

HOUSES IN MULTIPLE OCCUPATION IN THE UXBRIDGE SOUTH AND BRUNEL WARDS - Interim Planning Policy Document

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Planning, Transportation & Recycling
Officer Contact(s)	James Rodger & Richard Shaw – Residents Services
Papers with report	Appendix One - Interim Planning Policy Document: 'Houses in Multiple Occupation in the Uxbridge South and Brunel Wards'

1. HEADLINE INFORMATION

Summary	<p>In November 2011 the Council agreed to the declaration of an Article 4 Direction for Uxbridge South & Brunel wards, removing permitted development rights for conversions of houses to Houses in Multiple Occupation (HMOs).</p> <p>A subsequent statutory 12-month notice period commenced on 24 March 2012 prior to the Direction coming into effect. Subject to agreement at a Full Council meeting next year the Article 4 Direction should be adopted from 24 March 2013.</p> <p>This report sets out a proposed policy and criteria which the Council will use to determine planning applications for HMOs in the two wards from 24 March 2013.</p>
Contribution to our plans and strategies	The policy will contribute to the delivery of Strategic Policies in Part One (the former Core Strategy) of Hillingdon's Local Plan and aligns closely with the Vision statement in the Sustainable Community Strategy for delivering balanced communities.
Financial Cost	The costs of consultation will be met from the existing Residents Services budget for 2012-13.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Uxbridge South and Brunel

2. RECOMMENDATION

That Cabinet:

1) Agrees to the publication of the Interim Planning Policy Document (IPPD) on Houses in Multiple Occupation (attached as Appendix One to this report) for public consultation for a period of 28 days.

2) Requests that officers report back to Cabinet following consultation and, subject to Cabinet approval, recommend to full Council on 28 February 2013 with a view to adopt the IDDP prior to the implementation of the Article 4 Direction on the 24 March 2013.

Reasons for recommendation:

Following concerns expressed by local residents relating to the continued loss of family housing in the area surrounding Brunel University, the Council agreed to the declaration of an Article 4 Direction for Uxbridge South & Brunel wards, removing permitted development rights for the conversion of individual houses to Houses in Multiple Occupation (HMOs). A subsequent statutory 12-month notice period commenced on 24 March 2012 prior to the Direction coming into effect. Subject to agreement at a Full Council meeting next year the Article 4 Direction will be formally be adopted and take effect on 24 March 2013.

Appendix One to this report contains an "Interim Planning Policy Document" (IPPD) which sets out a proposed policy and criteria the Council would use to determine planning applications for HMOs in the two wards from 24 March 2013.

Alternative options considered / risk management

The alternative option is not to accept the criteria and policy in the IDDP and to continue to rely on the guidance contained in the 2004 SPG: 'Houses in Multiple Occupation and other non-self contained Housing' as a means of determining HMO applications in the two wards when the Article 4 direction comes into effect.

The current SPG contains no thresholds at a neighbourhood area level to control numbers of HMOs in a particular area. The thresholds at street level are also generous and do not reflect the higher levels of controls suggested in the IDDP and therefore these aspects of the existing SPG are deemed to be inadequate.

There is a risk that implementing the policy may require additional staff time resources to be made available to ensure that up to date information on HMOs is collected and expeditious exchanges of data take places between service areas to ensure information remains up to date and available to support the practical application of Policy HM1.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

Background

1 Concerns about the effects of concentrations of large numbers of Houses in Multiple Occupation (HMOs) within a community were expressed by the Cowley Community Residents Association at their meeting on the 9th May 2011. A number of residents considered that there were too many HMOs in Cowley and the widespread use of properties as HMOs was displacing families out of the area. In addition, complaints were made about the impact of the local concentration of HMOs, in particular excessive on-street parking demand, noise and antisocial behaviour. Officers attending the meeting agreed to consider the use of an Article 4 Direction to control what is otherwise 'permitted development'. The Town & Country Planning Use Class Order 2010 does not require developers to apply for prior planning permission to change the use of residential properties to HMOs. The effect of the Article 4 Direction would be to remove these 'permitted development' rights and require a planning application to be submitted. The Council agreed to the use of an Article 4 Direction at its Full Council meeting on the 3rd November 2011 and subject to agreement from Full Council early next year the Direction will take effect from the 23rd March 2013.

2 In order to have an effective means of considering future HMO applications it will be necessary for the Council to have a policy in place at the same time as the Article 4 Direction comes into force. The purpose of this report is to outline the policy proposed and to seek Cabinet approval to undertake a 28 day public consultation. A fuller explanation of the rationale behind the proposed policy is contained in the draft Interim Planning Policy Document, attached at Appendix One to this report.

3 Current local guidance on HMOs is contained in a Hillingdon Supplementary Planning Guidance note: 'Houses in Multiple Occupation and other non self contained Housing' (published in August 2004). This document seeks to contain concentrations of HMOs by restricting numbers to 15% of the total number of residential frontages in any street section of 1000m. There is no policy to control numbers on an area basis except in respect of Conservation Areas where a maximum number of 5% conversions of residential properties is set.

4 The IPPD is suggesting tighter controls in residential streets by applying a 15% restriction to a 100m street length either side, because it is clear that within certain specific streets near the University the figure of 15% in a 1000m street is being exceeded. It is also proposed to set a ceiling of 20% above which new HMOs will not be permitted in a 'residential output area'. The methodology for applying area and street-based thresholds is summarised in the draft Interim Planning Policy Document. The area-based approach is based round the concept of 'neighbourhood output areas' roughly equivalent in terms of population numbers to 125 residents (as defined in the Census of Population by the Office of National Statistics). The approach for street frontages implementation is intended to be self explanatory.

5 Through applying both street based assessment and annual monitoring linked to existing census data for individual neighbourhood output areas, it is considered that a far

more sophisticated assessment criteria can be applied to control HMOs. The overall objective is to prevent unacceptably high concentrations of HMOs in individual streets and neighbourhoods and to maintain a reasonable balance of housing types to make the local community more sustainable in the longer term.

6 The two wards contain eight Conservation Areas which are either entirely within or partially within the wards and cross into adjoining wards. There is also one Area of Special Local Character (ASCL). In reviewing the Conservation Areas recently, residents expressed concern at the impact of HMO use in the Greenway Conservation Area. The Greenway Conservation Area is predominantly residential in character and located in close proximity to the University. Officers share the concerns of residents that further HMO's could harm the character and appearance of certainly this Conservation Area but also the other Conservation Areas. Currently HMO numbers in the Greenway Conservation Area comprise 11% of residential frontages for the whole length of the road (which exceeds 200m in length). It is proposed to set a benchmark of not more than 5% HMOs for this and other Conservation Areas through the street based assessment.

7 The application of the Interim Planning Policy should compliment the current registration process for HMOs monitored by the Private Sector Housing Team both in terms of providing a statistical source (some 100 new HMOs are being registered each year) and the Team's wider responsibility for ensuring living and environmental standards are met.

8 It will be important to ensure that the implementation of the policy is monitored and this will mean ensuring information sources are up to date and protocols established between service areas to ensure decisions are robust and evidence-based in the application of the policy.

Financial Implications

Costs for the consultation on the draft Interim Planning Policy Document will be met from the existing Residents Services budget for 2012-13.

One of the effects of the implementation of the Article 4 direction will be that planning applications to convert dwelling houses to small HMOs in the two wards affected will need to be determined by the Council, but under current Government regulations these applications will not attract a fee. It is anticipated that there will therefore be a net cost to the Council to determine these applications estimated at most at £7k per year, which will be managed within the Development Control budget from 2013/14 onwards.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The effect of the application of Policy HM1 should be positive on residents currently affected by the adverse effects of over-concentrations of HMOs in the Uxbridge South and Brunel wards.

Implementation of the policy will prevent any new additional HMOs in certain streets and neighbourhood output areas within the two wards where HMOs are the dominant house type. There is currently 5 neighbourhood output areas known to already exceed the 20%

criteria based on historical 2001 census data assessed prior to writing this report. Prior to the IDDP being implemented an up to date map of neighbourhood output areas (based on 2011 census data) will be published on the Council web pages to assist both residents and potential landlords in understanding the likely implications of implementing the IDDP. In the long term the IDDP policy should help balance the composition of house types in the area, helping the Council achieve its policy objective of encouraging mixed and balanced communities across the Borough.

Consultation Carried Out or Required

The associated Article 4 Direction has been subject to a statutory 12-month notice period which included a 28 day formal consultation period.

Cabinet agreement is now being sought to undertake a public consultation for 28 days on the proposed draft Interim Planning Policy Document (IDDP). Officers then intend to report back to the 28 February full Council meeting with a view to adopt the IDDP prior to the implementation of the Article 4 Direction.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the financial implications set out above; noting that the net cost to the Council of this policy change is relatively minor and will be managed within existing revenue budgets.

Legal

The draft Interim Planning Policy Document is intended to assist decision makers in determining planning applications where a change of use of a single family dwelling to a HMO is proposed. Officers have indicated in this report that the current adopted policy (the 2004 SPG) is out of date and that a more robust and up to date policy needs to be put in place before the Article 4 direction takes effect. Whilst the draft policy that is the subject of this report is not a statutory policy, it will nonetheless be a material planning consideration in determining planning applications and must be taken into account by decision makers in reaching decisions.

Article 4 and Part 4, the Budget and Policy Framework Procedure rules of the Council's constitution states that the Cabinet are responsible for preparing policy framework documents that require full Council approval. This document falls under the Local Plan as a Development Plan Document. Therefore Cabinet have the power to approve the draft policy for consultation prior to it being adopted by full Council.

Consultation must be undertaken when proposals are still at a formative stage, must give sufficient reasons to permit the consultee to make a meaningful response, and must allow adequate time for consideration and response. In considering the consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Corporate Property and Construction

There are no property implications resulting from the recommendations set out in this report.

Relevant Service Groups

The Private Sector Housing Team support the recommendations in this report.

6. BACKGROUND PAPERS

NIL