

HOUSES IN MULTIPLE OCCUPATION IN THE UXBRIDGE SOUTH AND BRUNEL WARDS - Interim Planning Policy Document (POLICY FRAMEWORK)

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). The Article 4 Direction commenced on the 24 March 2013.</p> <p>At December 20 Cabinet it was agreed that the Council should undertake a 28 day consultation on a draft policy and criteria which the Council would use to determine planning applications for HMOs in the two wards following the commencement of the Article 4 Direction.</p> <p>The public consultation occurred during January and February 2013 and there has been somewhat limited feedback on the policy document. It is recommended that Cabinet take note of the comments received and that they agree that the policy document should be referred to the 9 May Full Council meeting for adoption.</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 limited costs of the policy document will be met from existing planning budgets within Residents Services.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Uxbridge South and Brunel

2. RECOMMENDATION

That Cabinet:

- 1) Notes the consultation responses contained within the report.**
- 2) Recommends to Full Council the adoption of the Interim Planning Policy Document.**

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. The Article 4 Direction commenced on the 24 March 2013. 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 to determine new planning applications received now that the Article 4 Direction is in force

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.

Alternative options considered / risk management

The alternative option is not to accept the criteria and policy in the IPPD 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.

The current Supplementary Planning Guidance (SPG) contains no thresholds at a neighbourhood area level to control the number 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 to be made available to ensure that up to date information on HMOs is collected and expeditious exchanges of data takes place 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 anti-social 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 meeting on the 3rd November 2011 subject to a 12 month notice period. The Article 4 Direction commenced on the 24 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 to determine new planning applications received now that the Article 4 Direction is in force.

3 The purpose of this report is to outline the policy proposed and to update Cabinet on the recent public consultation exercise concerning the draft policy. A detailed explanation of the rationale behind the proposed policy is contained in the Interim Planning Policy Document, attached at Appendix One to this report.

4. 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.

5. 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 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.

6. 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.

7. 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.

8. The Council undertook a 28 day consultation over January and February 2013 through press and internet notices. The consultation was undertaken to ensure statutory protocols were complied with and included direct letters to key stakeholders such as the University and Resident Associations within the wards of Uxbridge South and Brunel. The Council only received five consultation responses commenting on the policy document, two responses are in support and three are in objection.

9. One letter is completely in support of the policy document. A second letter states it is in support, but raises concerns that non HMO properties on roads with very high concentrations of HMO's may become un-sellable, as the only potential purchasers are landlords of HMO's. It is suggested that maybe in those streets there could be a kind of amnesty or even a referendum with remaining residents (this comment runs contrary to the ethos of the policy document which is to prevent individual streets and neighbourhoods with high concentrations of HMO's from having any more HMO's).

10. Of the three letters raising objections, two letters raise concern at how accessible data will be to potential landlords so they know which properties to buy (in essence the respondents want to know whether planning permissions will be granted without having to lodge a planning application, unfortunately it does not work this way, assurance that planning permission will be granted to convert a property to an HMO can only be gained from submitting a planning application). One of the letters of concern also questions whether the local Planning Authority will impose unreasonable conditions on approvals of HMO's (the Council has to justify all planning conditions as 'reasonable' and 'necessary' in planning terms – hence there are already legislative safeguards which cover the respondents concerns). The fifth letter is from the National Landlord Association who sent a pre-formatted letter, which it can be assumed they issue as a standard objection to Councils implementing Article 4 Directions to control HMO's. The letter highlights the positive benefits of HMO's in meeting housing demand. It does not provide any criticism of the specific policy outlined in the consultation document.

11. In summary, officers have not received any consultation responses which cover issues other than general support or objection to the Article 4 Direction. No comments

have been received which suggest alternative options to the policy criteria outlined in the consultation document (as summarised in paragraphs 5-7 above).

12. It is recommended that Cabinet take note of the comments received and that they agree that the policy document should be referred to the 9 May Full Council meeting for adoption.

Financial Implications

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 which is 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 are currently 3 neighbourhood output areas that already exceed the 20% criteria (and one is at 19%) based on the latest 2011 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

Officers undertook a public consultation for 28 days on the proposed draft Interim Planning Policy Document (IDDP). The results of that consultation are contained in the body of the Cabinet Report.

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 is a Supplementary Planning Document and therefore must be adopted by full Council.

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

Support the recommendations set out in this report.

Relevant Service Groups

A copy of this report has been circulated to the Private Sector Housing Team who are happy with the content of the draft document.

6. BACKGROUND PAPERS

Previous Cabinet reports

Council meeting reports and minutes – 3 November 2011 and 28 February 2013