass the 50m radius threshold approach but would not meet the 'small street exception test'



Exceptions in very high HMO concentrations

- 5.35 Within the HMO Management Area, whilst the LPA will normally seek to resist HMO proposals that would breach the 25% threshold, in the case of 'very high' concentrations, the LPA will consider whether any additional supporting evidence and information submitted to accompany the planning application sufficiently demonstrates that exceptional circumstances justify a departure from the threshold test. This approach takes account of those exceptional circumstances where evidence indicates the market for certain C3 residential properties is demonstrably weaker and/or the application property is more suited to a HMO use than non-shared accommodation, particularly in the case of certain larger dwellings or properties requiring significant repair works within a very high concentration of other HMO uses. 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.

- 5.36 In this context, **within the HMO Management Area, where there is a very high concentration of HMOs within a 50m radius of a proposed HMO (defined for the purpose of this SPG as over 80% of all properties within the radius), any further HMO proposals must be accompanied by a comprehensive assessment that must consider all of the following criteria, in order to assess whether any exceptional circumstances justify a departure from the threshold test:**
- 1 **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.**
 - 2 **Reasons why, and evidence to justify, that 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).**
 - 3 **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.**
 - 4 **Proximity to a commercial area already subject to noise disturbance.**
 - 5 **Any other relevant material considerations.**
- 5.37 In the case of these exceptional circumstances, i.e. where there are very high HMO concentrations (over 80%) within a given 50m radius in the HMO Management Area, the LPA will have regard to the assessment that must be submitted, and will consider any other evidence relating to the above additional criteria. This is necessary in order to determine whether, on balance, a proposal for an additional HMO is acceptable even though the proposal would self-evidently further breach the 25% threshold. In such cases the proposal must otherwise accord with Policy HC5 and other development plan policy.

iii) Effect upon the external appearance of a property and the character of the locality

- 5.38 The acceptability of any physical alterations on HMO properties (for example, external extensions; dormer windows) will be considered against guidance included in 'A Design Guide for Householder Development SPG (adopted June 2008). Some conversions to a HMO can result in excessive extension proposals and such over development will not be permitted. Listed-building consent may be required for both internal and external alterations to a listed building.
- 5.39 If the property is in a Conservation Area, Conservation Area Consent may be required. Please seek advice from the Council's Urban Design and Conservation Team.

iv) Effect on local car parking and highway safety

- 5.40 Whilst the Council's SPG Parking Standards (adopted March 2012) pre-date the introduction of use Class C4 for HMOs they remain material to decisions on individual planning applications. The LPA will adopt a two tier approach:
- 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 (Sui Generis Use Class):
 - a If the proposal is for a conversion to a Sui Generis HMO use, 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).
 - b For new build larger HMOs in Zone 1, the same maximum parking standards will be applied as for PBSA in the current Parking SPG. However in Zones 2-6, the HMO criteria in the Parking SPG apply and the fall-back position in terms of the existing use and the demand for parking for the existing use should be specified.
- 5.41 Evidence regarding the particular parking issues (e.g. records of accidents) in the locality, including whether there are any particular land uses that generate high levels of traffic and car parking, will be considered as a material planning consideration. Where an applicant wishes a reduced standard of parking to be considered, the Sustainability Matrix form (Appendix 5 of the Parking Standards SPG) should be completed and submitted with the planning application.
- 5.42 Where there is evidence that there is an issue the LPA may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 5.43 Secure cycle parking should be provided in HMO proposals on the same basis as for PBSA, which require 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.
- 5.44 Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required. Appendix 3 of the Council's Parking Standards SPG contains further information on this standard.

- 5.45 All cycle storage areas visible from the public realm should be well integrated into the streetscene and visually unobtrusive. Further information is provided in 'Places to Live: Residential Design Guide SPG' (Adopted January 2014). Where rear access arrangements allow, cycles should be stored to the rear of properties, rather than in front gardens.

v) Provision of appropriate refuse storage

- 5.46 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.
- 5.47 All refuse and recycling for HMOs should be suitably stored in landlord provided bins. 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.
- 5.48 All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties which will detract from the local streetscene will not be permitted. Details of the proposed refuse storage arrangements should be provided with the planning application.

6.0 Planning Applications for PBSA

- 6.1 This Chapter provides guidance on how the LPA will determine planning applications for PBSA.
- 6.2 The following provides supplementary guidance to the relevant UDP policies HC11, EV1, EV2, EV3 and AS6. Policy HC11 relates to higher education campus development within Swansea. Whilst the policy relates to all forms of campus development it does state that appropriate City Centre sites will be favoured for student accommodation. This Section provides more guidance on this element of the policy.
- 6.3 Supporting UDP paragraph 3.4.3 recognises that Swansea's Universities are seeking to expand over the next 5-10 years. However it notes that existing space limitations mean that any expansion plans are likely to result in proposals being brought forward for further campus development. Paragraph 3.4.5 states that increased student accommodation within the City Centre will be encouraged.
- 6.4 Where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11, where they are proposed off campus they will be assessed against UDP Policies including EV1 and EV2.
- 6.5 The LPA will favour, in the first instance, City Centre sites for PBSA unless the proposed site is within a Higher Education Campus.
- 6.6 The LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:
- a) there are no available and suitable sites in the City Centre; and
 - b) there is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
 - c) the development would give rise to an overall benefit to the vitality and viability of the City Centre.

Demonstrating an Appropriate PBSA Scheme

- 6.7 As part of a planning application for PBSA, the applicant must demonstrate that the development complies with the guidance standards set out below. This applies to all PBSA irrespective of its location and will be a material consideration in the determination of a planning application.

Location and Accessibility

- 6.8 PBSA must in the first instance be located within the City Centre Action Plan Area defined in the UDP. Proposals which are located outside the City Centre (other than those on existing campus developments located within the Local Authority boundary) will need to provide an assessment to demonstrate the proposal's conformity to criteria a, b and c outlined above.

- 6.9 Any PBSA proposed on the edge of the City Centre will need to have acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport. This includes safe, attractive and legible active travel routes.
- 6.10 It will also be necessary to demonstrate that the location of the proposed development adheres to the policies contained within the UDP and does not give rise to any conflict with adjoining land uses.
- 6.11 Applicants will be required to carry out a detailed Availability and Suitability assessment that should address the following.

Availability

- 6.12 To assess the availability of potential sites and premises within the City Centre, the assessment should include information on the following two availability matters. Under each theme are set out some of the considerations which can be drawn upon in order to demonstrate a robust assessment has been undertaken into the site's/premises' availability:
- 1 Site Ownership and Land Assembly
 - i What is the known land ownership / land assembly arrangement of the site/premises that have the potential to constrain the future development of the site?
 - ii Is the site/premises within single or multiple ownership?
 - iii Are there any ransom strips, covenant restrictions and/or public rights of way which restrict its availability?
 - 2 Marketing
 - i Is the site or premises vacant?
 - ii Is the site or premises being advertised for sale on the open market?
 - iii Are there any known marketing issues that would constrain the future development of the site in terms of its availability to purchase?
- 6.13 If the availability of the site or premises is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Suitability

- 6.14 In order to assess the suitability of potential sites and premises within the City Centre Action Plan area, the assessment must include adequately detailed information on the following 5 themes.
- 6.15 Under each theme are set out some of the considerations which can be drawn upon in order to demonstrate a robust assessment has been undertaken into the site's/premises' suitability for PBSA.
- 1 Site size and capacity
 - i Is the site or premises a sufficient size to accommodate the proposed development?

2 Policy merits / constraints

- i What site-specific policies contained within the UDP are relevant to the site or premises and do these make it unsuitable for PBSA future development?
- ii What is the current use and condition of the potential site or premises?
- iii Are there any other considerations which make the site or premises unsuitable for development? E.g. is PBSA compatible with the surrounding land uses, are unacceptable amenity impacts likely to occur etc?

3 Planning History

- i What is the known planning history of the site or premises? Applicants can refer to the Council's online planning history database to access this information.
- ii Is the site or premises subject to an extant planning permission for development? If so, what is the likelihood/timescale of permission being implemented?
- iii Does the planning history/status represent a potential constraint to the future development of the site or premises?

4 Accessibility

- i How accessible is the site or premises to key facilities and services via sustainable transport modes?
- ii How accessible are the existing University campuses via sustainable transport modes?
- iii Are there any other site or premises specific access constraints which mean the site is not suitable?

5 Any other constraints

- iv Are there any other constraints that would constrain the future development of the site or premises e.g. drainage capacity issues, or known contamination issues?

6.16 If any of the above criteria regarding the suitability of the site is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Design

6.17 UDP Policy EV1 sets out the good design principles which all new development should accord with.

6.18 Specifically new PBSA development should be designed so it responds to its local context and wherever possible seeks to improve the built environment.

- 6.19 PBSA proposals, by their nature, are often high-density developments. The LPA supports the principle of high density living and energy efficient design provided it is carefully designed and integrated with surrounding areas.
- 6.20 Proposals for new development should have regard to the desirability of preserving the setting of any listed building, which is often an essential part of its character.
- 6.21 The LPA will expect evidence within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment – dependant on the location of the site.
- 6.22 The LPA will resist inappropriate development where it would be detrimental to the amenity of occupants within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions (particularly relevant for a tall building proposal). Proposed buildings should be designed to maximise the living conditions of its inhabitants. For example, all habitable rooms must benefit from natural light, a means of outlook, ventilation, and a level of privacy.
- 6.23 Landscaping plays an important part in helping to integrate new development into its surroundings and PBSA developments will be expected to include appropriate levels of landscaping for aesthetic and functional purposes. The LPA encourages the use of indigenous species in such schemes and on-going management of these areas will be secured via Section 106 agreements in certain circumstances.
- 6.24 PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. Access routes should be designed to be over-looked by building frontages, wherever possible, and security lighting used to minimise the risk of crime whilst avoiding unnecessary light pollution. The Council's adopted 'Planning for Community Safety' SPG (2012) provides further guidance on increasing community safety and reducing crime and the fear of crime, in order to improve the quality of life for existing and future students and residents.

Tall Buildings

- 6.25 Proposals for tall PBSA will need to have regard to the Council's Tall Buildings Strategy SPG. The SPG defines tall buildings as a *'building that is more than twice the height of adjacent buildings'*. The adopted strategy identifies zones within Swansea City Centre where tall buildings are 'welcomed' and other areas where they may be 'considered'. There is a general presumption against tall buildings outside of the areas identified for visual and infrastructure reasons. The strategy also sets out guidelines for the design of tall buildings.
- 6.26 Taller, higher density PBSA, are unlikely to be supported in locations within or adjoining existing residential neighbourhoods, as this is likely to conflict with the existing character and amenity of the area.

Sustainable /Renewable Energy

- 6.27 All new PBSA will be encouraged to incorporate sustainable and/or renewable energy features e.g. Combined Heat and Power, green roofs, solar panels etc.

Impact on Amenity

- 6.28 PBSA will not be permitted where it would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character (see UDP Policy EV40).
- 6.29 Depending on the nature and location of the site, an assessment of air, noise and light pollution impact, together with proposals for mitigation should be submitted as part of a planning application. If the results of the assessment and proposed mitigation measures demonstrate there is a significant harm to health or local amenity this would be grounds to refuse planning permission.
- 6.30 Where appropriate, conditions will be attached to planning permissions in order to protect the amenity and safety of students and nearby residents against air, noise or light pollution.

Waste Management

- 6.31 All PBSA proposals will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel, in accordance with UDP policy R16.
- 6.32 The following information should be provided as part of a planning application for PBSA, to demonstrate how waste will be managed:
- a Plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and
 - b Details of proposed access routes for 26 tonne recycling and refuse collection vehicles, including adequately sized access pathways and service roads with suitable dropped kerbs and crossovers. These requirements will need to be considered in accordance with the User Hierarchy as featured in Manual for Streets.

Management Plan

- 6.33 A management plan will be required to be submitted as part of PBSA planning applications. The management plan will need to include information on how the development is intended to be managed in order to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.
- 6.34 The management plan should, at a minimum, include the following:
- a Information on the general maintenance and management of the site, including external amenity / landscape space;

- b The arrangements in place in terms of servicing – deliveries and waste/recycling storage and collection;
- c A travel plan, including the management of (residents and visitor) parking. This will also need to demonstrate the measures in place to encourage use of sustainable methods of transport and how any tenancy agreement will be managed;
- d Details on the management of traffic particularly at the beginning and end of term;
- e Measures relating to site safety and security (such as CCTV, adequate lighting and intercom systems, security doors etc.) in order to create a safe environment for occupants and to reduce the opportunities for crime;
- f Procedures for minimising and managing community complaints, such as issues relating to noise, and anti-social behaviour. Details may include soundproofing, noise control measures, code of conducts for student behaviour, complaints procedures, University / Student liaison officer etc.
- g Details of the tenancy agreement

Parking Standards

Cars

- 6.35 Parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council’s SPG Parking Standards (adopted March 2012). The parking standards will be material to decisions on individual planning applications. The current maximum standards are as follows:

Table 6.1 Current Maximum Parking Standards

PBSA – Maximum Car Parking Standards		
	Residents	Visitors
ZONE 1	1 space per 25 beds for servicing, wardens and drop-off areas	Nil
ZONE 2 TO 6		1 space per 10 beds (for students & or visitors)

Source: Swansea Council SPG Parking Standards

- 6.36 Notes 1-8 included on page 17 of the current SPG Parking Standards will still be applied.
- 6.37 The guidance figures given are maximum standards and flexibility can be justified in appropriate circumstances in accordance with the sustainability matrix (Appendix 5 of the Car Parking Standards SPG). Furthermore, the Swansea Central Area Regeneration Framework SPG (2016) states that a limited relaxation of the car parking standards will be considered to facilitate

appropriate regeneration proposals within this area where there would be no adverse effects on highway conditions. This flexible approach will also be applied to edge of city centre sites for PBSA proposals.

- 6.38 In terms of the sustainability matrix, points will be awarded to developments in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Where an applicant wishes a reduced standard of parking to be considered, the form within Appendix 5 of the Car Parking Standards SPG should be completed and submitted, and be accompanied by relevant evidence. See Appendix 6 of this SPG for a copy of this Sustainability Matrix.
- 6.39 In instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the Sustainability Matrix (this could be, for example, there is no available on street parking nearby; or there are overriding regeneration objectives), the applicant may be required to provide a financial contribution towards alternative transport measures where appropriate or identified parking management arrangements.
- 6.40 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 to some developments. Additional car parking management details will need to be included within a submitted Management Plan to demonstrate, for example, how tenancy agreements and car parking will be managed to avoid highway issues arising etc.

Bicycles

- 6.41 In terms of bicycle parking the following standards will be required for PBSA:

Table 6.2 Bicycle parking standards for PBSA

PBSA – Cycle Parking		
	Long Stay	Short Stay
All Zones	1 stand per 2 bedrooms	No requirement

Source: Swansea Council SPG Parking Standards

- 6.42 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking. The LPA will consider the appropriateness of this approach on a case-by-case basis. Further information is provided on these requirements in Appendix 3 of the Parking Standards SPG, March 2012.
- 6.43 Further detail on motorcycle parking is also outlined in this document, which states the amount of motorcycle parking provision should be based on 5% of total car parking provision. Further information on this is contained in Appendix 4 of the Parking Standards SPG, March 2012.